

1 **BOARD BILL # 7** **INTRODUCED BY ALDERMAN TERRY KENNEDY**

2 An Ordinance pertaining to the transportation of hazardous waste through the City of St. Louis;
3 establishing a defined area through which hazard materials may not be transported; providing for
4 definitions, exceptions and rules and regulations; containing an emergency clause.

5 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6 SECTION ONE. Definitions.

7 (1) “Emergency” means an unanticipated, temporary situation that threatens the
8 immediate safety of individuals or property, as determined by the Fire Chief.

9 (2) “St. Louis Exclusion Zone” means all points within Five (5) miles of the Jefferson
10 National Expansion Monument:

11 (3) “Person” means any individual or any partnership, firm, association, corporation,
12 or other entity of any kind.

13 (4) “Practical Alternative Route” means a route that lies entirely outside the St. Louis
14 Exclusion Zone.

15 (5) “Through-shipment” means any shipment which passes along the St. Louis
16 Exclusion Zone unless that shipment’s point of origin or ultimate destination is along the St.
17 Louis Exclusion Zone.

18 SECTION TWO. Except in cases of emergency, no person may make through-
19 shipments by rail car or motorized vehicle of any of the following hazardous materials on the St.
20 Louis Exclusion Zone without a permit issued pursuant to division (d) of this section:

21 (1) explosives of Class 1, Division 1, or Class 1, Division 1.2 as designated in 49
22 CFR Section 173.2, in a quantity greater than 500 kilograms;

23 (2) flammable gasses of Class 2, Division 2.1, as designated in 49CFR Section 173.2,

April 27, 2007

Page 1 of 2

Board Bill # 7 Sponsor: Alderman Kennedy

1 in a quantity greater than 1000 liters;

2 (3) poisonous gasses of Class 2, Division 2.3, as designated in 49 CFR Section 173.2,
3 in a quantity greater than 500 liters and belonging to Hazard Routes A or B as defined in 49 CFR
4 173.116; and

5 (4) poisonous materials, other than gasses, of Class 6 Division 6.1, in a quantity
6 greater than 1000 kilograms and belonging to Hazard Routes A or B as defined in 49 CFR
7 173.133.

8 SECTION THREE. The Fire Chief may issue a permit to authorize a through-shipment
9 by rail car of materials listed in division (c) of this section upon demonstration that there is no
10 practical alternative route. The Fire Chief may condition the permit on the adoption of safety
11 measures, including, but not limited to time-of-day restrictions. The cost of said permit shall be
12 determined by the Fire Chief and shall not exceed the cost of implementing and enforcing this
13 section. The Fire Chief shall promulgate rules and regulations to implement and enforce the
14 provisions of this section.

15 SECTION FOUR. Emergency clause.

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17 This being an ordinance for the preservation of public peace, health, and safety, it is
18 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article
19 IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon
20 its passage and approval by the mayor.

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April 27, 2007

Page 2 of 2

Board Bill # 7 Sponsor: Alderman Kennedy