

Resolution Number 48
Hazardous cargoes transported by rail through St. Louis

WHEREAS, major US railroads operate through the City of St. Louis bringing freight which includes chlorine gas, anhydrous ammonia, and other hazardous cargoes of concern to federal homeland security officials; and

WHEREAS, the City of St. Louis is classified as a High Threat Urban area by the U.S. Department of Homeland Security; and

WHEREAS, liquefied chlorine gas and anhydrous ammonia rail shipments, of the highest concern to homeland security officials, total nearly 100,000 railcars per year in the US as reported by experts on chemical accident prevention; and

WHEREAS, the current routes used by major railroads pass within yards of St. Louis city residential neighborhoods, through downtown and near many potential terrorism targets including sports arenas, monuments, entertainment centers, historic buildings, city icons, government buildings and other significant areas where large numbers of people gather daily; and

WHEREAS, possible alternative rail routes could transfer the most dangerous chemical cargoes onto available non-target lines that skirt well around the City of St. Louis and other target cities and would therefore significantly reduce the risk of terrorism and the detrimental affects of accidental releases; and

WHEREAS, according to recent congressional records the Association of American Railroads testified in Congress that when railroads transporting toxic gas cargoes travel through major cities they are “risking the company” since they are uninsured for the potential \$10 Billion in damages that could result from a major release and thus asked Congress to indemnify them in the case of a release; and

WHEREAS, chlorine is classified as a Toxic Inhalation Hazard by the U.S. Department of Homeland Security; and

WHEREAS, the Chlorine Institute estimates that one chlorine tank car can release a cloud at a potentially lethal level that extends 15 miles downwind and 4 miles wide; and

WHEREAS, recent filings with the U.S. Surface Transportation Board indicate clearly that railroads transport many chlorine gas cargoes hundreds, even thousands of miles across the US, on routes some of which no doubt routinely traverse the City of St. Louis; and

WHEREAS, a recent statement submitted to the U.S. Department of Transportation by PPG Industries of Monroeville, Pennsylvania indicates that regulations do not require competing railroads to cooperate with one another to find alternative routes available that can lower terrorism risk for chlorine shipments but that these rules allow railroads to refuse cooperating with each other to use alternative routes which can result in unnecessarily placing shipments onto routes hundreds of miles longer and through major target urban areas because of competition with one another; and

WHEREAS, immediately after the 9/11 attacks chlorine and other ultrahazardous railcars were promptly ordered off the tracks and brought to “safe havens” and since this date, according to authors and advocates on this subject, the US Surface Transportation Board filings indicate that federal agencies have been quietly meeting with railroads and shippers to try, with little success, to shorten chlorine and other ultrahazardous cargo routes to reduce terrorism risks; and

WHEREAS, in recent years, chemical releases from railcars in major cities have forced the evacuation of thousands of residents for days at a time, costing the cities hundreds of thousands of dollars during the emergency and resulting in settlements that individually cost the cities and/or railroads millions of dollars to reimburse residents and businesses harmed by the releases; and

WHEREAS, in January 2005 the derailment of a Norfolk Southern railcar in Graniteville, South Carolina released at least 90 tons of chlorine gas resulting in nine deaths, 250 injuries and the evacuation of 5400 residents for nearly two weeks; and

WHEREAS, a “Midnight Regulation” finalized by the Bush Administration’s Federal Railroad Administration, effective December 26, 2008, provides that throughout 2009 each individual railroad can unilaterally analyze and select its urban hazardous cargo routes with no significant input from state and local officials, despite protests from some cities and the National Conference of State Legislatures for being cut out of major public safety decision making process; and

WHEREAS, the new rules require only that railroads “consider” using competitors’ rail lines not that they actually interchange cargoes to bypass target areas, nor that railroads allow other carriers to use their tracks, nor that they consider allowing another carrier access to their customers despite requests from shippers, state and local governments as illustrated in comments of PPG Industries submitted to Congress in 2008; and

WHEREAS, local and state governments have a direct interest in protecting their communities from the threat of hazardous materials releases.

NOW THEREFORE BE IT RESOLVED that the St. Louis Board of Aldermen expresses its concern to the unnecessary rail transport of potentially toxic chlorine, anhydrous ammonia and other ultrahazardous cargoes through the City of St. Louis and that this Board urges Congress and the Obama Administration to revise the routing law and the routing rule to include requirements that railroads work together with mandated inputs from state and local officials to determine the safest and most secure routes for these cargoes that involve all carriers.

Be It Further Resolved that this Board of Aldermen urges the Chief of the City of St. Louis Fire Department and the Director of Public Safety to contact the railroads operating through the City of St. Louis and request participation in their routing analyses, route selections and planning that impact our citizens and to assess the adequacy of the transportation security vulnerability assessments and security plans produced by the railroads for routing and storage of hazardous shipments that place our citizens at risk throughout the area and that a copy of this resolution be spread upon the minutes of this Board and that a copy be sent to those deemed appropriate by its sponsor.

Introduced on the 30th day of April, 2010 by:

Honorable Terry Kennedy, Alderman 18th Ward

Adopted this the 30th day of April, 2010 as attested by:

David W. Sweeney
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen