

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: ROBERT SPRINKLE, DEPUTY DIRECTOR OF TRANSPORTATION
AND PUBLIC WORKS - TRAFFIC

SUBJECT: QUIET ZONES – NOTICE OF ESTABLISHMENT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorize the City Manager to file a Notice of Establishment with the Federal Railroad Administration; the railroads that operate within the City of Santa Rosa; and with the State agencies responsible for highway-rail grade crossing safety establishing a 24-hour Quiet Zone through the City of Santa Rosa, from Bellevue Avenue to San Miguel Road, including all grade crossings between these limits.

EXECUTIVE SUMMARY

The Transportation and Public Works Department will provide an update on the status of the Quiet Zone process for Santa Rosa. Staff will recommend submitting a Notice of Establishment to the Federal Railroad Authority, authorizing the City Manager to coordinate the implementation date of the Quiet Zone in Santa Rosa from Bellevue Avenue to San Miguel Road. In addition, the modifications that were constructed to qualify for the Quiet Zone designation will be reviewed with Council. It should also be noted that the establishment of a Quiet Zone does not prohibit train operators from sounding their horns in the event of emergencies or in the exercise of discretion by the train operator as deemed necessary.

PRIOR CITY COUNCIL REVIEW

During a study session in September 2009, staff provided the Council with a description, process for establishing and discussion about the pros and cons of Quiet Zones. As discussed, the positive outcome of a Quiet Zone is that the train horn does not regularly sound and impact residents and businesses along the rail. The negative is that one of the railroad's primary proven safety measure, regularly sounding the horn, has been reduced.

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On August 14, 2012, the City Council, by Resolution No. 28181, unanimously authorized a funding agreement with Sonoma Marin Area Rail Transit (SMART) to complete the environmental review and design alternatives of a grade separated pedestrian and bicycle crossing of the SMART railroad corridor and Jennings Avenue.

On November 13, 2012, City staff presented the results of the feasibility study to the Council, including that California Public Utilities Commission (CPUC) staff had stated that approval of an at-grade crossing at Jennings Avenue would be unlikely unless at least one existing at-grade crossing was eliminated at either W. Sixth, W. Seventh or W. Eighth Streets, near the West End Preservation District. At that meeting, the Council expressed a preference to study an at-grade pedestrian and bicycle crossing as the preferred project. The item was then continued to a future Council meeting to allow staff additional time to ascertain potential costs of environmental review.

On May 21, 2013, the Council, by Resolution No. 28284, unanimously directed City staff to complete environmental review in compliance with the California Environmental Quality Act (CEQA) for an at-grade pedestrian and bicycle crossing of the SMART railroad corridor and Jennings Avenue, including an ADA compliant pedestrian and bicycle rail overcrossing alternative and possible removal of an existing crossing at W. Sixth, W. Seventh or W. Eighth Street.

On November 18, 2014 the Council held a public hearing on the Draft EIR

Council certified the Jennings Avenue Pedestrian and Bicycle Rail Crossing Final Environmental Impact Report on March 17, 2015, and directed staff to apply for an at-grade crossing without closure of an existing crossing. A Quiet Zone was included as a potential mitigation measure if that crossing was installed. Noise was identified as one of the significant impacts that would affect the adjacent community.

On May 3, 2016, staff presented a potential structure for a downtown circulator shuttle that would connect the Santa Rosa Downtown SMART station and Garage 1. The intent of this shuttle would be to connect a designated commuter parking field with the regional transit system.

On September 27, 2016, staff presented a report item on SMART preparedness that included updates from the Police Department, Fire Department, Parking Division, Transit Division, and Traffic Engineering Division on steps taken in preparation for rail service to begin. In conjunction with that item, staff presented information describing Quiet Zones and recommended the Council pass a resolution to submit a Notice of Intent to the Federal Railroad Administration (FRA). The Notice of Intent notified the FRA that the City was interested in moving forward developing a Quiet Zone from San Miguel Road to Bellevue Avenue and each highway rail crossing in between.

ANALYSIS

The Federal Railroad Administration (FRA) is the governing agency responsible for the approval and enforcement of train horn use throughout the United States. In 2005, the

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FRA published the Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (49 CFR Part 222) which requires locomotive horns to be sounded at all public grade crossings not less than 15 seconds and no more than 20 seconds before the lead locomotive enters the intersection and blocks traffic. The pattern for blowing the horn remains two long, one short, and one long sounding to be repeated as necessary until the locomotive clears the crossing. The horn must sound at a loudness intensity between 96 and 110 decibels. Locomotive engineers retain the authority to vary the pattern as necessary for crossings in close proximity and in emergency circumstances.

The Final Rule preempts any state or local laws regarding the use of the train's horn at public crossings. The Final Rule provides public authorities, such as the City of Santa Rosa, the option to establish a Quiet Zone provided certain Supplemental Safety Measures (SSM) or Alternative Safety Measures (ASM) are in place and the Quiet Zone Risk Index for the subject grade crossing is at or below the Nationwide Significant Risk Threshold.

Quiet Zones have been established along hundreds of rail corridors throughout the United States and over 48 segments in California in an effort to reduce the noise impacts of train horns adjacent residential properties. The premise of a Quiet Zone is to restrict the use of rail operator's horns and not sound the engine's horn on approaches to rail crossings that are at or below the Nationwide Significant Risk Threshold, unless absolutely necessary to avoid an incident.

As part of the diagnostic review completed on August 12, 2016, items were identified that needed enhancements prior to qualifying two crossings as having SSM's. At Barham Avenue, the median island opening for the pedestrian crossing needed to be narrowed to prevent vehicles from crossing and bollards needed to be installed. At Guerneville Road, the access driveway near the SMART station needed to be modified to a rolled curb and signs posted indicating no left turns. Both of these work items have been completed.

The process for establishing a Quiet Zone is comprised of several steps:

- Hold diagnostic review with FRA, California Public Utility Commission (CPUC), Sonoma-Marin Area Rail Transit (SMART) and City of Santa Rosa (completed on August 12, 2016)
- File a Notice of Intent with FRA (completed on September 28, 2016); the railroads that operate within the Quiet Zones; and with the State agencies responsible for highway and grade crossing safety
 - Include updated crossing inventory
 - Supplemental Safety Measure Verification
 - Alternative Safety Measure justification of effectiveness
 - Construct any needed enhancements
 - Open 60-day comment period
- File a Notice of Establishment (pending Council action)
 - Identifies enhancements made
 - Requires a minimum 21-day waiting period, date of quiet zone establishment documented

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- Post signs indicating No Train Horn on date determined in Notice of Establishment

The Notice of Intent was mailed to: FRA, CPUC, North Coast Railroad Authority (NCRA), Caltrans, and SMART on September 28, 2016 and were allowed a 60-day comment period.

On November 10, 2016 SMART replied to the Notice of Intent to establish a Quiet Zone in Santa Rosa with the following (abbreviated) comments:

1. The Quiet Zone should not be established until all the testing is completed.
2. The Quiet Zone should not be established until the City and SMART have mutually agreed to a Memorandum of Understanding that details the responsibilities of both parties for the Quiet Zone.
3. SMART encourages the City to develop a Community education and awareness program in order to educate the public regarding additional safety measures and what to expect if the City completes and establishes a 24-hour Quiet Zone.

On November 22, 2016 the CPUC replied to the Notice of Intent to establish a Quiet Zone in Santa Rosa with the following comments:

1. The Rail Crossings and Engineering Branch of the Commission's Safety and Enforcement Division notes for the record that it believes that in all cases, the sounding of the locomotive horn results in a higher level of pedestrian and motorist safety when compared to not sounding the locomotive horn.
2. They recommend that SMART be in revenue service for at least six months prior to establishing the Quiet Zone.
3. They encourage the City to develop a community education and awareness program in regards to the Quiet Zone in order to educate the public as to what to expect if the City completes and establishes a 24-hour Quiet Zone.

No other responses were received.

In response to the comments from both SMART and the CPUC, the City has circulated a draft Memorandum of Understanding regarding the maintenance of the Quiet Zone features to SMART. Additionally, the City will be working with our Outreach Coordinator to develop information regarding Quiet Zones in Santa Rosa.

In discussion with the County of Sonoma, they will be submitting their Notice of Intent, including the jurisdictions of Rohnert Park and Cotati, to the FRA as a joint submittal. Their intention is to have the Quiet Zone established this Spring prior to the revenue service being established.

The City of Santa Rosa is ahead of the other agencies in the Quiet Zone process. From an operations stand point, there is validity in having a quiet zone go active along the entire northern section of the corridor at one time. Because this date is currently uncertain, we request that the City Manager be given the authority to determine and

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coordinate that date for the Quiet Zone to be established with the County of Sonoma and SMART.

FISCAL IMPACT

No additional funds are requested for items described in the update.

Cost associated with constructing and posting required signs at each highway-rail grade crossing will be covered by Transportation and Public Works.

ENVIRONMENTAL IMPACT

Operations of the railroad, including noise impacts, were identified in SMART Environmental Impact Report. Reducing the train horn noise would be less of an impact and would not require mitigation.

It is important to recognize that establishing a Quiet Zone does not prohibit trains from using their horns. The Federal Train Horn Rule mandates train operators to sound horns in the event of emergencies or in their discretion as they determine necessary to facilitate safety of the train or general public.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not Applicable

NOTIFICATION

The FRA, CPUC, North Coast Railroad Authority (NCRA), Caltrans, and SMART have received the City's Notice of Intent to establish a Quiet Zone and have been given 60 days to comment per 49 CFR 222.43(b)(3)(i).

Upon filing the Notice of Establishment, a minimum of 21 days must expire prior to the Quiet Zone being active. Any date following the 21 days may be identified as the start date of the Quiet Zone.

ATTACHMENTS

- Resolution

CONTACT

Robert Sprinkle, rsprinkle@srcity.org 707-543-3817