

# ADMINISTRATIVE REPORT

Meeting Date: May 12, 2010

APPROVED BY:

Layry A. Patterson, Pub. Works Dir.

TO:

PUBLIC WORKS COMMISSION

DATE:

May 7, 2010

SUBMITTED BY:

Susanna Chan, Deputy Director (650) 522-7308

SUBJECT:

TRAIN HORN UPDATE

**RECOMMENDATION:** That the Public Works Commission review the information related to train horn noise and provide staff direction on next steps.

**BACKGROUND:** In summer of 2009, Caltrain moved train horns from underneath the train to the top of the train to comply with federal safety regulations. The move increased the volume and the range of the sound which generated many complaints from residents along the train corridor. In response to residents' complaints, Caltrain initiated a project to restore the horns to underneath the trains. The project, completed in November 2009, restored the ambient noise level of the horns to prior levels and the horns were in full compliance with all federal regulations.

Approximately a month ago, the City received a series of complaints indicating that the train horn volume had been increased again. The complaints included horn noise from both Caltrain and Union Pacific Railroad (UP). Upon receipt of the complaints, the City immediately contacted Caltrain and UP to inquire about any changes in operation. Both Caltrain and UP have confirmed that there has been no operational changes that would generate increased horn volume.

Railroad operation is regulated by the Federal Railroad Administration (FRA) and California Public Utility Commission (CPUC). Although the City has no direct jurisdiction over the operation of Caltrain and UP, we are committed to facilitate the communication between our residents and railroad operators. The purpose of the May 12<sup>th</sup> meeting is to provide an opportunity for concerned citizens to have a direct conversation with representatives from Caltrain and UP. Caltrain has committed that a representative will attend the meeting and be available to answer questions. Although UP has indicated that they will not be sending a representative to the meeting, they may participate in the meeting via a conference line. They also provided information related to their operating time and frequency in our City and an investigation report completed by FRA in late 2009, indicating that UP's train horn operation is in compliance with applicable federal regulations (Exhibit A).

A more recent investigation report completed by FRA in response to a complaint from a San Mateo resident related to UP horn noise is attached as Exhibit B. The investigation report indicates that UP was not in operation in San Mateo at the time the horn sounding was recorded by the resident. The report suggests that the noise may come from street vehicles equipped with train horns.

#### PUBLIC WORKS COMMISSION ADMINISTRATIVE REPORT

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Page 2 of 2

## Quiet Zone

Many residents have inquired about the concept of "quiet zones." Federal regulation allows the establishment of quiet zones where railroad horns are not sounded. A quiet zone has to be at least ½ mile in length and only applies to soundings of train horns across railroad crossings. Soundings from trains departing the station and additional soundings at the engineer's discretion due to activity in the rail right-of-way would continue within a quiet zone.

The most direct way to establish a "quiet zone" is to implement Federal Railroad Administration (FRA) pre-approved Supplementary Safety Measures (SSM). Pr e-approved SSM are: 1) installing a four-quadrant gate system; 2) installing gates with medians or channelization devices so that cars can't access other lanes to cross the track; 3) installing gates on one-way streets to block all approaching lanes to the track; 4) temporary closure of a crossing to traffic during designated quiet periods; or 5) permanently closing the crossing to traffic (including grade separation). Other methods including implementing modified safety measures that do not fully comply with the design standards of SSM or non-engineering measures such as crossing monitoring and traffic law enforcement programs require FRA approval. The implementation of a "quiet zone" also requires a public comment and notice process.

There are a total of ten at-grade crossings within San Mateo. None are equipped with a four-quadrant gate. A few locations have gates with medians which may or may not meet FRA requirements. It will be a significant monetary investment to improve all the crossings within San Mateo to meet the safety standards for a quiet zone. Typically the safety improvements are funded by the local communities that request the quiet zone. Note that the California High Speed Rail project, currently under environment review and scheduled for construction as early as 2012, will provide grade separations at all rail crossings which will eliminate the need of horn sounding at these locations.

Although there is no federal requirement for a city to assume liability for accidents which may occur in a quiet zone, some railroad operators require that cities indemnify them against any claims which arise as the result of quiet zone implementation. It should also be noted that federal regulations do not prevent a lawsuit against the City as the originator of the quiet zone. Currently there is no quiet zone along the Caltrain corridor.

**NEXT STEPS:** Staff will continue to monitor the noise impact generated by train horns and be available to facilitate communication with Caltrain and UP. If the Commission wishes to continue the quiet zone discussion, it is recommended that staff contact communities that have implemented quiet zones to learn from their experience and conduct a more detailed analysis on the cost of the improvements. The quiet zone item can be brought back to the Commission at the July meeting.

**NOTICING:** A copy of this administrative report was sent to all homeowner associations, in addition to all individuals on the "Concerned Parties" list maintained in the Public Works Department.

#### **EXHIBIT:**

- A. Investigative Report from FRA Late 2009
- **B.** Investigative Report from FRA April 2010

c: All Homeowners Associations
"Concerned Parties" list
Project File
Public Works A.R. Binder

### Susanna Chan

From:

WJLUJAN@UP.COM

Sent:

Friday, April 23, 2010 3:13 PM

To:

Susanna Chan; amyzerges@yahoo.com; Clarinda Bisceglia; crobinsonsm@yahoo.com;

deborahathens@yahoo.com; devra harris; EAyala8@aol.com; eleni ford;

emily.kinner@gmail.com; evelyndonis@hotmail.com; jerryedavisny@yahoo.com; kork@sbcglobal.net; Marc.Hershman@asm.ca.gov; mdacorro@stanford.edu; mermaidjv@yahoo.com; Michele King; michelle@rgcreations.com; Omar Carvallo;

pamela.mallett@gmail.com; Larry Patterson; Rothschildk@samtrans.com;

sfofreight@sbcglobal.net; Peter Shvets; Simon, Mark; Susan Loftus;

sunstuff chang@yahoo.com; vansun@comcast.net; victoriawaller@astound.net; Stacy

Weiss; youngbeth2001@yahoo.com

Cc: Subject: SJDLIMA@UP.COM; LeeAnn Dickson San Mateo Train Horn Noise Complaints

Ms. Chan and Residents of San Mateo,

We have been working on the freight train noise issues with Assemblyman Jerry Hill and local elected officials. After a recent investigation by the Federal Railroad Administration, Union Pacific Railroad has been found to be in compliance with all of the appropriate standards involving horn noise and practices (please see text of the email/letter below).

Union Pacific will not be sending a representative to the San Mateo Public Works Committee meeting on May 12th, as we have already met with representatives of San Mateo, Burlingame, and South San Fransisco on this matter. I am inclined to participate in the meeting via a conference line if that option presents itself, otherwise we do not plan on attending in person.

It is important to note we have two trains a night on this line that travel five to six days a week. The trains typically move around 7pm and return between 12am and 5am. We do not move any freight trains during the day on this line per our agreement with Caltrain, who owns the line.

In the future if you would like to officially log a complaint (with the exact time and location of the incident), please contact **888.UPRR.COP**. If you would like a more thorough explanation of the Federal Horn Rule, please see <a href="http://www.uprr.com/newsinfo/horn.shtml">http://www.uprr.com/newsinfo/horn.shtml</a>.

Have a wonderful weekend!

Wes

Wesley J. Lujan Director, Public Affairs Union Pacific Railroad 915 L Street, Suite 1180 Sacramento, CA 95814 916.789.5957 office 916.792.9160 cell 402.997.3540 fax

To: Mr. Marc Hershman District Director

Office of Assemblymember Jerry Hill 19th Assembly District San Mateo, California

RE: FRA File Number: L10-UP-7-00009

Dear Mr. Hershman:

This is in response to your e-mail of December 4, 2009, sent to the Federal Railroad Administration (FRA) to the attention of Ms. LeeAnn Dickson, Grade Crossing and Trespassing Regional Manager, of my office. The subject of your e-mail was "Peninsula Freight Trains" (a copy follows). Specifically, you requested that FRA make a thorough investigation into the use and volume level of Union Pacific Railroad Company (UP) freight train horns traveling on the Caltrain line.

The FRA has completed its investigation into your concerns. Through Ms. Dickson's investigative efforts, it was determined that there are five locomotives currently assigned for freight service in the UP's yard in South San Francisco. Each of the locomotives' horn volumes were tested in accordance with Federal regulations cited in 49 CFR 229.129, resulting in our finding that all horns were in acceptable decibel limits of the regulation.

Ms. Dickson also researched several web-based citizen complaints. No evidence was found to indicate that locomotive engineers were using horns in excess at the 22 highway-rail grade crossings and five pedestrian crossings within the city limits of South San Francisco, Millbrae, Burlingame and San Mateo. One complaint was found to be related to a street vehicle equipped with a locomotive horn. Therefore, no violation of Federal regulations was found to have occurred.

Locomotive engineers are required to sound the horns when approaching a public highway-rail grade crossing in accordance with Federal regulations cited in 49 CFR 222.21. The sounding of a locomotive horn with two long blasts, one short blast and one long blast shall be initiated at a location so as to be in accordance with 49 CFR 222.21(a) and shall be repeated or prolonged until the locomotive occupies the crossing. 49 CFR 222.21(b)(2) reads, in part: "...the locomotive horn shall begin to be sounded at least 15 seconds, but no more than 20 seconds, before the locomotive enters the crossing. It shall not constitute a violation of this section if, acting in good faith, a locomotive engineer begins sounding the locomotive horn not more than 25 seconds before the locomotive enters the crossing, if the locomotive engineer is unable to precisely estimate the time of arrival of the train at the crossing for whatever reason."

Thank you for the opportunity of addressing your concerns in the interest of railroad safety. Should you have further questions or concerns regarding the issues addressed, please contact Ms. Dickson at telephone number (916) 773-0253 or e-mail address: <a href="mailto:leeann.dickson@dot.gov">leeann.dickson@dot.gov</a>.

Alvin L. Settje, Regional Administrator U.S. Department of Transportation Federal Railroad Administration – Region 7 801 I Street, Suite 466 Sacramento, California 95814-2559

Telephone No.: (916) 498-6540

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## Susanna Chan

Subject:

FW: Horn Noise Update

From: leeann.dickson@dot.gov [mailto:leeann.dickson@dot.gov]

**Sent:** Thursday, April 29, 2010 7:05 AM

To: WJLUJAN@UP.COM;

Cc: Susanna Chan; hcjones@up.com; SJDLIMA@UP.COM; DMPICKET@UP.COM; Marc.Hershman@asm.ca.gov

Subject: RE: Horn Noise Update

Hi (

I have researched your concerns of train horns in the Hillsdale area at 3:13am on Friday, April 16.

The Union Pacific freight trains were not in the Hillsdale area that morning at that time. Each local train had ended their runs at approximately midnight. The locomotives were located in South San Francisco and the train crews were off duty. We have confirmed there was not a UP train in the vicinity.

We have had several reports of train horn abuse and the train has not been running at the reported time. I feel it is a matter of an individual or individuals that have street vehicles equipped with train horns. This is truly the only explanation I can give to these horn events without a train being present. This is a popular hobby in some circles and there are many YouTube videos depicting this activity.

Assembly Member Hill and his staff have taken this seriously issue and are working on legislation to limit street vehicle horn volume.

If you have any additional questions or concerns, please do not hesitate to contact me.

Thank you.

LeeAnn Dickson Crossing and Trespassing Regional Manager USDOT Federal Railroad Administration 801 | Street, Suite 466 Sacramento, CA 95814 916-773-0253



Please consider the environment before printing this e-mail.

From: WJLUJAN@UP.COM [mailto:WJLUJAN@UP.COM]

Sent: Sunday, April 18, 2010 12:27 PM

To:

Cc: Susanna Chan; Dickson, LeeAnn (FRA); Heather Jones; Sara D'Lima

Subject: Re: Horn Noise Update



Thank you for making us aware of this incident. We will look into it. We especially appreciate you providing us the location, date, and time.

We will follow up with the appropriate managers and get back in touch with you.

Regards,

Wes

Wes Lujan Director, Public Affairs Union Pacific Railroad 916.789.5957 office 916.792.9160 cell 402.997.3540 fax

From:

Sent: 04/17/2010 12:17 AM MST

To: Wesley Lujan

Cc: "Susanna Chan" <chans@cityofsanmateo.org>

Subject: Fw: Horn Noise Update

Dear Mr. Lujan.

I'm a resident of San Mateo and live approximately one block east of the Hillsdale Train Station. Off and on over the past few weeks I've been awaken by train horn blasts. This happens anywhere from 1a.m. - 5a.m. and I understand that at this time of morning Union Pacific is using the railway. The train passing the Hillsdale station today at 3:13 a.m. horn was unbelievable loud and the duration extreme. I wanted to let you know about this specific incident as it may help in resolving a problem that seems to be growing.

In the future I will do my best to document and report to you each occurance in hopes it may provide valuable information for Union Pacific to remedy this nusiance.

Being a good neighbor, Cordially,