

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, DIRECTING ACTIONS TO MITIGATE LONG TRAINS AND TRAIN
HORN USE**

WHEREAS, the frequent sounding of train horns at dozens of Richmond grade crossings has become a serious disturbance to residents as well as a public health concern; and

WHEREAS, In response to a Congressional legislative mandate, the Federal Railroad Administration (FRA) has issued an Interim Final Rule for the Use of Locomotive Horns at Highway-Rail Crossings. The rule requires that locomotive horns be sounded as a warning to highway users at public highway-rail crossings. In accordance with a legislative requirement, the rule will not take effect until one year following the date of its publication on December 18, 2003. Until December 18, 2004, the sounding of the locomotive horns at crossings will remain subject to applicable State and local laws; and

WHEREAS, the **rule also provides an opportunity, not available until now, for thousands of localities nationwide to mitigate the effects of train horn noise by establishing new "quiet zones,"** and,

WHEREAS, communities seeking to establish New Quiet Zones are encouraged to thoroughly investigate the options available to them under the rule. FRA will be working with public authorities and reviewing applications for quiet zones in order to permit communities to institute quiet zones at the *earliest* possible date after the one-year required period has elapsed.

Accordingly, **FRA will accept quiet zone applications from public authorities during the one-year period commencing with publication of the rule.**

WHEREAS, the FRA has an extensive website at <http://www.fra.dot.gov/Content3.asp?P=1318> that describes how to evaluate and apply for Quiet Zone Designation; and,

WHEREAS, BNSF has offered to help the City of Richmond find funding sources for Quiet Zone improvements; and,

WHEREAS, the frequent blockage of grade crossings by mile-long BNSF trains coming and going from the Port of Oakland has become not only a severe aggravation for Richmond residents but is also a substantial public safety concern; and,

WHEREAS, one solution to the long train problem would be for BNSF to route long trains onto UP tracks further north in the vicinity of Martinez instead of at the Stege "Y," but, according to BNSF sources, UP will not allow this; and

WHEREAS, the Surface Transportation Board (<http://www.stb.dot.gov/index.htm>) has the authority to intervene in such issues and to motivate or compel the railroad companies to cooperate for the greater good of the public.

THEREFORE, BE IT RESOLVED that The Richmond City Council directs that the City Manager and the City Attorney initiate an application for a Quiet Zone or Quiet Zones in Richmond in the areas of Point Richmond, Atchison Village, Marina Bay, Santa Fe, the Iron

Triangle, Parchester Village, Country Club Estates, Richmore Village, and other neighborhoods adversely affected by train horns, and

THEREFORE BE IT FURTHER RESOLVED that the City Manager and the City Attorney file a Petition for Declaratory Order with the Surface Transportation Board requesting that the Board compel UP and BNSF to share tracks in a way that will eliminate the passage of long, through trains through south Richmond.

I certify that the foregoing Resolution was passed and adopted by the Members of the City Council of the City of Richmond at a regular meeting held on _____ by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Clerk of the City of Richmond

Approved:

Mayor

Approved as to form:

City Attorney