



Legislation Details (With Text)

File #: 22-4737 **Version:** 1 **Name:**
Type: Discussion Item **Status:** Passed
File created: 7/29/2022 **In control:** Commissioners Court
On agenda: 8/2/2022 **Final action:** 8/2/2022
Title: Request by the Commissioner of Precinct 1 for discussion and possible action to reaffirm the County's commitment to supporting legal action by the County Attorney's Office against Union Pacific in connection with the contamination at its facility in Kashmere Gardens/Fifth Ward.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/2/2022	1	Commissioners Court		

Department: Commissioner, Precinct 1

Department Head/Elected Official: Commissioner Rodney Ellis

Regular or Supplemental RCA: Supplemental RCA

Type of Request: Discussion Item

Project ID (if applicable): N/A

Vendor/Entity Legal Name (if applicable): N/A

MWDBE Contracted Goal (if applicable): N/A

MWDBE Current Participation (if applicable): N/A

Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request by the Commissioner of Precinct 1 for discussion and possible action to reaffirm the County's commitment to supporting legal action by the County Attorney's Office against Union Pacific in connection with the contamination at its facility in Kashmere Gardens/Fifth Ward.

Background and Discussion:

On July 27th, 2022 the Office of the County Attorney's filed a Notice of Intent to sue Union Pacific Railroad Company under the Resource Conservation and Recovery Act. In 2019, after the existence of a cancer cluster was confirmed in the area near the Union Pacific facility in Kashmere Gardens/Fifth Ward, Commissioners Court authorized the Office of the County Attorney to represent resident interests and pursue relevant legal action against the corporation.

Expected Impact:

In addition to filing the Notice of Intent to Sue, discussing the County's commitment to legal action against Union Pacific in connection with the contamination in Kashmere Gardens/Fifth Ward will demonstrate our

commitment to public health and environmental justice.

Alternative Options: N/A

Alignment with Goal(s):

- ☐ Justice and Safety
- ☐ Economic Opportunity
- ☐ Housing
- ☒ Public Health
- ☐ Transportation
- ☐ Flooding
- ☒ Environment
- ☐ Governance and Customer Service

Prior Court Action (if any): N/A

Date	Agenda Item #	Action Taken
2/12/2020	11	Discussion and update on the investigation of contamination at the Union Pacific Railroad facility at 4910 Liberty Road, Texas Department of State Health Services Cancer Cluster Study, and mapping of other creosote facilities.
6/09/2020	21	Approval RFP for environmental sampling and analysis of soil, surface water, and storm water at the Union Pacific Englewood Railyard for Pollution Control Services
12/15/2020	10R	Award of contract for environmental sampling and analysis.

Language

Request for discussion and possible action to reaffirm the County's commitment to supporting legal action against Union Pacific in connection with the contamination at its facility in Kashmere Gardens/Fifth Ward.

Location: N/A

Address (if applicable): N/A

Precinct(s): Precinct 1

Fiscal and Personnel Summary			
Service Name			
	SFY 22	FY 23	Next 3 FYs
Incremental Expenditures (do NOT write values in thousands or millions)			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$	\$	\$
Total Incremental Expenditures	\$	\$	\$
Funding Sources (do NOT write values in thousands or millions)			

Existing Budget			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Current Budget	\$	\$	\$
Additional Budget Requested			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Additional Budget Requested	\$	\$	\$
Total Funding Sources	\$	\$	\$
Personnel (Fill out section only if requesting new PCNs)			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
Total Personnel	-	-	-

Anticipated Court Date: August 2, 2022

Anticipated Implementation Date (if different from Court date):

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Sasha Legette, Policy Deputy Director, Commissioner Precinct One

Attachments (if applicable): N/A