

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Authorizing an information request pursuant to the terms of the FAST Act, and urging the enactment of the DERAILED Act and Railway Safety Act of 2023 with all deliberate speed.

WHEREAS, a train operated by Norfolk Southern derailed in East Palestine, Ohio on the 3rd of February, 2023; and,

WHEREAS, 20 of the 150 train cars were listed as carrying hazardous materials, including the highly dangerous chemicals vinyl chloride and propylene; and,

WHEREAS, on the 6th of February Norfolk Southern made the decision to conduct a controlled release of the remaining vinyl chloride under the rationale that such action would reduce the possibility of an explosion, after which the affected train cars were control detonated; and,

WHEREAS, at least 4,832 cubic yards of soil and 1.7 million gallons of contaminated water have been removed so far from East Palestine; and,

WHEREAS, there is no existing legal requirement for transport companies to notify government officials that a train with hazardous materials will travel through the state; and,

WHEREAS, in the City of Pittsburgh alone, as many as 176,000 County residents live within the potential blast zone of a similar derailment if it would take place within the City; and,

WHEREAS, there have been 77 hazmat train accidents in Allegheny County during the past 10 years; and,

WHEREAS, the power to regulate the railroad industry is largely reserved to the federal government; and,

WHEREAS, the U.S. Senate's "Railway Safety Act of 2023", sponsored by Pennsylvania Senators Bob Casey and John Fetterman, calls for "advance notification and information regarding the transportation of hazardous materials", "a written gas discharge plan with respect to the applicable hazardous materials being transported", "increasing maximum civil penalties for violations of rail safety regulations", and "safer tank cars"; and,

WHEREAS, the U.S. House's "Decreasing Emergency Railroad Accidents Instances Locally (DERAIL) Act", introduced by U.S. Reps. Chris Deluzio and Ro Khanna. calls for modifying "the definition of 'high-hazard flammable train' to mean a single train transporting 1 or more loaded tank cars of a Class 3 flammable liquid or a Class 2 flammable gas and other materials the Secretary [of Transportation] determines necessary for safety" and would mandate

that rail carriers report to the National Response Center, state officials, and local officials within 24 hours when a train carrying toxic chemicals derails;

The Council of the County of Allegheny therefore hereby moves as follows:

First, that the Council of Allegheny County stands in solidarity with our affected neighboring communities;

Second, that the Council of Allegheny County will request information through the FAST Act to help us better understand the state of our rail infrastructure here in Southwest Pennsylvania and work collectively to focus investments and response plans in the areas that pose the greatest risk to our residents; and

Third, that the Council of Allegheny County hereby expresses its support for stricter regulations requiring high-hazard flammable trains to carry more advanced safety and braking equipment, as well as the need for advance notification regarding the transportation of hazardous materials, harsher penalties for violations of rail safety regulations, written gas discharge plans, safer tank cars, and the designation of more trains as “high-hazard flammable,” as contemplated in the DERAILED Act and the Railway Safety Act of 2023.

PRIMARY SPONSOR: COUNCIL MEMBER DUERR


CO-SPONSORS:

Read and approved in Council, this 11th day of July, 2023,

Council Agenda No. 12773-23



Patrick Catena
President of Council

Attest: 
Jared E. Barker, Chief Clerk
Allegheny County Council