

AGENDA ITEM REQUEST FORM

Department: City Attorney

Initiator: Wayne Nishioka

Phone: (510) 620-6509

Meeting Date: January 25, 2005

Final Decision Deadline: January 25, 2005
(Date)

INDICATE APPROPRIATE BODY

- City Council Redevelopment Agency Housing Authority Surplus Property Authority Joint Powers Financing Authority
- Finance Standing Committee Public Safety Public Services Standing Committee Other _____

ITEM

- Presentation/Proclamation/Commendation (3-Minute Time Limit)
- Public Hearing Ordinance Other Update
- Contract/Agreement Council As Whole
- Grant Application/Acceptance Claims Filed Against City of Richmond
- Resolutions Video/PowerPoint Presentation (contact KCRT @ 620.6759)

ITEM TO BE PLACED ON AGENDA (ACTION, TERM, \$\$\$)

Report to update the Creation of Quiet Zones in Richmond.

REVIEWS/APPROVALS **DO NOT WRITE IN THIS SPACE**

Reviewed and Approved by Finance Department for Fiscal Impact *PH*

1/19/05
Date

J. P. ...
Signature

Reviewed and Approved by City Manager

Date

J. Gray for PH
City Manager's Signature

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RECEIVED
FINANCE DEPARTMENT

*Every OK
AH 1/20/05*

STAFF RECOMMENDATION

No action required at this time.

AGENDA ITEM NO: _____

Office of the City Attorney
CITY OF RICHMOND

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EVERETT JENKINS
Interim City Attorney

January 19, 2005

TO: Mayor and the Members of the Richmond City Council

FROM: Wayne Nishioka
Assistant City Attorney

SUBJECT: Update on the Proposed Railroad Quiet Zones within the City of Richmond.

RECOMMENDED ACTIONS:

CONSIDER the need to update the City Council on the implementation of railroad Quiet Zones within the City of Richmond.

ACKNOWLEDGE that the Federal Government is currently planning to issue new rules on Quiet Zone guidelines in April 2005.

RECOGNIZE that the City Attorney's Office and the Public Services Department will take the following steps to facilitate implementation of Quiet Zones:

- Ascertain the location of each Quiet Zone and the railroad crossings within each Quiet Zone.
- Update the U.S. Department of Transportation Railroad Crossing Inventory Information, including an updated daily railroad traffic count by the City.
- Conduct a pre-diagnostic site meeting with Richmond-Pacific regarding its crossings proposed to be included in a Quiet Zone.
- Conduct a diagnostic meeting regarding the crossings with the Federal Railroad Administration, the City of Richmond, California Public Utilities Commission, And all railroad companies involved in the proposed Quiet Zones.
- Determine what needs to be done, if anything, at each proposed railroad crossing and recommend a course of action.
- Determine if funding is required and identify sources for the funding.

FISCAL IMPACT:

There is no fiscal impact at this time.

REASONS FOR RECOMMENDATIONS:

The federal government postponed finalizing its rules on Quiet Zones until April 2005. Notwithstanding the postponement in the issuance of the final rules, the staff continues to take the steps necessary in anticipation of the implementation of Quiet Zones in Richmond

Once the rules are finalized and once the staff is able to complete all the required prerequisite steps, the Council will be asked to look at the policy recommendations and fiscal impacts of having Quiet Zones.

BACKGROUND:

On April 13, 2004, the Council adopted Resolution 62-04, directing the City Manager and the City Attorney to initiate an application for Quiet Zones in areas adversely affected by train horns. Based on complaints submitted, staff made an initial attempt to designate quiet zones in Richmond, which can expand or contract based on Council's policy decisions. Staff conducted railroad crossing inspections with Mr. Charles Hagood of the Federal Railroad Administration on October 6, 2004. Staff subsequently conducted inspections with Mr. John Shurson of BNSF on January 12, 2005.

January 13, 2005

**SUMMARY OF PRE-DIAGNOSTIC SITE MEETING WITH JOHN SHURSON
AND CURTIS BALLENTYNE OF BNSF REGARDING PROPOSED QUIET
ZONES IN THE CITY OF RICHMOND**

NORTH AREA QUIET ZONE

1. *Atlas/Giant Crossing:* A gate (hereinafter includes flashing lights) and a median on each side of the crossing meet the description of an SSM pursuant to the Interim Final Rule for 49 CFR Part 222.
There is a curb cut for access to an electrical facility and a possible alternative emergency route; the existing metal gate will have to be moved closer to the street.
On the other side of the street from the electrical facility, there is a driveway approximately 150 feet from the rail crossing; it is far enough away from the crossing so as not to require any modification.
Also on the other side of the street from the electrical facility, there is a half-driveway. It is uncertain who owns the property; it may belong to BNSF. In any case, the existing metal gate will have to be moved closer to the street.
2. *Griffin Crossing:* Two gates currently exist at Griffin. There are no medians. A 60 foot median needs to be built on that part of Griffin starting from the crossing and moving away from Parchester Village toward Giant Hwy (The addition of a median may necessitate the widening of Griffin).
Because a median cannot be built on the Parchester side of the rail crossing, a third gate (an exit gate) will need to be installed near the telephone pole to prevent cars on the northern side of Collins from going around the gates.
A less desirable alternative is a wayside horn because the sound will have to be directed toward Parchester Village.
A more desirable alternative to adding a median and a gate would be to close the Griffin and John (see below) crossings and to construct a new rail crossing at the end of the Parkway ramp.
3. *John Crossing:* Two gates currently exist at this crossing. There are no medians. Two exit gates need to be constructed, or a total of four gates. As an alternative, wayside horns can be installed.
As noted above, if a new rail crossing is built at the end of the Parkway ramp, the John crossing would also be closed along with the Griffin crossing.

WEST AREA QUIET ZONE

1. *Richmond Ave Crossing*: A gate and short median exist now on each side of the crossing. The medians need to be extended to 60 feet. Because Railroad Ave is within 60 feet of a rail gate, traffic heading south on Railroad Ave will need to be prevented from going around the gates in one of the following ways:
 - Add a third exit gate
 - Make Railroad Ave a one-way street going north
 - Make Railroad Ave a right-turn only street going south.
2. *Garrard Crossing*: Two gates currently exist at the crossing. A 60-foot median needs to be built on each side of the crossing. The driveway at 1001 Garrard is not a consideration since it is approximately 100 feet away.
3. *Cutting Crossing*: A gate and short median currently exist on each side of the crossing. One median is short due to Wine Street and the other median is short due to traffic using the business entrance to 1001/1003/999 Cutting. Both medians need to be extended to 60 feet, thus requiring traffic on Wine Street to turn right and requiring traffic using the business driveway to turn right. Alternatives to extending the medians are:
 - Extend only one median and add one exit gate.
 - Leave the medians alone and add two exit gates.
 - Wayside horns.
4. *Canal Crossing*: A gate and 60-foot median currently exist for southbound traffic on Canal and two gates and a 60-foot median currently exist for northbound traffic meeting the description for an SSM. There are no driveways within 60 feet. If the existing gate is not long enough to meet federal requirements, then the base that the gate is attached to could be relocated between the roadway and the sidewalk as opposed to its present location outside of the sidewalk.

SOUTH AREA QUIET ZONE

1. *Harbour/Wright Crossing*: Only crossbucks exist. Need to apply for 130 money to build eight gates. Alternatively, four gates can be build along with the installation of wayside horns.
2. *Harbour Crossing*: Belongs to Richmond Pacific/UP
3. *Marina Way South Crossing #1 (Northern)*: A gate and 60-foot median currently exist on each side of the crossing. However, there are three driveways present. There is a BNSF driveway; it will require that the curb be reinstated. There is a driveway to the International Parts Center building;

traffic exiting from the driveway will be required to turn right. Lastly, there is a driveway to the Vicor building. In order to prevent cars leaving the Vicor driveway from going around the gates, there are three alternatives:

- Install bollards at the northern most part of the southern median
- Install a wayside horn
- Request the property owner to close the driveway

4. *Marina Way South Crossing #2* (Southern): Belongs to Richmond Pacific/UP
5. *Regatta Crossing*: Belongs to Richmond Pacific/UP
6. *Marina Bay Parkway Crossing*: Belongs to Richmond Pacific/UP

The above inspections were made by John Shurson and Curtis Ballentyne of BNSF and Rich Davidson and Wayne Nishioka of the City of Richmond on January 12, 2005.