

**RESOLUTION SUPPORTING THE RETROFIT OF  
EXISTING DOT-111 RAIL TANK CARS THAT  
TRANSPORT PACKING GROUPS I AND II HAZMAT  
BEFORE THE PIPELINES AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION IN DOCKET NO. PHMSA-2012-0082 (HM-251)**

**WHEREAS**, rail freight operations impact The Village of Barrington Hills (Village) and thousands of villages, towns, cities and counties across all regions of the United States of America; and

**WHEREAS**, safe rail operations are of critical interest to local units of government based on (1) the need to prevent catastrophic accidents like the one that occurred in Lac-Mégantic, Canada in July 2013; and (2) the responsibility local governments have to provide emergency response units to manage the impact of rail accidents and derailments in communities across the country; and (3) significant costs associated with clean-up, environmental remediation, medical expenses, other personal injury damages or wrongful death claims for community residents that have the potential to surpass the rail industry's ability to pay for them; and

**WHEREAS**, ethanol and crude oil are a large and exponentially growing segment of hazardous materials being shipped across the nation via freight rail, which will continue to be a preferred transport mode of choice for this hazmat; and

**WHEREAS**, since 1991, it has been known to industry and federal regulators that there are safety-related defects in the DOT-111 tank car that serves as the primary tank car used in the shipping of these hazardous flammable materials via freight rail; and

**WHEREAS**, the federal Pipelines and Hazardous Materials Safety Administration (PHMSA) regulates the safe transport of hazardous materials by railroads in the United States; and

**WHEREAS**, the business decisions of railroad companies and hazardous material shippers impact the safety, environment, and emergency response system in the communities in which the freight railroads traverse, but state and local governments have no ability to regulate railroad operations; and

**WHEREAS**, industry has failed to act in the last two decades to correct the known defects in DOT-111 tank cars, and waited until 2011 to seek government approval to upgrade safety standards for newly manufactured DOT-111 tank cars; and

**WHEREAS**, a tank car expert from the National Transportation Safety Board testified in 2012 that a retrofit of existing tank cars is necessary because co-mingling existing unsafe DOT-111 tank cars with newly manufactured ones "does nothing to improve the safety in an accident"; and

**WHEREAS**, the petition for rulemaking submitted to PHMSA on April 3, 2012 by Barrington, Illinois and the Illinois TRAC Coalition reflects the point of view of local governments, which is supported by recommendations of the National Transportation Safety Board, that changes are needed in federal regulations and/or law to better protect public safety relative to DOT-111 tank car safety and train consist dissemination; and

**WHEREAS**, the April 3, 2012 petition provides a compelling rationale for making long overdue changes in safe rail operations vis-a-vis retrofitting existing DOT-111 tank cars; and

**WHEREAS**, the April 3, 2012 petition demonstrates that the cost of a DOT-111 tank car fleet retrofit for existing cars would be of nominal expense over the remaining average thirty-year lifespan for the existing fleet, and

**WHEREAS**, PHMSA issued on September 6, 2013 (78 Federal Register 54849-54861) an Advance Notice of Rulemaking seeking by November 5, 2013 the input from local and state governments on the issue of retrofitting the DOT-111 tank car.

**NOW, THEREFORE, BE IT RESLVED** by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following;

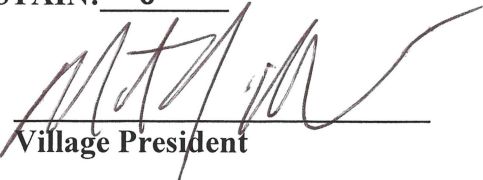
**Section 1:** The Village of Barrington Hills supports the April 3, 2012 petition of Barrington, Illinois seeking new regulations to retrofit existing DOT-111 tank cars used to transport Groups I and II Packing Materials.

**Section 2:** This adopted Resolution shall be sent to the Pipelines and Hazardous Materials Safety Administration in Docket No. PHMSA-2012-0082 (HM-251) urging expeditious action on Petition No. P-1587. April 3, 2012.

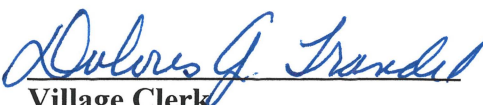
**Section 3:** This Resolution shall take effect from and after its passage and approval as provided by law.

**APPROVED THIS** 28th **DAY OF OCTOBER, 2013**

**AYES:** 7, **NAYS:** 0, **ABSENT:** 0, **ABSTAIN:** 0

  
Village President

**ATTEST:**

  
Village Clerk