



CITY COUNCIL

AGENDA REPORT

DATE: February 4, 2014

TO: Mayor McLaughlin and Members of the City Council

FROM: Councilmember Tom Butt

SUBJECT: RESOLUTION OF THE CITY COUNCIL REQUESTING STATE AND FEDERAL LEGISLATIVE ASSISTANCE TO MITIGATE DAMAGE FROM TRAIN HORNS

STATEMENT OF THE ISSUE:

Exposure to unnecessary and unwanted noise produces significant medical, social, and economic effects.

RECOMMENDED ACTION:

ADOPT a resolution in support of requesting state and federal legislative assistance to mitigate damage from train horns – Councilmember Butt (236-7435).

FINANCIAL IMPACT OF RECOMMENDATION:

There is no financial impact related to this item at this time.

DISCUSSION:

It is the responsibility of government at all levels to protect citizens from the unwanted effects of noise and other forms of pollution. According to the National Institute of Health, "long or repeated exposure to sounds at or above 85 decibels can cause hearing loss. The louder the sound, the shorter the amount of time it takes for NIHL [Noise-Induced Hearing Loss] to happen."

On May 17, 2011, the Richmond City Council unanimously adopted Ordinance 14-11, Community Noise Ordinance. The Richmond Community Noise Ordinance at no time allows noise exceeding 85 dBA in the daytime or 50 dBA at night.

However, under the [Train Horn Rule](#) (49 CFR Part 222) and California Public Utility Code 6706, locomotive engineers are required to sound horns at all public and private grade crossings not designated as Quiet Zones, and the required volume level for train horns ranges from minimum 96 dBA to maximum 110 dbA.

The City Council of the City of Richmond believes that legislation is required at both the state and federal level to provide a rational and reasonable level of relief from excessive train horn noise, especially at night, and to resolve conflicts and inconsistencies between federal and state regulation of train horns.

The City Council of the City of Richmond requests its Congressional delegation to sponsor legislation that would:

- Clarify that the states have authority to regulate the sounding of train horns within privately-owned yards for the purpose of signaling during switching operations;
- Provide the states with authority to enforce train horn violations in Quiet Zones;
- Provide a funding source for local jurisdictions to implement grade crossing improvements required to establish Quiet Zones.

The City Council of the City of Richmond further requests its California legislative delegation to sponsor legislation that would:

- Authorize and require the CPUC to approve Quiet Zones at private crossings using the same process and criteria utilized by the Federal Railroad Administration for approving Quiet Zones at public grade crossings (See Exhibit A for proposed text).
- Provide the cities and counties with authority to enforce violations of non-federal horn use rules.
- Allow the substitution of a wayside horn for a train horn at private and pedestrian crossings (see Exhibit B).
- Like 48 other states, eliminate the horn sounding requirement at private and pedestrian crossing as a favored alternative to legislation allowing quiet zones at those crossings.

DOCUMENTS ATTACHED:

Attachment 1 - Train Horn Resolution