

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 041090)

RESOLUTION

Deploring the efforts by CSX Transportation to deprive Philadelphians of public access to one of the City's treasures, the Schuylkill River Park and its trails, through a misguided lawsuit and also deploring CSX's contempt for the City as demonstrated by its refusal to promptly and appropriately repair its structural supports and bridge over 25th Street and by its practice of parking trains filled with noxious garbage alongside the Fidler Square neighborhood, and further expressing this Council's strong support for the aggressive defense against this lawsuit by the City Solicitor and for the efforts by community organizations and concerned individuals, including members of this Council, led by the organization Free Schuylkill River Park, to intervene in the litigation.

WHEREAS, The Schuylkill River Park, along with its newly developed river edge trail, is a cherished City asset, utilized by roughly five thousand residents each week for walking, bicycling, jogging, birding, fishing, and other active and passive recreation, including visual enjoyment of the river, and scenery and the observation of nature, wildlife, and habitat; and

WHEREAS, A recent survey of park and river users entering Schuylkill River Park found that the vast majority access the river trail by traveling over Race (21%) and Locust Streets (64%), while less than six percent of park and river users gain access via the Walnut Street stairway or the Market/Chestnut ramp; and

WHEREAS, Race and Locust Streets are both original "Charter Streets", having been designated as such in the grant from William Penn to the City of Philadelphia in

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1701, with both streets running between the Schuylkill River and the Delaware River;
and

WHEREAS, From the inception of the grant to the City of Philadelphia by William Penn to the present day, this Council has never vacated, abandoned, or stricken from the City Plan any portion of Locust or Race Streets which runs between 25th Street and the Schuylkill River, nor does it have any intention to do so in the future; and

WHEREAS, The public's ongoing use and enjoyment of the Schuylkill River Park and its trails is now threatened by CSX Transportation (CSX), a giant railroad conglomerate based in Florida, which owns railroad tracks and operates trains on a sliver of land which bisects the Schuylkill River Park Trail by virtue of a July 3, 1885 City ordinance granting its predecessors limited rights of way over property in the City; and

WHEREAS, CSX has brought suit seeking an injunction against the City of Philadelphia in a dangerously misguided effort to compel the City to permanently cut off access to the park via Locust and Race Streets through the erection of a permanent wall or barricade; and

WHEREAS, A permanent barricade or wall across Race and Locust Streets would greatly impair access to the Schuylkill River Park and its trails for no particular demonstrated safety purpose or benefit, diminish the use of the Schuylkill River Park and its trails for thousands of river and park users, deprive the City's residents and visitors of the significant capital improvements made in constructing the bicycle and pedestrian pathway, and impair and impede the quality of the experience of using the Park for its thousands of users; and

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WHEREAS, This lawsuit by CSX is but the latest chapter in a long pattern of contempt that CSX has shown to the people of Philadelphia. In recent years, CSX has been twice cited by the Pennsylvania Department of Environmental Protection for creating a public nuisance by parking trains filled with noxious garbage, during hot summer days, alongside the Schuylkill River Park and the surrounding Fitler Square neighborhood, in violation of local ordinances and state law; and

WHEREAS, CSX has steadfastly refused to adequately repair dangerous conditions on its 25th Street bridge, where chunks of concrete have dropped off many of the support columns and sections of the bridge itself. CSX pledged to repair damaged viaducts one section at a time, a rate that would stretch out repairs over 266 years. When these rare repairs have been made, there has been no attention paid to aesthetics, contributing to blight in the surrounding South Philadelphia neighborhood; and

WHEREAS, Several members of this Council have taken a personal interest in this litigation and have petitioned the court, along with the organization Free Schuylkill River Park, to become intervenors; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, THAT this Council deplors the efforts by CSX to deprive Philadelphians of public access to one of the City's treasures, the Schuylkill River Park and its trails through a misguided lawsuit and also deplors CSX's contempt for the City as demonstrated by its refusal to promptly and appropriately repair its structural supports and bridge over 25th Street and by its practice of parking trains filled with noxious garbage along side the Fitler Square neighborhood.

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FURTHER RESOLVED, that this Council expresses its strong support for the aggressive defense against this lawsuit by the City Solicitor and for the efforts by community organizations and concerned individuals, including members of this Council, led by the organization Free Schuylkill River Park, to intervene in the litigation.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth of December, 2004.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Clarke for Council President Verna

Sponsored by: Council President Verna, Councilmembers Clarke, Reynolds Brown, DiCicco, Kelly, Cohen, Goode, Ramos, Krajewski, Tasco, Miller, Rizzo, Blackwell, Nutter, Mariano, O'Neill and Kenney