



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Mayor Liccardo  
Councilmember Jimenez  
Councilmember Peralez  
Councilmember Nguyen

**SUBJECT:** MEMORANDUM OF  
UNDERSTANDING BETWEEN  
THE CITY OF SAN JOSÉ AND  
UNION PACIFIC

**DATE:** April 30, 2018

**APPROVED:**

**DATE:** 4-30-2018

## RECOMMENDATION

Direct the City Manager and City Attorney to work with Union Pacific to implement the objectives of the initiatives articulated in the attached letter to Union Pacific Railroad Corporation.

## BACKGROUND

The City has struggled to respond to constituent concerns about blight and encampment issues on Union Pacific (UP) property. Graffiti, illegal dumping, and encampment-related trash line the rail line. The City has neither the resources nor the legal entitlement to perform abatement services on UP property unilaterally.

Recently, UP and City Council Staff have met and discussed several initiatives that can potentially help UP better maintain their property: improving the ability of constituents to report issues directly to UP; agreeing upon City access to UP property for graffiti abatement, beautification events, and cleanups; providing regular updates on UP cleanup and maintenance activities; and installing reinforced fencing to improve public safety. We look forward to implementing this agreement to dramatically improve the safety and aesthetic appearance of the tracks and the surrounding neighborhoods.

April 30, 2018

Francisco Castillo, Director  
Public Affairs – Corporate Relations  
Union Pacific Railroad Corporation  
915 L Street, Suite 1180  
Sacramento, CA 95814

Dear Mr. Castillo,

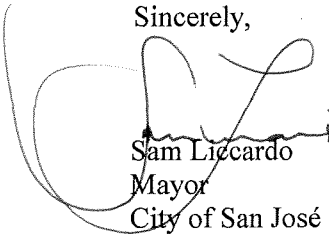
Thank you for taking the time to meet with our staff on March 7th, 2018, and for making the trip from Sacramento to San José. In light of our mutually limited resources, we are grateful for your willingness to work with us.

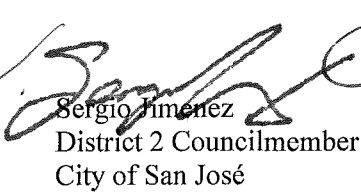
We will take the various initiatives we discussed to the Rules and Open Government Committee of the City Council, and expect the full Council will then consider directing our City Manager and City Attorney to implement some or all of the proposed initiatives. They include:

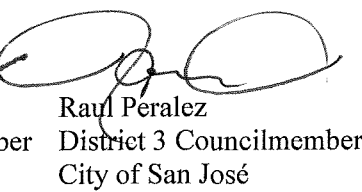
- Entering into a memorandum of understanding (MOU) between Union Pacific (UP) and the City of San José to allow for City entry upon UP property for:
  - Proactive criminal law enforcement and investigative activities by SJPD;
  - Community cleanup and beautification events;
  - Engagement with homeless individuals in encampments by City Housing Department staff and pre-identified non-profit organizations;
  - Sound wall abatement by the City's Anti-Graffiti Team.
- Exploration of potential partnerships with our local non-profits—such as Downtown Streets Team and HomeFirst—to offer social services in conjunction with abatement/clean up services.
- Installation of prominent warning signage by UP, prohibiting dumping and trespassing, and providing a phone number for residents' use to contact UP with concerns.
- Identification of "hot spots," with regularly-scheduled abatement in identified hot spots.
- Coordination with the City Manager's Office and City Council staff to plan community cleanup events in addition to beautification events.
- Installation of reinforced fencing on UP property where needed.
- Quarterly meetings with City staff to provide updates on UP property maintenance and enable coordination.
- Exploration of the use of Caltrain flaggers, instead of UP flaggers, where lawful and advantageous.

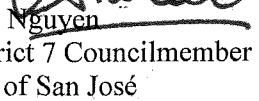
Thank you for your consideration of San José's applications for these important and timely projects.

Sincerely,

  
Sam Liccardo  
Mayor  
City of San José

  
Sergio Jimenez  
District 2 Councilmember  
City of San José

  
Raul Peralez  
District 3 Councilmember  
City of San José

  
Tam Nguyen  
District 7 Councilmember  
City of San José

CC: Terry Morris, Captain Patrick McGrath, and Alex Lakenen, Wes Lujan