
M E M O R A N D U M

DATE: June 6, 2003
TO: City Council Members
FROM: Russell Weeks
RE: Briefing: Ordinance to Reduce Train Whistle Distance on 900 South Rail Line
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, D.J. Baxter

This memorandum is intended to address a proposed ordinance to reduce the distance at which train whistles sound their horns along the 900 South rail line. The Administration proposes that the City Council schedule a public hearing on the proposed ordinance. The hearing would take the place of a Utah Department of Transportation public process. The department would waive its public process if the City Council holds the public hearing.

ISSUES/QUESTIONS FOR CONSIDERATION

- According to the Administration's transmittal, the proposed ordinance would be an "interim measure" until the establishment of railroad crossing quiet zones on the 900 South line between 700 West Street and Redwood Road.
- Should the proposed ordinance contain a sunset provision tied to the implementation of quiet zones along the 900 South line?

DISCUSSION-BACKGROUND

The proposed ordinance stems from an agreement earlier this year between the City and Union Pacific Railroad to mitigate the effect of trains on neighborhoods surrounding the 900 South rail line between 700 West Street and Redwood Road. As noted, the Administration views the proposed ordinance as an "interim measure" until quiet zones are established where the rail line intersects City streets. (The Administration provided a copy of the final agreement, and it is attached to this memorandum.)

The agreement became effective on March 24, 2003. Under the agreement the Administration and Union Pacific have worked to develop a "mutually agreeable for crossing improvements to the 900 South Line." The plan has been submitted to the Utah Department of Transportation and the Federal Railroad Administration. The Department of Transportation has approved the plan. The Railroad Administration has yet to approve it, but may soon. If the Railroad Administration approves the plan, Union Pacific then will prepare a cost estimate for implementing the plan because Union Pacific will perform most of the work on the project. According to the Administration, no funds have been allocated for the project. The Administration's rough estimate of the project's cost is \$2 million. According to the Administration, the general timetable for quiet zone implementation is to have them operational by late fall this year.

The proposed ordinance would reduce the distance that train engines would have to blow whistles to meet safety standards from the current 1,800 feet before an intersection to 900 feet.

According to the Administration's transmittal, the Utah Department of Transportation has approved the proposed ordinance based on Utah Law 56-1-14. The law reads in part, "... local authorities in their respective jurisdictions may by ordinance approved by the Department of Transportation ... may further restrict such ringing of bells or sounding of whistles ... so as to provide for ... the elimination of the sounding of such bells or whistles or sirens, except in cases of emergency."

According to the transmittal, the Administration has proposed that the City Council schedule a public hearing on the proposed ordinance. The main reason for scheduling the hearing would be to use the hearing instead of UDOT's public process. The transmittal contains a letter by a UDOT official that says in part, "Assuming that the public will be able to comment on the ordinance before it is passed, the Department will waive the public notification period that is normally required when modifications are made to a crossing."

According to the Administration, implementing quiet zones on the 900 South rail line will require adopting another ordinance. The City Council may wish to consider amending the proposed ordinance to include a sunset date tied to the adoption of the anticipated quiet zone ordinance.