

RESOLUTION NO. 48-2016

INTRODUCED BY: MAYOR ANN MARIE DONEGAN AND COUNCIL AS A WHOLE

A RESOLUTION URGING THE OHIO RAIL COMMISSION, THE PUBLIC UTILITIES COMMISSION OF OHIO, THE FEDERAL RAIL AUTHORITY AND THE FEDERAL SURFACE TRANSPORTATION BOARD TO ASSIST LOCAL MUNICIPALITIES, INCLUDING THE CITY OF OLMSTED FALLS, OHIO, IN PROVIDING MECHANISMS TO ALLEVIATE THE IMPACT OF RAILROAD TRAFFIC AND STOPPED TRAINS ON SAFETY AND EMERGENCY VEHICLES AND VEHICULAR TRAFFIC IN MUNICIPALITIES AND DECLARING AN EMERGENCY

WHEREAS, the City of Olmsted Falls is uniquely situated where both the CSX Rail line and the Norfolk Southern Rail lines both traverse the City of Olmsted Falls; and

WHEREAS, the average daily train traffic in the City of Olmsted Falls exceeds 150 trains per day; and

WHEREAS, the City, over the past several years, has consistently suffered from stopped trains in the City of Olmsted Falls blocking multiple grade crossings in the City for extended periods of time; and

WHEREAS, the effects upon the safety of the residents and traveling public in the City of Olmsted Falls due to blocked grade crossings is significant in that ambulances and emergency police and EMS and fire vehicles are delayed to the point of jeopardy for the safety of those persons in most need of emergency and safety assistance; and

WHEREAS, although federal law and case law suggests that the regulation of the railroads are preempted by federal law thereby arguably precluding local municipalities from enacting ordinances affecting railroad operations; and

WHEREAS, Ohio law has a provision prohibiting the blockage of grade crossings in excess of five (5) minutes (O.R.C. 5589.21 and 5589.211) and has been found by the General Assembly of Ohio that obstruction of railroad grade crossings by trains is a direct threat to the health, safety and welfare of the citizens of Ohio in that improper obstructions create uniquely different local safety problems by preventing the timely movement of ambulances, the vehicles of law enforcement officers and fire fighters, and official and unofficial vehicles transporting health care officials and professionals such that certain regulations are appropriate, including the enactment of O.R.C. 5589.21 and 5589.211 prohibiting unlawful blockage of grade crossings by stopped trains; and

WHEREAS, although these state laws do provide some penalties to railroads for improper stoppage of trains and blockage of train crossings, such regulations do not go far

enough to aid in alleviating the direct threats to the health, safety and welfare of the citizens and that further action is needed to eliminate these threats. Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. That the Mayor, the administration and the Council of the City of Olmsted Falls hereby respectfully urge the Ohio Rail Commission, The Public Utilities Commission of Ohio, the Federal Rail Authority and the Federal Surface Transportation Board to assist in providing mechanisms to local municipalities to help alleviate the impact of blocked rail grade crossings and promote safety by, among other ways, providing sufficient funding for the establishment of appropriate electronic signage and information to local law enforcement, police, fire and emergency responders as well as to the traveling public.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the further reason that it is immediately necessary to seek such assistance to alleviate the threats to the health, safety and welfare of the residents of the City of Olmsted Falls. It shall therefore take effect immediately upon passage by the affirmative vote of no less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Jay Linn, Council President

PASSED: _____

APPROVED: _____

Ann Marie Donegan, Mayor

Date

APPROVED AS TO FORM: _____

Gregory M. Sponseller, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ADOPTED 09/13/2016

	Yea	Nay
Linn	___	___
Garrity	___	___
Haviland	___	___
Sculac	___	___
Stibich	___	___
Duncan	___	___
Miller	___	___