

**CITY OF BALTIMORE  
COUNCIL BILL 16-0621  
(First Reader)**

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Introduced by: President Young, Councilmembers Kraft, Middleton, Costello, Scott, Stokes,  
Curran, Branch, Henry, Welch, Spector, Reisinger, Clarke, Mosby

At the request of: Chesapeake Climate Action Network

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Introduced and read first time: January 26, 2016

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of  
Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Transport of Crude Oil by Rail**

3 FOR the purpose of requiring the City to conduct a health impacts assessment and a risk  
4 assessment of the transport of crude oil by rail; requiring the City to update, periodically  
5 study, and report on the City's incident response plans as they relate to the transport of crude  
6 oil by rail; requiring the City to create a mechanism to ensure proper clean up and effective  
7 response to derailments or other adverse impacts; requiring the City to develop certain public  
8 outreach programs; and providing for a special effective date.

9 BY adding

10 Article 20 - Railroads

11 Section(s) 8-1 through 8-10, to be under the new subtitle,

12 "Subtitle 8. Rail Transport of Crude Oil"

13 Baltimore City Code

14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
16 Laws of Baltimore City read as follows:

17 style="text-align:center">**Baltimore City Code**

18 style="text-align:center">**Article 20. Railroads**

19 style="text-align:center">**SUBTITLE 8. RAIL TRANSPORT OF CRUDE OIL**

20 **§ 8-1. DEFINITIONS.**

21 (A) *IN GENERAL.*

22 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 (B) *HEALTH DEPARTMENT.*

2 “HEALTH DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.

3 (C) *HEALTH IMPACTS ASSESSMENT.*

4 “HEALTH IMPACTS ASSESSMENT” MEANS A SYSTEMATIC PROCESS THAT USES AN ARRAY OF  
5 DATA SOURCES AND ANALYTIC METHODS AND CONSIDERS INPUT FROM STAKEHOLDERS TO  
6 DETERMINE THE POTENTIAL EFFECTS OF A PROPOSED POLICY, PLAN, PROGRAM, OR  
7 PROJECT ON THE HEALTH OF A POPULATION AND THE DISTRIBUTION OF THOSE EFFECTS  
8 WITHIN THE POPULATION.

9 (D) *RISK ASSESSMENT.*

10 “RISK ASSESSMENT” MEANS A SYSTEMATIC PROCESS THAT MEASURES THE POTENTIAL  
11 LOSS OF LIFE, PERSONAL INJURY, ECONOMIC INJURY AND PROPERTY DAMAGE RESULTING  
12 FROM A HAZARD BY ASSESSING THE VULNERABILITY OF PEOPLE, BUILDINGS, AND  
13 INFRASTRUCTURE TO THE HAZARD.

14 **§ 8-2. {RESERVED}**

15 **§ 8-3. HEALTH IMPACTS ASSESSMENT.**

16 (A) *REQUIRED.*

17 AS EXPEDITIOUSLY AS POSSIBLE, THE HEALTH DEPARTMENT SHALL CONDUCT A HEALTH  
18 IMPACTS ASSESSMENT OF THE TRANSPORTATION OF CRUDE OIL BY RAIL IN OR THROUGH  
19 BALTIMORE CITY OR WITHIN 10 MILES OF THE CITY’S BOUNDARIES.

20 (B) *MINIMUM ELEMENTS.*

21 AT A MINIMUM, THE HEALTH IMPACTS ASSESSMENT MUST INCLUDE ALL OF THE  
22 FOLLOWING ELEMENTS:

- 23 (1) SCREENING;
- 24 (2) SCOPING;
- 25 (3) ASSESSMENT;
- 26 (4) RECOMMENDATIONS;
- 27 (5) REPORTING; AND
- 28 (6) MONITORING AND EVALUATION.

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1 (C) *HOW CONDUCTED.*

2 TO CONDUCT THE HEALTH IMPACTS ASSESSMENT, THE HEALTH DEPARTMENT:

- 3 (1) MAY CONTRACT WITH AN OUTSIDE ENTITY WITH ACADEMIC AFFILIATION; BUT  
4 (2) MUST HAVE AT LEAST ONE ADVISOR FROM A SCHOOL OF PUBLIC HEALTH LOCATED  
5 WITHIN THIS STATE.

6 **§ 8-4. RISK ASSESSMENT.**

7 (A) *REQUIRED.*

8 AS EXPEDITIOUSLY AS POSSIBLE, THE HEALTH DEPARTMENT AND THE MAYOR'S OFFICE  
9 OF EMERGENCY MANAGEMENT SHALL CONDUCT A RISK ASSESSMENT OF THE  
10 TRANSPORTATION OF CRUDE OIL BY RAIL IN OR THROUGH BALTIMORE CITY OR WITHIN 10  
11 MILES OF THE CITY'S BOUNDARIES.

12 (B) *MINIMUM ELEMENTS.*

13 AT A MINIMUM, THE RISK ASSESSMENT MUST:

- 14 (1) IDENTIFY HAZARDS;  
15 (2) PROFILE HAZARD EVENTS;  
16 (3) INVENTORY ASSETS;  
17 (4) SUMMARIZE THE PREPAREDNESS AND EMERGENCY RESPONSE FRAMEWORK IN THE  
18 CITY;  
19 (5) ESTIMATE AND QUANTIFY POTENTIAL LOSSES; AND  
20 (6) PROVIDE RECOMMENDATIONS FOR INCORPORATION INTO INCIDENT RESPONSE  
21 PLANS.

22 (C) *HOW CONDUCTED.*

23 TO CONDUCT THE RISK ASSESSMENT, THE HEALTH DEPARTMENT AND OFFICE OF  
24 EMERGENCY MANAGEMENT:

- 25 (1) MAY CONTRACT WITH AN OUTSIDE ENTITY WITH ACADEMIC AFFILIATION; BUT  
26 (2) MUST HAVE AT LEAST ONE ADVISOR FROM A SCHOOL OF PUBLIC HEALTH LOCATED  
27 WITHIN THIS STATE.

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1 **§ 8-5. INCIDENT RESPONSE PLANS.**

2 THE BALTIMORE CITY FIRE DEPARTMENT, PUBLIC WORKS DEPARTMENT, PLANNING  
3 DEPARTMENT, TRANSPORTATION DEPARTMENT, MAYOR’S OFFICE OF EMERGENCY  
4 MANAGEMENT, AND ANY OTHER CITY AGENCY DESIGNATED BY THE MAYOR SHALL:

5 (1) UPDATE THE CITY’S INCIDENT RESPONSE PLANS IN ACCORDANCE WITH THE  
6 RECOMMENDATIONS OF THE HEALTH IMPACTS ASSESSMENT AND THE RISK  
7 ASSESSMENT TO ADDRESS THE INCREASING RISK IMPOSED BY THE TRANSPORT OF  
8 CRUDE OIL BY RAIL IN OR THROUGH BALTIMORE CITY OR WITHIN 10 MILES OF THE  
9 CITY’S BOUNDARIES; AND

10 (2) PERIODICALLY REVIEW AND UPDATE THESE INCIDENT RESPONSE PLANS AS NEW RISKS  
11 EMERGE OR ARE DISCOVERED.

12 **§ 8-6. {RESERVED}**

13 **§ 8-7. PUBLIC OUTREACH PROGRAMS.**

14 (A) *IN GENERAL.*

15 THE MAYOR’S OFFICE OF EMERGENCY MANAGEMENT AND ANY OTHER CITY AGENCY  
16 DESIGNATED BY THE MAYOR SHALL UNDERTAKE PUBLIC OUTREACH PROGRAMS TO  
17 INFORM THE PUBLIC OF ALL INFORMATION LEARNED, ASSESSMENTS MADE, AND PLANS  
18 DEVELOPED UNDER THIS SUBTITLE.

19 (B) *INCLUSIONS.*

20 THESE PROGRAMS INCLUDE:

21 (1) PUBLIC HEARINGS AND “TOWN HALL” MEETINGS;

22 (2) NOTICE TO INDIVIDUAL RESIDENTS, COMMUNITY CENTERS, HOSPITALS, AND  
23 EDUCATIONAL INSTITUTIONS; AND

24 (3) PUBLICATIONS ON THE CITY’S WEBSITE.

25 **§ 8-8. MITIGATION MECHANISM.**

26 THE HEALTH DEPARTMENT SHALL CREATE A MECHANISM TO ENSURE PROPER CLEAN UP AND  
27 EFFECTIVE RESPONSE IN THE EVENT OF A DERAILMENT OR ANY OTHER ADVERSE HEALTH OR  
28 SAFETY IMPACT THAT RESULTS FROM EXPOSURE TO CRUDE OIL SHIPMENTS.

29 **§ 8-9. {RESERVED}**

30 **§ 8-10. ANNUAL REPORTS.**

31 EACH AGENCY ASSIGNED DUTIES BY OR UNDER THIS SUBTITLE SHALL REPORT ANNUALLY TO  
32 THE MAYOR AND CITY COUNCIL ON ITS ACTIVITIES IN CARRYING OUT THOSE DUTIES.

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1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
2 are not law and may not be considered to have been enacted as a part of this or any prior  
3 Ordinance.

4       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
5 enacted.