

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## RESOLUTION NO. 2023-\_\_

By: \_\_\_\_\_

Sponsor: Mayor Cyril M. Kleem, Council President Jim Maxwell

Council Members: Brown, Coble, Dozier, McManis,  
Skoczen, Weaver & Zacharyasz

### **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 BEREAL, OHIO FROM THE INHERENT DANGERS OF A TRAIN DERAILMENT ON THE TRACKS LOCATED IN OR NEAR OUR CITY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Ohio Rail Development Commission reports that there are 5,187 miles of active rail lines in Ohio; and

**WHEREAS**, the City of Berea has over 100 commercial train tracks going through the City each and every day; and

**WHEREAS**, the train traffic through Berea is such that it is among the highest in Ohio; 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 and 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 sites; and

**WHEREAS**, further regulation of train operators operating in the City of Berea, 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 RESOLVED**, by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That the Council of the City of Berea finds that it is in the best interests of the citizens of Berea 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 train tracks located in or near the City of Berea.

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**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the approval of this Resolution were approved 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City and its residents, and provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

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President of Council

ATTEST: \_\_\_\_\_

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

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Mayor

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Director of Law