



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Mayor Sam Liccardo
Councilmember Raul Perez
Councilmember Sergio Jimenez
Councilmember Dev Davis

SUBJECT: Freight Rail Right of Way
Quiet Zones

DATE: March 28, 2019

Approved by:

[Handwritten signatures and initials] Date: 03.28.2019
[Signature] DT *[Signature]* VS *[Signature]* (C.R.)

RECOMMENDATION

Direct the City Manager to

1. Commence studying a federally-mandated Quiet Zone on Union Pacific Railroad (UPRR) Warm Springs Subdivision and explore funding strategies including partnering with our federal and state delegations to find collaborative opportunities; and
2. Explore opportunities for Rail-To-Trail (RTT) conversions in keeping with the General Plan update.

BACKGROUND

Residents in San José have been plagued by sudden late-night trains that traverse through our residential neighborhoods on freight rail lines.

In 2016, the Amtrak Capitol Corridor project included the installation of new rail, ties and elevated curves. Work was done overnight for several weeks, from 10:00pm to 5:30am, to avoid commuter hours. This resulted in a redirection of equipment that operate on the tracks, requiring horns to be sounded 15-20 seconds before entering all public grade crossings. This occurred with little to no notification to the residents or the City.

More recently, our offices received numerous complaints regarding late night trains. After an inquiry to UPRR, they informed us that the service changes are part of their new

operating plan, called Unified Plan 2020¹ that took effect on Oct. 1, 2018. Residents may now see more trains moving in multiple directions and at different times. The increased train traffic through downtown San José via the Warm Springs Subdivision is a result of UPRR's operating changes.

According to UPRR, there are two local trains that traverse the tracks through downtown San José four times during the day (includes round trip). In addition, there are two trains that traverse the tracks after 8pm and then return back through the middle of the night. Since there is no quiet zone on the Warm Springs Subdivision, train crews are required to blow the horn as they approach several crossings located in this corridor. Aside from the physical impacts from this change, the lack of proactive outreach and disengagement from UPRR is concerning for a plethora of reasons including but are not limited to homelessness, blight, and graffiti.

In 2005, the Federal Rail Administration issued a Final Rule on the Use of Locomotive Horns that allows public authorities "the option to maintain and/or establish quiet zones provided certain supplemental or alternative safety measures are in place and the crossing accident rate meets FRA standards." In exploring a quiet zone, we should be cognizant of our unhoused residents along the right of way and ensure there are mitigation efforts such as the ongoing MOU discussion², to maintain safety for all. While it may be a daunting task to consider a federally-mandated quiet zone, our primary responsibility is to preserve the health of our residents.

¹ <https://www.up.com/media/releases/180917-unified-plan-2020.htm>

² <https://sanjose.legistar.com/View.ashx?M=F&ID=6302395&GUID=9FDD7EAF-1EEB-4AE3-AB68-BB3F8E30E703>