

**RESOLUTION NO. 42-2023**

**TITLE: RAIL SAFETY**

**A RESOLUTION URGING THE LEGISLATIVE BRANCHES OF THE FEDERAL GOVERNMENT AS WELL AS THE STATE OF OHIO TO ENACT LEGISLATION TO FURTHER PROTECT THE CITIZENS OF THE CITY OF BARBERTON, OHIO FROM THE INHERENT DANGERS OF A TRAIN DERAILMENT ON THE TRACKS LOCATED AT NEAR OUR CITY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Barberton has commercial train tracks located throughout the city; and

**WHEREAS**, certain train operators operate on our train tracks, twenty-four (24) hours of the day, seven (7) days a week, known commonly as Amtrak, BNSF Railway, Canadian National Railway, CSX Transportation, Kansas City Southern Railway, Norfolk Southern Railway, Union Pacific Railroad as well as other lines; and

**WHEREAS**, railway derailments have occurred twice in the State of Ohio in the past forty (40) days and said incidents have caused and will continue to cause significant medical issues to the residents of the communities where the incidents occurred and the incidents caused and will continue to cause serious damage to the infrastructure located at/near the site of the derailments and said incidents have caused and will continue to cause serious damage to the ecosystems at/near the site; and

**WHEREAS**, further regulation of train operators operating in the City of Barberton, relating to the tracks, rail cars, and employees is needed to provide the citizens throughout the State of Ohio with enhanced protection from injury and damage due to any future train derailments.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** The Council of the City of Barberton finds that it is in the best interests of the citizens of the City of Barberton to pass a resolution urging the Legislative Branches of the Federal Government as well as the State of Ohio to enact legislation to further protect our citizens from the inherent dangers of a train tracks located in or near the City of Barberton.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3.** That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to provide this resolution in a timely manner to our state legislators, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed March 27, 2023

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2023

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Mayor