

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO ESTABLISH A QUIET ZONE FOR LOCOMOTIVE HORNS AT APPLICABLE PUBLIC HIGHWAY-RAIL GRADE CROSSINGS WITHIN THE CITY OF SAN JOSE PORTION OF THE WARM SPRINGS SUBDIVISION RAILROAD CORRIDOR, FROM NORTH MONTGOMERY STREET TO HORNING STREET, IN ACCORDANCE WITH 49 CFR 222

FILE NO. ER20-170

WHEREAS, the Warm Springs Subdivision railroad corridor lies roughly between Diridon Station at its southern end and Montague Expressway at the northern city limit, and traverses frequent at-grade street crossings in residential neighborhoods, primarily the Japantown and Hensley neighborhoods; and

WHEREAS, in response to a legislative mandate, the Federal Railroad Administration (“FRA”) issued a *Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings*, (the “Horn Rule”), which requires that locomotive horns be sounded as a warning to highway users at public highway-rail crossings, and also provides an opportunity for municipalities to mitigate the effects of train horn noise by establishing new “quiet zones,” which silence routine train horns at crossings during quiet zone hours; and

WHEREAS, the Horn Rule is designed to facilitate establishment of quiet zones, eliminating the need for all rail traffic, including both freight and light rail vehicles, from having to sound locomotive warning horns in advance of at-grade street crossings, but excluding the warning bells associated with the activation of railroad crossing gates, which will continue to sound; and

WHEREAS, in 2019, Union Pacific Railroad (UPRR), the railroad operator on this corridor, implemented a new operating plan which increased train operations at night, and, as required by federal law, UPRR trains blow their horns as they approach the at-grade street crossings; and

WHEREAS, in 2019, the City investigated the potential for a quiet zone on the Warm Springs Subdivision corridor from North Montgomery Street in the south to Horning Street in the north. Based on review of the report and discussion with the California Public Utilities Commission (CPUC), Federal Railroad Administration (FRA), and UPRR, the corridor meets minimum requirements for a quiet zone except at the 7th Street and Jackson Street crossings, where not all vehicular movements are protected by railroad crossing gates; and

WHEREAS, the City will temporarily eliminate the unprotected vehicular movements at these two crossings until a future project installs new crossing infrastructure; after this work and other signage and striping updates on the corridor are completed, the City will issue a Partial Quiet Zone Notice of Establishment to specific stakeholders, including Caltrans, CPUC, FRA, and UPRR, which will establish a start date for a quiet zone on this segment; and

WHEREAS, this Project is categorically exempt from environmental review, per the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, 14 California Code of Regulations Section 15301(c), and Title 21 of the San José Municipal Code, under File Number ER20-170;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to issue a Notice of Establishment pursuant to 49 CFR Pt. 222, to establish quiet zones for locomotive and light rail vehicle horns at all applicable highway-rail grade crossings within the San José portion of the of the Warm Springs Subdivision railroad corridor, from North Montgomery Street to Horning Street and to create, execute and issue on behalf of the City of San José all documents necessary for that purpose.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk