

**AMENDED**

**RESOLUTION NO. 2004-274**


ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 13 2004

**TRAIN HORN RULE: DIRECT STAFF TO PROVIDE COMMENTS TO THE FEDERAL RAILROAD ADMINISTRATION ON THE INTERIM FINAL RULE ON THE USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS AND APPLY FOR A PRE-RULE QUIET ZONE**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:**

- Staff is directed to provide comments (Exhibit A) to the Federal Railroad Administration on the Interim Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings.
- Staff is directed to apply to the Federal Railroad Administration for a Pre-Rule Quiet Zone to ban sounding train horns on the Union Pacific Railroad (UPRR) line from Meadowview Road to C Street between the hours of 6:00 PM to 7:00 AM.
- If Pre-Rule Quiet Zone application is denied, staff is directed to appeal the Federal Railroad Administration decision.
- Staff is directed to report back to the City Council during the budget process on options for expanding the proposed Pre-Rule Quiet Zone to a 24-hour quiet zone and applying for new quiet zones along other railroad lines taking into consideration cost and other factors.

  
MAYOR

ATTEST:

  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

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DEPARTMENT OF  
TRANSPORTATION

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March 26, 2004

Docket Management Facility  
US Department of Transportation  
Room PL-401  
400 Seventh Street, S.W.  
Washington, DC 20590-0001

**Subject: Docket No. FRA-1999-6439**  
**Interim Final Rule for the Use of Locomotive Horns**

The City of Sacramento would like to thank you for the opportunity to provide comments on the Interim Final Rule for the Use of Locomotive Horns (Rule). The City of Sacramento reviewed the Rule and would like to provide the following comments for your consideration:

**Partial Train Horn Ban:**

Since 1989, the City of Sacramento has had a train horn ban (partial ban) along the Union Pacific Railroad line between the hours of 6:00 PM and 7:00 AM. The Rule does not address existing partial bans. We request that the final Rule address existing partial bans and allow the establishment of a "Partial Pre-Rule Quiet Zone". It is our understanding that some other cities and counties throughout the United States have partial bans. We anticipate that the required risk index for a "Partial Pre-Rule Quiet Zone" should be less than the risk index for a "Pre-Rule Quiet Zone" as defined by FRA.

Additionally, we request that the FRA allow the establishment of a "Partial New Quiet Zone" that could be enforced during certain times of the day. This would help local entities achieve quality of life and safety for residents at a cost that the community could afford. This is due to our belief that physical improvements, to compensate for the loss of a train horn sounding, would be less for a partial quiet zone.

The FRA should also provide a new calculator for the calculation of the Risk index for a "Partial Pre-Rule Quiet Zone" and a "Partial New Quiet Zone".

**Liability:**

The Rule stated that the establishment of a quiet zone cannot be the basis for a claim against the railroad. The rule should also provide a provision that states that the establishment of a quiet zone cannot be the basis of a claim against a local entity, if the local entity established a quiet zone in accordance with the Rule. When implementing quiet zones, local entities assume fully functioning gates and flashing lights and that a

Eric A

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malfunction in the system is the responsibility of the railroad. Additionally, we request that the railroad (train crew) be required to sound their train horn in the event of malfunctioning gates and flashing lights. The fact that the proposed Rule does not specifically require the railroad (train crew) to sound their train horn in cases of an emergency is disturbing. We interrupt going after local entities for the establishment of a quiet zone established in accordance with the rule is merely a way of transferring liability from one government agency to another.

**Private Crossings:**

Private crossings and their establishment are outside the jurisdiction of public entities. FRA expects that a public entity and the private crossing holder cooperatively comply with the requirements necessary to establish a quiet zone should a private crossing be within the quiet zone. In the event of an uncooperative private crossing holder, public entities can not require private crossing holders to comply with the rule without taking legal action which is unreasonable and a financial burden.

The Rule should state that upon the request of the public entity, the Railroad must eliminate the private crossing in the event that an agreement between the public entity and the private crossing holder is not reached. The Rule should also state that the Railroad should be responsible for enforcing compliance of private crossings with the requirements of quiet zones.

**Supplemental Safety Measures-Gates with Medians or Channelizations:**

The Rule states that a median or channelization must extend at least 60 feet from existing crossing gates in order to have a reduction of the risk index equal to 0.8. The City of Sacramento has some crossings that are located at or near T-intersections where the tracks cross one approach roadway near the intersection. It is not possible to extend the median, the required 60 feet, toward the intersection without blocking the intersection. This specific situation should be addressed and guidance provided in the calculation of the risk index reduction.

**FRA Data Base:**

The FRA database of existing crossings is riddled with errors, inaccuracies, and does not reflect current information. This includes, but is not limited to, mileposts, jurisdictions where crossings are located, status of crossing either public or private, status of crossing if opened or closed, names of crossings or locations, speed and number of trains, and number of tracks. Public agencies cannot accurately assess their crossings if the FRA database is not updated or corrected. The FRA should work with the Railroad so that public entities can evaluate the impact of the rule at least six months before the effective date of the Rule. Requiring public entities to update the railroad crossing information is unreasonable and a financial burden on local entities. In the event that the FRA cannot update its database prior to June of 2004, the effective date of the Rule should be extended.

**Existing In-Place Supplemental Safety Measures/FRA Quiet Zone Calculator:**

The calculator provided by FRA, does not allow consider existing in-place Supplemental Safety Measures in the calculation of the risk index. Some of the existing in-place measures not considered include one-way streets, medians, and four-quadrant gate systems. It appears that the only way to enter such measures is to add it as a proposed

measure. FRA should update the calculator to consider existing measures and give further direction on how to address existing in-place measures.

When evaluating a New Quiet Zone, the calculator does not accept four quadrant gates as an existing measure. It forces the user to enter a regular gate as an existing measure in order to continue. When evaluating a Pre-Rule Quiet Zone, the calculator accepts four quadrant gates in the calculation as a existing measure yet calculates the risk index to be the same or more than if only a regular gate was entered; this is intuitively incorrect. These errors in the calculator need to be fixed in order for public entities to manage using the calculator properly and to evaluate the impact of the Rule.

**Funding-Risk Index:**

The Rule made it clear that funding and implementing the physical measures, to establish a quiet zone, is the sole responsibility of the public entity. Given the lack of funding identified by the FRA and the current economic difficulties experienced by local entities, the Railroad should also shoulder some of the financial burden for establishing quiet zones in accordance with the Rule.

There are many variables to accomplish a reduction of the risk index to below the NSRT or to compensate for the loss of a train horn sounding. So far, FRA has focused on changing those related to the public entities to reduce the risk index therefore unfairly shouldering the financial burden on public entities. Railroad operations such as the number of trains and the speed of trains are some of the variables that also affect the risk index. FRA should examine the possibility of changing the Railroad related variables to establish quiet zones and to equitable spread costs among stakeholders. At minimum, the Rule should give public entities the authority to reduce the speed of trains, within its jurisdiction, to reduce the risk index necessary to establish a quiet zone. This would reduce the magnitude and cost of physical improvements required to create quiet zones and spread the costs more equitably.

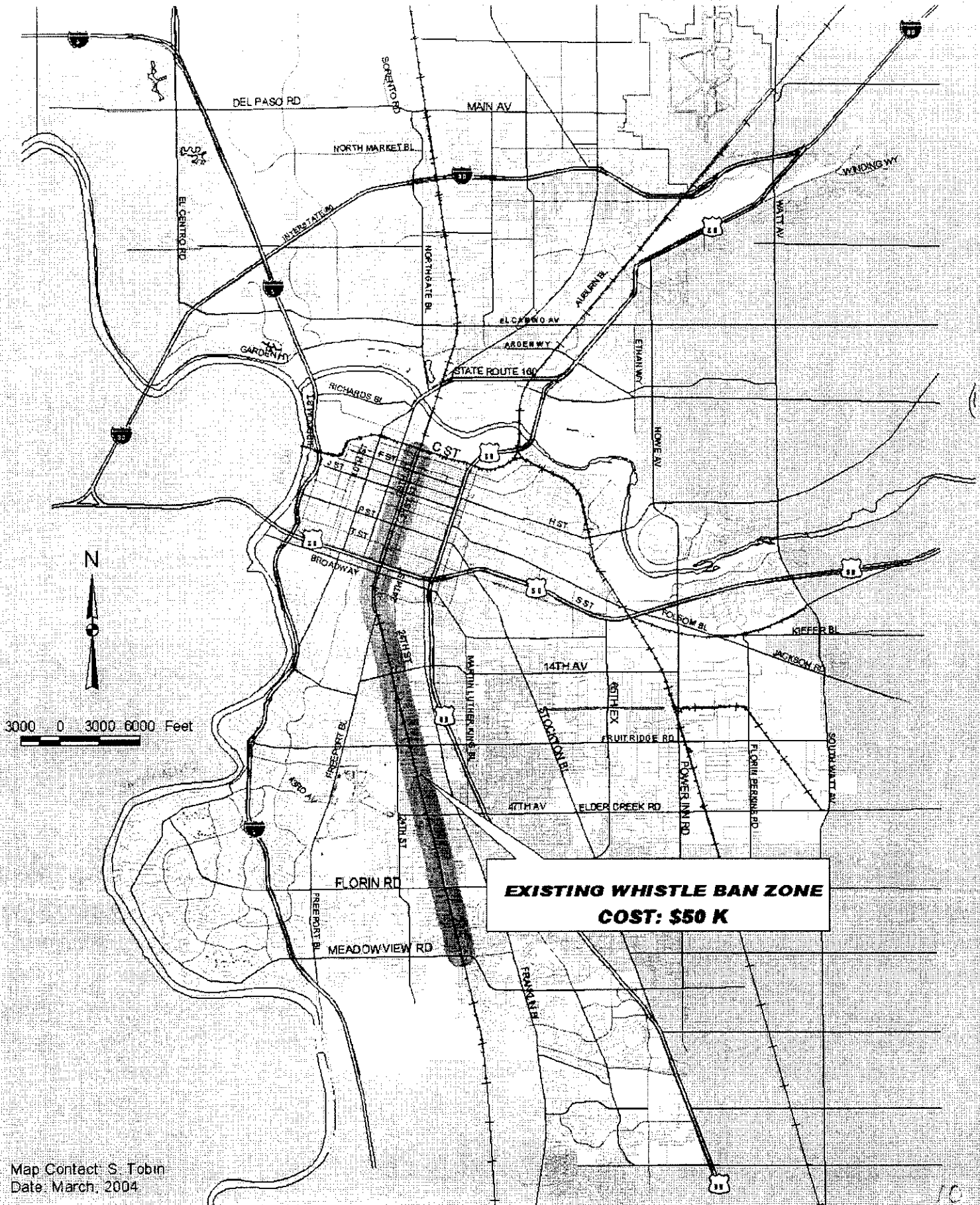
Thanks again for consideration of our comments. If you have any questions, please do not hesitate to call me at (916) 808-7508.

Sincerely,

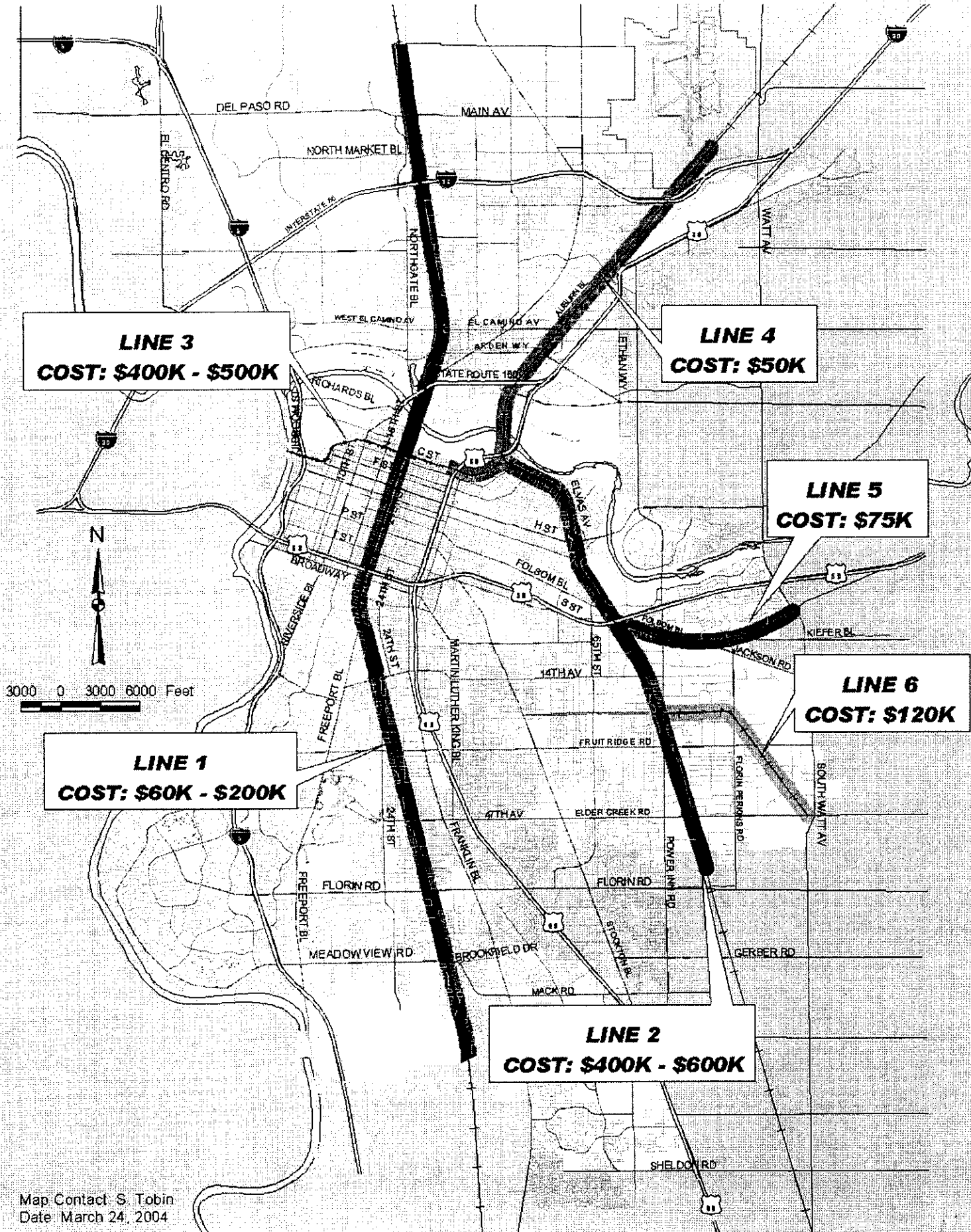


Marty Hanneman  
Director, Department of Transportation

# EXISTING WHISTLE BAN ZONE MEADOWVIEW RD TO C STREET 6:00 P.M. to 7:00 A.M.



# RAILROAD LINES NEW QUIET ZONES COSTS



**Population Density  
Around Public Crossings:  
1 Mile Buffer Area**

**Population Range**

