

COMMISSIONERS' RESOLUTION NO. R-05-20

A RESOLUTION PETITIONING THE KENTUCKY TRANSPORTATION CABINET AND APPROPRIATE STATE LAW ENFORCEMENT AGENCIES TO TAKE APPROPRIATE ACTION TO ENFORCE THE EXISTING RESTRICTIONS OF TRANSPORTING HAZARDOUS MATERIALS ALONG INTERSTATE 71-75 FROM INTERSTATE 275 TO THE OHIO BORDER.

\* \* \* \*

WHEREAS, the Brent Spence Bridge – which carries Interstates 71-75 across the Ohio River between Covington, Kentucky and Cincinnati, Ohio – is a critical part of the nation's interstate highway system, carrying 160,000 to 180,000 vehicles a day, not to mention an estimated 3 percent of the gross domestic product; and

WHEREAS, the Brent Spence is also vital to local employment and service delivery related to medical, educational, and basic human needs; and

WHEREAS, the Brent Spence has been closed since November 11, 2020, when two tractor-trailers traveling on the northbound lower deck of the double-decker bridge were involved in a wreck and caught fire, damaging the steel structure of the bridge; and

WHEREAS, the fire burned especially hot and lasted approximately two hours, given that one of the trucks was transporting potassium hydroxide and both were carrying an unknown amount of diesel fuel; and

WHEREAS, since the accident, City staff learned that the Kentucky Transportation Cabinet and Federal Motor Carrier Safety Administration (FMCSA) had previously designated a portion of Interstate 75 in Covington as a "Restricted Hazardous Material" route as of July 15, 2013; and

WHEREAS, pursuant to applicable Federal regulations, the FMCSA maintains a National Hazardous Material Route Registry (NHMRR) which lists all restricted hazardous materials routes within the United States, and which it publishes on its website and in the Federal Register; and

WHEREAS, according to the published NHMRR, that portion of northbound Interstate 75 from Interstate 275 to Ohio (the "Cut in the Hill") is a restricted hazardous material route; and

WHEREAS, the NHMRR also designates Interstate 275 eastbound to Ohio from Interstate 75 as a non-radioactive hazardous material route (NRHM route) meaning all

interstate traffic carrying NRHM traveling northbound on Interstate 75 must use Interstate 275 east to Ohio to avoid the restricted hazardous material route on Interstate 75 between Interstate 275 and Ohio; and

WHEREAS, the November 11 collision and resulting fire involved one or more vehicles carrying a hazardous material established beyond a reasonable doubt the risk associated with hazardous materials on the Brent Spence Bridge; and

WHEREAS, existing signage on I-75 announces a ban on hazardous materials in the Lytle Tunnel in Cincinnati and directs trucks to use the Brent Spence Bridge in violation of the ban on hazardous materials; and

WHEREAS, the danger to the Brent Spence Bridge is just as great as the danger to the Lytle tunnel and will result in a far greater disruption of traffic flow; and

WHEREAS, each day that the ban on transporting hazardous materials north of the Interstate 275 interchange is not enforced creates a heightened risk to the citizens of Covington due to the typical interstate traffic being re-routed through Covington along state and local roads; and

WHEREAS, similarly, each day the ban is not enforced creates a heightened threat to the movement of interstate commerce and traffic.

NOW THEREFORE,  
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
COVINGTON, KENTON COUNTY, KENTUCKY:

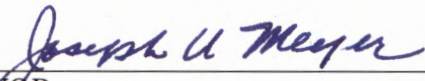
#### Section 1

That the Board of Commissioners hereby petitions the Kentucky Transportation Cabinet and/or state law enforcement agencies:

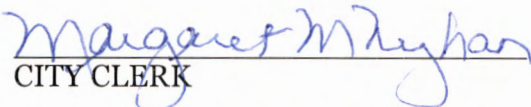
- 1) To install signage notifying truckers of the ban on hazardous materials traveling north on Interstates 71-75 and directing them to Interstate 275, which was designated for that purpose.
- 2) To remove existing signage that – in apparent contradiction of the ban -- directs “all HazMat carriers” to use I-75 north.
- 3) To take steps to enforce the ban on the transporting of hazardous materials in place since July 15, 2013.

#### Section 2

The Board of Commissioners hereby directs the City Clerk to send a copy of this resolution to: (i) the Kentucky Transportation Cabinet, (ii) the Kentucky State Police and the KSP Commercial Vehicle Enforcement Division, (iii) OKI Regional Council of Governments, (iv) members of the Northern Kentucky Legislative Caucus, and (v) and the Kenton County Fiscal Court.

  
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MAYOR

ATTEST:

  
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CITY CLERK

Passed: 12-15-20