

Memorandum

TO: BUILDING BETTER
TRANSPORTATION COMMITTEE

FROM: James R. Helmer

SUBJECT: RAILROAD QUIET ZONES

DATE: 09-20-06

Approved

Date

RECOMMENDATION

- A. Accept staff report on opportunities and issues associated with implementing railroad quiet zones in the City of San José.
- B. Defer action pursuing railroad quiet zones until potential liability issues are further reviewed and until Citywide transportation funding needs, priorities and funding sources are addressed as part of Transportation Maintenance Master Plan process.

BACKGROUND

In 2005, the Federal Railroad Administration ("FRA") adopted new regulations concerning the use of horn blasts by trains (known as the "Horn Rule") and a new process by which cities and other local jurisdictions can establish "Railroad Quiet Zones" to limit the impacts of horn blasts within residential communities.

Prior to 2005, the FRA regulations required freight and passenger trains approaching traffic intersections to sound horns at approximately 100 decibels as a warning to motorists and pedestrians in or approaching the intersection. Depending on the speed of the train, the trains could be required to sound their horns as much as ¼ mile in advance of the traffic intersection.

In 2005, the FRA recognized that while the horn blast provides an effective warning of an approaching train, the noise caused by the horn blast could have a negative impact on a community if residential land uses are adjacent to the railroad corridor. In response to this concern, in 2005, the FRA adopted new regulations which allow for local governments to establish railroad quiet zones, whereby locomotive horn blasts are not required if certain safety measures are in place to reduce public safety risks associated with an approaching train that does not blast its horn. The intent of the quiet zone provision was to give local communities the opportunity to promote neighborhood quality of life without compromising safety.

The intent of this staff report is to provide the Building Better Transportation (BBT) Committee with an assessment of: 1) areas within San Jose where quiet zones could be established, 2)

community input concerning quiet zones, 3) costs associated with establishing quiet zones, 4) available funding for quiet zones, and 5) potential liability for the City by establishing quiet zones along railroad corridors within its jurisdiction. The purpose of this report is to also recommend a plan of action based on the above assessments.

ANALYSIS

Railroad Quiet Zone Implementation Process

A railroad quiet zone is a section of rail line that contains one or more consecutive public crossings at which train horns will not be routinely sounded. Per the new FRA regulations, a quiet zone can be created if the railroad crossings in these locations have enhanced safety measures such as “four-quadrant gates” or gates with median islands that help prevent vehicles from bypassing the railroad crossing gates. The level of crossing protection is dependant upon various factors such as train frequency, train speed and vehicle crossing traffic.

While the location of a quiet zone and the scope of railroad crossing safety measures are based on FRA regulations, they are also impacted by consultations with the California Public Utilities Commission (PUC) and the operating railroad company (e.g., Caltrain or Union Pacific). If minimum requirements are met, the local government having jurisdiction of the street crossing can then establish a quiet zone through the adoption of a quiet zone ordinance. It should be noted that a quiet zone does not completely eliminate noise associated with railroad crossings. Warning bells would continue to sound at the crossing and trains are permitted to blast their horns if pedestrians are walking in the railroad corridor.

Existing Vasona LRT Quiet Zone

The City of San Jose has recently established one quiet zone along the Vasona light rail transit (LRT) corridor where the LRT is located in a shared right-of way with freight trains. This corridor is located along Southwest Expressway between Meridian Avenue and Bascom Avenue. This corridor has relatively infrequent train traffic (six freight trains a week). The Vasona quiet zone was approved by the City Council on June 28, 2005 in response to an FRA directive that without the quiet zone designation, LRT vehicles would need to be equipped with 100-decibel freight train horns and sound them at each crossing. The Vasona quiet zone was initiated and funded by the Santa Clara Valley Transportation Authority (VTA), working together with the cities of San Jose and Campbell.

Potential Quiet Zone Neighborhoods

Staff from the Department of Transportation has evaluated the potential for creating quiet zones in San Jose and has consulted with FRA, Union Pacific and PUC in this regard. A total of seven neighborhood corridors have been identified as potential quiet zones. They are as follows.

| Potential Quiet Zone Corridor | Council District |
|-------------------------------|------------------|
| Alviso | 4 |
| Oakland Road | 4 |
| Japantown/Hensley | 3 |
| Auzerais/Virginia | 6 |
| Monterey/Curtner/Tully | 7 |
| Skyway/Branham/Chynoweth | 2,10 |
| Blanchard/Palm/Live Oak | 2 |

The above areas are also shown on the "Location Map of Potential Quiet Zones in San Jose," attached hereto as "Attachment A."

Community Input

Over the past year, as public awareness of FRA regulations regarding quiet zones has increased, several neighborhood community groups have contacted the City to request the railroad corridor adjacent to their neighborhood be established as a quiet zone. The most significant input has been received from the Japantown/Hensley area. On March 28, 2006, staff attended a meeting of the Hensley Historic District neighborhood. At the meeting, community members requested the City give priority consideration for implementing a quiet zone for the Japantown/Hensley area due to the following factors:

- Older homes in neighborhood have less protection from noise
- Neighborhood is also impacted by Airport noise
- Railroad crossings are closely spaced and result in continuous train horn blasts
- Evening freight traffic has recently increased

The City has also been contacted by residents representing the Oakland Road and Skyway/Branham/Chynoweth areas.

Estimated Costs and Proposed Prioritization

The possible implementation of railroad quiet zones in San Jose would require investments towards enhancing railroad crossing safety measures in order to meet FRA requirements for establishing a quiet zone. The total estimated cost for implementing all seven quiet zones is approximately \$5.2 million.

The "Potential Railroad Quiet Zones in San Jose" chart, attached hereto as "Attachment B," provides data related to the scope and cost for each of the potential quiet zones, as well as proposed priorities. The suggested priorities are based on giving highest priority to locations where the greatest benefit will be realized based on the number of residents living near the railroad corridor and the number of daily and evening trains passing through that area. Additionally, other prioritization factors relate to "ease of implementation" based on corridors

having lower train speeds. In corridors where train speeds and volumes are low, it is easier to implement enhanced safety measures and gain support by FRA, PUC and the operating railroad company.

Potential Liability Issues

In June 2006, staff participated in a presentation sponsored by the League of California Cities ("LCC") on local governments adopting ordinances permitting them to establish railroad quiet zones within their jurisdiction. Presenters at this conference greatly cautioned cities about potential liability issues associated with establishing quiet zones within their jurisdictions. The main concerns raised by the LCC included the following:

- Cities may be subject to litigation for railroad crossing incidents in quiet zones. Currently, the responsibility for railroad crossing safety is with the operating railroad company. If a city takes action to establish quiet zones and eliminate horn blasts, the city's process for establishing the quiet zone will likely come under legal scrutiny. At this point in time, the legal environment for quiet zone liability is untested. The advice of the presenters was to "proceed cautiously".
- The safety enhancement standards for quiet zones are new. It is possible that standards may change and increase over time and require cities to fund improvements to meet new standards.
- Timely updates to railroad safety enhancements may be needed to address changing conditions related to train volumes, train speeds, and vehicle crossing traffic. The presenters advised that cities not design to minimum standards based on current conditions, but instead, "plan for the future."

Funding Availability

As the BBT Committee is aware, the City of San Jose has a significant backlog of basic transportation infrastructure needs totaling approximately \$370 million, as well as an annual shortfall in transportation operating funds in the range of \$18 to \$25 million. These basic transportation needs include such items as pavement rehabilitation and maintenance, traffic signal system improvements, and installation of missing sidewalks, curb ramps, street lights, median islands and street trees.

In this respect, it is fiscally challenging to consider pursuing a new transportation program that would cost the City \$5.2 million. Staff has reviewed the potential for funding quiet zone safety improvements through grant programs. It does not appear that there are any programs available at this time, and the prevailing expectation is that this is a discretionary city funding responsibility. The view is that if a city wants a quiet zone, it is their responsibility to fund the necessary costs.

Conclusions

Due to the lack of funding for the implementation costs and due to the “untested” legal environment for cities that establish railroad quiet zones, staff does not recommend that the City of San Jose actively pursue the passing of ordinances which would allow the City to establish quiet zones at this time. Instead, staff recommends the City address the issue of funding for the establishment of railroad quiet zones in the upcoming City study of local transportation needs, priorities and increased funding options, known as the Transportation Maintenance Master Plan (TMMP). This study will include community input on various local transportation priorities. In addition, public meetings regarding various transportation priorities are scheduled for early 2007. Finally, a progress report to the BBT Committee on the TMMP is on the Committee work plan for December 2006.

Referring consideration of the establishment of railroad quiet zones to the TMMP process has the benefit of better addressing funding needs and priorities, as well as allowing the City time to learn from railroad quiet zone experiences in other communities.

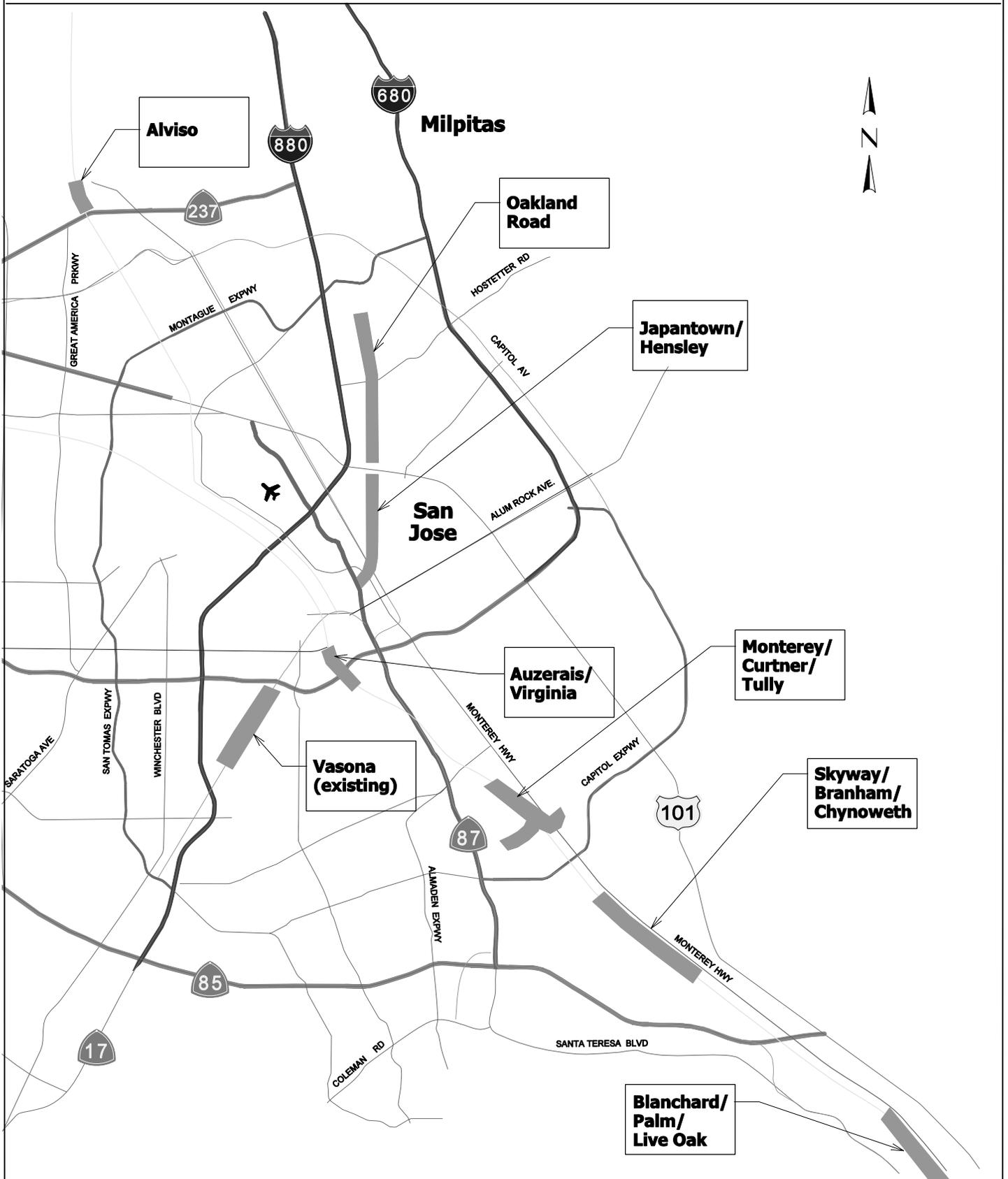
COORDINATION

Preparation of this report has been coordinated with the City Attorney’s Office.

JAMES R. HELMER
Director of Transportation

Attachments

Location Map of Potential Railroad Quiet Zones in San Jose



Potential Railroad Quiet Zones in San Jose

(In suggested priority order)

| | Location | Number of Railroad Crossings | Train Frequency (Daily/Evening) | Train Speed (MPH) | Residences Nearby | Cost (Millions) |
|---|------------------------------------|------------------------------|---------------------------------|-------------------|-------------------|-----------------|
| 1 | Auzerais/Virginia (CD 6) | 2 | 380/90 | 20-30 | Medium | \$0.4 |
| 2 | Japantown/Hensley (CD 3) | 12 | 18/6 | 5-10 | High | \$1.2 |
| 3 | Oakland Road (CD 4) | 5 | 18/6 | 10-40 | High | \$0.9 |
| 4 | Skyway/Branham/Chynoweth (CD 2,10) | 3 | 40/15 | 60-80 | High | \$0.5 |
| 5 | Monterey/Curtner/Tully (CD 7) | 5 | 4/0 | 5-10 | Medium | \$1.4 |
| 6 | Blanchard/Palm/Live Oak (CD 2) | 3 | 40/15 | 60-80 | Low | \$0.5 |
| 7 | Alviso (CD 4) | 2 | 50/2 | 40-45 | Low | \$0.3 |

Total Cost \$5.2 million

Notes

- Suggested priorities are based on a compilation of factors. Higher priority consideration is given to locations with high train frequency, high evening train traffic, lower train speeds, and greater population density.
- Evening train frequency is based on trains traveling between 7:00 pm and 7:00 am
- Data collection is based on information obtained from Public Utilities Commission, Union Pacific Railroad, and City of San Jose as of March 2006