

## Item G-6

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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** February 14, 2003

**SUBJECT:** Petition No. 400-99-61 – a request by the Salt Lake City Transportation Division to close 500 North Street to vehicular traffic at the 500 West railroad crossing.

**AFFECTED COUNCIL DISTRICTS:** If approved, this petition will directly impact Districts 3 and 4. If the full quiet zone is implemented it will also impact Districts 4 and 2.

**STAFF REPORT BY:** Marge Harvey, Constituent Liaison/Research Policy Analyst

**ADMINISTRATIVE DEPT.** Community and Economic Development

**AND CONTACT PERSON:** Doug Dansie, Principal Planner, Dan Bergenthal, Transportation Engineer

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### KEY ELEMENTS:

1. The proposal is presented as a new ordinance. 500 North would be closed to vehicular traffic at the 500 West rail crossing. The City would retain ownership of the property for utility needs, fire access and potential future use. The Fire Department noted an added benefit of reducing the probability of auto-train collisions at this crossing.
2. An ordinance has been prepared to close the street to vehicular traffic subject to the following conditions:
  - a. The City retain title to the property
  - b. Crash gates and curbing to be designed in conjunction with the Fire Department
  - c. City Planning and Redevelopment Agency work to maintain (pedestrian) connectivity through 500 North.
  - d. Crash gate design subject to Planning Commission review and approval.
  - e. Reservation of the option to re-open the street if installation of crossing gates becomes feasible in the future.
3. The petition was originally initiated in December of 1999 by the City Transportation Division to eliminate noise issues that affect both the livability of residential units and housing financing in the area. The closure of the 500 North crossing relates to the housing issue because of noise impacts that affect home financing. The street closure was closely tied to Petition 400-99-49, from Prowswood, requesting rezoning of property along the east side of 500 West, between North Temple and 500 North, to facilitate development of multi-family housing. The Planning Commission recommended approval of both petitions. Prowswood withdrew their rezoning petition prior to transmittal of both petitions to the City Council for adoption.
4. Because the home financing issue is ongoing and the noise from train whistles continues to affect existing and new housing development in the area, the City Transportation Division requested that the street closure petition be forward to the Council for final review and action.
5. In a related matter, the Administration has indicated that a proposed Quiet Zone ordinance will be forwarded to the City Council in the near future. (Please note, in checking into this issue further, Council staff received documents from the City Recorder's office indicating that the City Council

adopted this ordinance on April 3, 2001. Please see the attached ordinance and transmittal letter for additional details.) Key points are summarized below:

- a. Requirements in the adopted Quiet Zone ordinance include:
    - Prohibiting trains from blowing their whistles at specified intersections within a designated Quiet Zone area.
    - The City Transportation Director is required to give notice to affected railroads identifying creation of specific Quiet Zone areas and the intersections to which the Quiet Zone applies.
    - Notification is to be sent through a certified letter with a copy provided to the City Recorder, City Prosecutor and City Attorney.
  - b. The intent is to eliminate noise from train horns in the area.
  - c. The proposed area includes the mainline railroad track from approximately 1500 North to 200 South.
  - d. The combination of gates, implementation of a Quiet Zone, and the resulting reduction of noise will make the area eligible to receive HUD financing and loans from financial institutions for residential development and homeownership.
  - e. Currently, additional noise mitigation features (such as thicker exterior walls, triple pane windows and central air conditioning) are required for housing construction and substantially increase the cost of construction.
  - f. The City Transportation Division and the Redevelopment Agency are working together to gate rail crossings at:
    - o 300 and 400 North and 500 West
    - o South Temple and 600 West
    - o 100 and 200 South and 700 West
  - g. The Utah Department of Transportation agreed to accept the City's Quiet Zone ordinance as long as all associated rail crossings maintain a higher standard of signalization and gating as an alternative to whistles. Agreement has been reached to fully gate 300 and 400 North streets at 500 West with upgraded signals. 500 North is proposed for closure due to the expense and technical complications arising from adjacent rail yards.
6. Issues discussed at the Planning Commission meetings included:
- a. noise from trains
  - b. access for emergency vehicles
  - c. access for businesses in the area
  - d. loss of access between east and west neighborhoods
  - e. further isolation of the neighborhood
  - f. cost to gate the crossing for a Quiet Zone if the closure were not approved
7. Because the petition has been reintroduced after a period of two years, all appropriate City departments and Community Councils were contacted for their input.
- a. The City departments reaffirmed their support.
  - b. The Fairpark Community Council expressed support, no formal vote was taken.
  - c. At the Capitol Hill Community Council meeting no formal vote was taken. Some people expressed support, while others expressed concern. The issues remained the same as identified when the street closure was discussed two years ago. Issues related to emergency access and the need for as much traffic circulation in this area as possible.

#### **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:**

The Administration has requested that the Council consider adding an additional condition that would require Union Pacific to work with the City to complete the Gateway Quiet Zone prior to the ordinance being recorded. Benefits to Union Pacific identified by the Administration include lowering their

liability and savings on the cost of signals and other equipment. Council Members may wish to discuss this issue in greater detail with the Administration.

Key issues raised relating to the street closure and the Administration's response are summarized below:

- a. Noise from trains - current train whistle noise makes it difficult to receive HUD financing for residential units. Closure of the street and the adoption of a "Quiet Zone" will eliminate the need for trains to blow whistles and will therefore reduce noise in the area.
- b. Availability of emergency access – alternatives for emergency access were discovered through discussions with the Fire Department. Closure of the street with emergency service available through the use of crash gates, bollards, curbs or other devices will be coordinated with the Fire Department to their satisfaction.
- c. Trucks in the neighborhood – trucks have alternative routes including 300 North, 400 North and 800 North.
- d. The cost of the alternative to gate the crossing if closure were not approved – the cost of railroad crossing gates (arms) at 500 North was considered prohibitive because of proximity to the rail yard which requires numerous switches and would result in almost continuous blockage.

#### **MASTER PLAN & POLICY CONSIDERATIONS:**

1. The Council's street closure policy includes the following:
  - a. It is Council policy to close public streets and sell the underlying property. The Council does not close streets when that action would deny all access to other property.
  - b. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential or commercial.
  - c. There are instances where the City has negotiated with private parties to allow the parties to make public improvements in lieu of a cash payment. The Council and the Administration consider these issues on a case-by-case basis.
  - d. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the petitioner that the sale and/or closure of the street would accomplish the stated public policy reasons.
  - e. The City Council should determine whether the stated public policy reasons outweigh alternatives to the sale or closure of the street.
2. Council policy statements contained in the City's Transportation Master Plan are summarized below:
  - a. Focus on ways to transport people, not on moving vehicles at the expense of neighborhoods.
  - b. Support transportation decisions that increase the quality of life, not necessarily the quantity of development.
  - c. Support the creation of linkages (provisions and incentives) to foster appropriate growth in currently defined growth centers.
  - d. Support considering impacts on neighborhoods on an equal basis with impacts on transportation systems.
  - e. Support giving all neighborhoods equal consideration in transportation decisions.
3. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  - a. is aesthetically pleasing;
  - b. contributes to a livable community environment;

- c. yields no negative net fiscal impact unless an overriding public purpose is served; and
  - d. forestalls negative impacts associated with inactivity.
4. The City’s Strategic Plan and the Futures Commission Report contain statements that support creating attractive conditions for business expansion including retention and attraction of large and small businesses, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The documents express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting.
  5. The proposed Street Closure, when combined with a quiet zone ordinance, is consistent with the Capital Hill Master Plan.
    - a. The Capitol Hill Master Plan calls for Mixed-Use development in the immediate vicinity.
    - b. The quiet zone and street closure would facilitate mixed-use and housing.
    - c. The Capitol Hill Master Plan and the Beck Street Vision Plan also call for transforming 500 West into a limited access road which may ultimately extend north and connect to Beck Street.
  6. The Railroad Consolidation Master Plan, which was a precursor to rail consolidation effort in the Gateway area, also addressed the tracks north of North Temple and recommended that the 500 North crossing be closed.

**CHRONOLOGY:**

➤ **BACKGROUND**

1. The original 1999 petition was initiated by Prowswood Development Company as part of a proposal for a housing development for land on the former Union Pacific rail yards north of North Temple Street, adjacent to the rail yard.
2. Although Prowswood no longer intends to pursue the project, it raised several important issues regarding the obstacles for facilitating new housing in the immediate area that is consistent with area master plans and the livability of existing housing..

➤ **KEY DATES**

- June 6 and October 30, 1999 Prowswood met with the Capitol Hill Community Council regarding their housing proposal which included closing 500 North at 500 West.
- October 28, 1999 Prowswood met with the Fair Park Community Council regarding their proposal and the closing of 500 North at 500 West.
- December 2, 1999 The Salt Lake City Transportation Division initiated a petition to close 500 North at 500 West.
- January 6, 2000 The Salt Lake City Planning Commission held a public hearing. No motion was made.
- January 19, 2000 The Capitol Hill Community Council was briefed on the issue.
- March 16, 2003 The Salt Lake City Planning Commission held a public hearing and recommended that the City Council close 500 North Street at the 500 West rail crossing and create a quiet zone.

- January, 2002 Both the Fair Park and the Capitol Hill Community Councils were briefed regarding the reintroduction of the 500 North closing petition. Neither Council voted, but both expressed support.
- March 21, 2002 The Planning Commission reheard the issue and made a new recommendation to close 500 North Street at the 500 West rail crossing.
- August 9, 2002 An ordinance was received from the Attorney.

cc: Rocky Fluhart, David Nimkin, DJ Baxter, Ed Rutan, Lynn Pace, Chief Dinse, Chief Querry, LeRoy Hooton, Rick Graham, Alison Weyher, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Doug Dansie, Tim Harpst, Dan Bergenthal, Gwen Springmeyer, Sylvia Jones

File Location: Community & Economic Development, Planning Division, Street Closures, 500 North