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DEPARTMENT OF TRANSPORTATION

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ENGINEERING SERVICES DIVISION

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June 6, 2005

City Council
Sacramento, CA

Honorable Members in Session:

SUBJECT: REPORT BACK ON TRAIN HORN RULE

LOCATION AND COUNCIL DISTRICT:

Highway-Rail Grade Crossings - All Council Districts.

RECOMMENDATION:

- This report provides a status update of the Final Train Horn Rule published by the Federal Rail Road Administration. It also provides a status update of the City/application to continue the existing whistle ban on the Union Pacific Railroad line from Meadowview Road to C Street.

CONTACT PERSONS: Saed Hasan, Senior Engineer, 808-7923
Hector Barron, Supervising Engineer, 808-2669

FOR COUNCIL MEETING OF: June 28, 2005

SUMMARY:

On April 27, 2005, the Federal Railroad Administration (FRA) published the final train horn rule. The rule went into effect on June 24, 2005. The rule requires that agencies with existing whistle bans submit notification of intent to continue their bans by June 3, 2005.

On May 26, 2005, staff sent the required notifications to continue the existing whistle ban on the Union Pacific Railroad (UPRR) line that extends from Meadowview Road to C Street.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On December 18, 2003, FRA published an interim final rule that requires locomotive horns be sounded while trains approach and enter public highway-rail-grade crossings. The interim final rule contained an exception to the above requirement in circumstances in which there is not a significant risk of loss of life or serious personal injury, use of the locomotive horn is impractical, or safety measures fully compensate for the absence of the warning provided by the locomotive horn. Communities that qualify for this exception may create "quiet zones" within which locomotive horns would not be routinely sounded. The final rule was initially scheduled to be published on December 23, 2004 yet was postponed to April 27, 2005. The rule went into effect on June 24, 2005.

The final rule amended certain provisions of the interim final rule. Some of the changes to the interim final rule include:

- The final rule addresses quiet zones that prohibit sounding of horns during a portion of the day (Partial Quiet Zones).
- The final rule clarifies FRA's position that it is not intended to preempt administrative procedures required under State Law regarding grade crossing warning system modifications and installations.
- The final rule requires public authorities to provide notification of their intent to create New Quiet Zones. During the 60-day period, after a Notice of intent is mailed, comments may be submitted to the public authority.
- The final rule provides quiet zone risk reduction credit for certain pre-existing supplemental safety measures (SSMs). SSM is a safety system or procedure established in accordance with the rule that is determined by the Associate Administrator to be an effective substitute for the locomotive horn in the prevention of highway-rail causalities.
- The final Rule requires a 60-day comment period on quiet zone applications.

On April 13, 2004, the City Council directed staff to apply for a Pre-Rule Quiet Zone along the UPRR line from Meadowview Road to C Street to keep the existing ban from 6:00 PM to 7:00 AM. The interim final rule required such application be filed by December 23, 2004. Staff applied under the conditions of the interim final rule in August 2004. The final rule requires that updated notifications be sent no later than June 3, 2005. Staff sent the required notifications on May 26, 2005.

Next Steps

The notifications to continue the existing whistle ban will serve as the first step toward establishing the quiet zone. As required by the final rule, staff will calculate the quiet zone risk index (QZRI) for the UPRR line from Meadowview Road to C Street. If the QZRI is less than the nationwide significant risk threshold (NSRT), the City will be required to submit a notification of quiet zone establishment by December 24, 2005 and install required signage by June 24, 2008. If the QZRI is greater than the NSRT, the City will be required to file a

detailed improvement plan to the FRA Associate Administrator by June 24, 2008 for establishing a quiet zone. Required improvements must be implemented by June 24, 2010 (June 24, 2013 if State is involved in developing quiet zone).

Staff will be creating a priority list for establishing quiet zones throughout the City giving priority to areas where residential population are most impacted. Staff will make final recommendations to the City Council on the priority list and an implementation plan by August 2005.

FINANCIAL CONSIDERATIONS:

No funding recommendation is made at this time. By law, funding and implementing supplemental and or alternative measures to comply with Quiet Zone requirements is the responsibility of the public entity. Staff will report back to Council with a funding recommendation and request for implementation. It is anticipated that these improvements will be funded with Transportation funds where appropriate.

ENVIRONMENTAL CONSIDERATIONS:

There are no environmental considerations associated with the actions in this report.

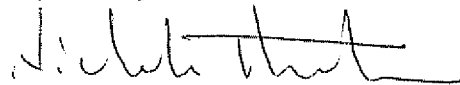
POLICY CONSIDERATIONS:

Creating new Quiet Zones is consistent with the City's Strategic Plan goals of enhancing and preserving neighborhoods, promoting and supporting economic vitality, and enhancing the quality of life.

ESBD CONSIDERATIONS:

None, since no goods or services are being procured with this action.

Respectfully submitted,



Nicholas Theocharides
Engineering Services Manager

RECOMMENDATION APPROVED:

Approved:



ROBERT P. THOMAS
City Manager



Marty Hanneman
Director, Department of Transportation