



San Rafael

Agenda Item No:
Meeting Date: December 1, 2014

SAN RAFAEL CITY COUNCIL AGENDA REPORT
Department: CITY MANAGER'S OFFICE
Prepared by: Nancy Mackle, City Manager *Nancy Mackle*

SUBJECT: Recommendation regarding establishing a SMART Quiet Zone

RECOMMENDATION: Direct staff to timely initiate a Notice of Intent to Establish a Quiet Zone so that the Quiet Zone will be established at the time of commencement of the SMART train operations.

BACKGROUND: Sonoma Marin Area Rail Transit (SMART) is a commuter rail service currently under construction in the North Bay with plans to commence its operations by the end of 2016. The initial operating segment (IOS) includes two stations in San Rafael with train service, the first is located near the Marin County Civic Center and the second is at the IOS line's culmination before Third Street in Downtown. Ultimately, SMART plans to connect to the Larkspur Ferry Terminal. Attachment 1 shows a map of the SMART corridor through San Rafael.

The San Rafael General Plan 2020 includes the following program that supports efforts to reduce noise impacts related to SMART:

***N-8. Sonoma Marin Area Rail Transit.** If a commuter rail service or other use is developed along the Sonoma Marin Area Rail Transit right-of-way, minimize noise impacts on existing development.*

A Quiet Zone is a defined stretch of track where a train operator is not required to blow the train horn, as it approaches vehicular or pedestrian crossings unless there is a hazard on the tracks. Currently there are 36 Quiet Zones in California, covering 181 grade crossings. The closest Quiet Zones geographically are in Richmond. Richmond has several Quiet Zones in place, dating to 2006.

In August 2009, then General Manager of SMART asked jurisdictions to indicate potential interest in a Quiet Zone in their community and San Rafael submitted a letter on August 9, 2009 to indicate such interest. Since that time, Public Works staff has worked with SMART to identify crossings in San Rafael to include in a potential Quiet Zone and with the Federal Railroad Administration (FRA) and California Public Utilities Commission (CPUC) to conduct a diagnostic review of each crossing. In 2013, the City hired a consultant to determine and confirm that all crossings in San Rafael met the criteria for a Quiet Zone. This assessment is complete and the

FOR CITY CLERK ONLY

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Disposition: _____

proposed San Rafael Quiet Zone meets the criteria for designation. Public Works staff is now working with SMART on the design and construction plans for crossing improvements. At the August 18, 2014 City Council meeting, an overview of all matters related to SMART was presented to the City Council. One of the ten items discussed for follow-up was the issue of a Quiet Zone.

Community Meetings

In August and September, the City Council Subcommittee on SMART held three community meetings to discuss the issue of Quiet Zones and understand the pros and cons associated with them. Over 100 residents attended each meeting. The meetings included a presentation by the City's consultant about what a Quiet Zone is and where the City is in the process for potentially establishing one in San Rafael, as well as a Q&A and comment period to hear resident and neighborhood concerns. All comments voiced were in support of the City establishing a Quiet Zone. The following link is a video of the September 18, 2014 meeting: <http://bit.ly/1fdTdB>.

In summary, supporters of Quiet Zones stated that the noise of the horns would negatively affect their quality of life, in homes, daycare centers, places of worship, schools, and places of commerce, due to proximity to the train line and frequency of the train each day. Many stated that train horns will be detrimental to their physical and mental health due to the high decibel levels and may depress property values and/or cause residents to move. Further it was stated that crossing safety improvements being installed (discussed below) will provide ample safety measures. There was great community interest in participating in safety education campaigns, in coordination with SMART as well as directly from San Rafael community members.

In addition to hearing comments from the community at the workshops, the City Council and City staff has received over 20 letters, 84 emails, and 612 petition signatures in support of establishing a Quiet Zone in San Rafael, on file with the City Clerk or via this link: www.cityofsanrafael.org/QZcomments.

Trains, Horns, and Quiet Zones

Trains and crossing safety in California is regulated by the Federal Railroad Association (FRA) and the California Public Utilities Commission. The City of San Rafael has no regulatory authority. Trains are required to sound horns when approaching public crossings during all hours of operations. The horns sound in a pattern of 2 long, 1 short and 1 long blast at a level between 96-110 dB, which is approximately as loud as a chain saw.

One option to reduce train operation noise is to qualify for a Quiet Zone under rules established by the Federal Railroad Administration. As noted above, in a Quiet Zone a train operator is not required to blow the train horn as it approaches vehicular or pedestrian crossings unless there is a hazard on the tracks. Bells and ringers still operate as well as flashing lights. The train will still sound its horn briefly upon leaving each of San Rafael's two stations. In addition, even with a Quiet Zone in place, each train engineer also has discretion to sound the horn as a warning in an emergency situation. To be eligible for Quiet Zone designation, specific alternative safety improvements must be installed at intersections.

Improvements at the crossings must be constructed such that the level of risk is the same or lower than provided by use of the train horn. Such improvements vary by crossing. Each roadway approach to the crossing must be equipped with an advance warning sign advising drivers that trains do not sound their horns at the crossing.

SMART has committed to install these safety improvements, called “supplemental safety measures” (SSMs) at each public crossing in San Rafael (see Attachment 2). These are physical improvements that are designed to result in a lower level of risk than would exist if only the horns sound, thus making the corridor eligible for a Quiet Zone designation. The following table shows each crossing and the proposed safety measures for SMART’s IOS:

Crossing Location	SAFETY IMPROVEMENTS			
	Quad Gates	Duals Gates with Median	Dual Gates	Pedestrian Gates
Smith Ranch Road		√		
San Rafael Airport / Silveira		√		
Civic Center Drive		√		√
CIVIC CENTER STATION				
Las Gallinas Ave (pedestrian only)				√
North San Pedro Road		√		
Paloma Avenue			√	
Pacheco Street			√	
Mission Avenue	√			
5 th Avenue	√			
4 th Street	√			
DOWNTOWN SAN RAFAEL STATION				

The City’s consultant used the FRA Quiet Zone Calculator to determine whether the Quiet Zone Risk Index of the proposed Quiet Zone is less than or equal to the Nationwide Significant Risk Threshold.

As noted above, trains may still sound horns in emergency situations, such as when a car or pedestrian is on the tracks. Trains are also required to sound horns when accelerating from a stopped position, such as leaving a station and when crews and equipment are working on the track.

The following summarizes the steps to be taken to establish a Quiet Zone and San Rafael’s status in the process:

1. The City identifies crossings to be included in the Quiet Zone *(Completed)*
2. A Diagnostic Team Review is conducted with SMART, FRA, and CPUC. *(Completed)*
3. The City uses the FRA risk calculator to assess if zone qualifies. *(Completed)*
4. The City provides written Notice of Intent (NOI) to SMART, North Coast Railroad Administration, private crossing owners, CPUC, and FRA. There is a 60-day comment period. *(Recommendation of this staff report)*
5. SMART installs safety measures and signs and the City updates the National Grade Crossing Inventory with the new safety measures installed.
6. The City provides a Notice of Establishment to the same parties as the NOI. There is a 21-day waiting period before horns can be silenced.

ANALYSIS: The City Manager recommends that the City Council Direct staff to timely initiate a Notice of Intent to Establish a Quiet Zone for all the crossings in the Initial Operating Segment

so that the Quiet Zone will be established at the time of commencement of the SMART train operations. The intention of this action is to ensure that the Quiet Zone is established prior to the commencement of SMART's commercial operation date in late 2016. It should be noted that it will be necessary for SMART to sound train horns during their operational testing phase prior to commercial operations.

It is not yet possible to determine Quiet Zone feasibility for the segment of tracks south of Third Street due the level of engineering details available at this time. SMART has not yet secured funding for the segment connecting the Downtown San Rafael station to the Larkspur station. Once SMART has secured funding for that connection, City staff will work to determine Quiet Zone eligibility. At this time, further design and detailed analysis will be required for the rail segment to Larkspur before staff will be able to make a recommendation on a subsequent extension of the San Rafael Quiet Zone to the final segment. Therefore, it is the recommendation of this staff report to pursue the establishment of a Quiet Zone for the segment of track north of Third Street.

Handling of Incidents

The City's Police and Fire Departments have been actively working and will continue to coordinate with SMART on a public safety committee. They have discussed coordinating emergency response for any incidents on or near the line. Law enforcement agencies in both Sonoma and Marin Counties are working together to come up with a comprehensive approach to deal with accidents. Each law enforcement jurisdiction will likely be responsible for crimes that occur at a station in their jurisdiction or a train passing through. The San Rafael Fire Department will be the primary response unit for all fire, rescue and emergency medical incidents involving SMART within the San Rafael Operational area.

Safety Education

SMART currently offers presentations for schools, neighborhood, and community groups through a program called California Operation Lifesaver. This organization educates the public on how to make good decisions around railways and encourage the citizens to become active participants in the rail safety of their communities. City staff is committed to assisting in public education to supplement SMART's efforts.

Insurance and Indemnification

Without a Quiet Zone, Federal Railroad Authority regulations would require that SMART trains sound their horns. If there were a train accident, the failure to sound the horn could be a theory of liability against SMART, although that might not be the sole theory of liability for the accident and claims might still be made against others, including the City.

However, upon the City's creation of Quiet Zones with appropriate supplementary safety measure improvements, in the event of a train accident, failure to sound the train horn should no longer constitute a theory of liability against SMART. Consequently, under existing principles of law, the determination whether SMART or the City or possibly another party would bear liability for a train accident would have to be determined based upon proof of fault as to other factors involved in the accident. In this regard, some existing governmental immunities may be available to protect the City from liability. In connection with such potential liability, SMART has requested that the City sign an agreement obligating the City to indemnify SMART. The City Attorney currently is evaluating this request.

The City has a self-insured retention of \$500,000. Liability insurance in excess of the retention

amount up to a maximum of \$40 million is provided to the City through the California Joint Powers Risk Management Authority (CJPRMA). Such coverage would respond to a direct claim or an indemnity claim based on an accident on the SMART tracks.

California Public Utilities Commission

CPUC staff has indicated that the Commission recommends against the initial establishment of a Quiet Zone based on public safety and protecting motorists and pedestrians from injury or death. They have stated that jurisdictions located in the SMART corridor should at least consider waiting until between 6 months and one year after SMART service initiates to consider implementing Quiet Zones based on the fact that the local population has not experienced trains on the tracks for many years and the presence of trains would likely be unexpected. They recommend sounding train horns until the local population is conditioned to expect and watch for trains. We can expect these comments and possibly others to be submitted during the 60-day comment period for the Notice of Intent.

Timing and Next Steps

The intent of this process is to establish a Quiet Zone prior to SMART's commencement of commercial operations in late 2016. SMART is currently in the construction phase, which includes crossing improvements that meet the Quiet Zone requirements. Should the City Council direct staff to proceed, liability details will be finalized and staff will return to the City Council with a Resolution to file a Notice of Intent. This filing includes a 60-day comment period. Following that, the City can file a Notice of Establishment. Attachment 3 shows the process for establishing a Quiet Zone prior to the commencement of SMART's service in late 2016.

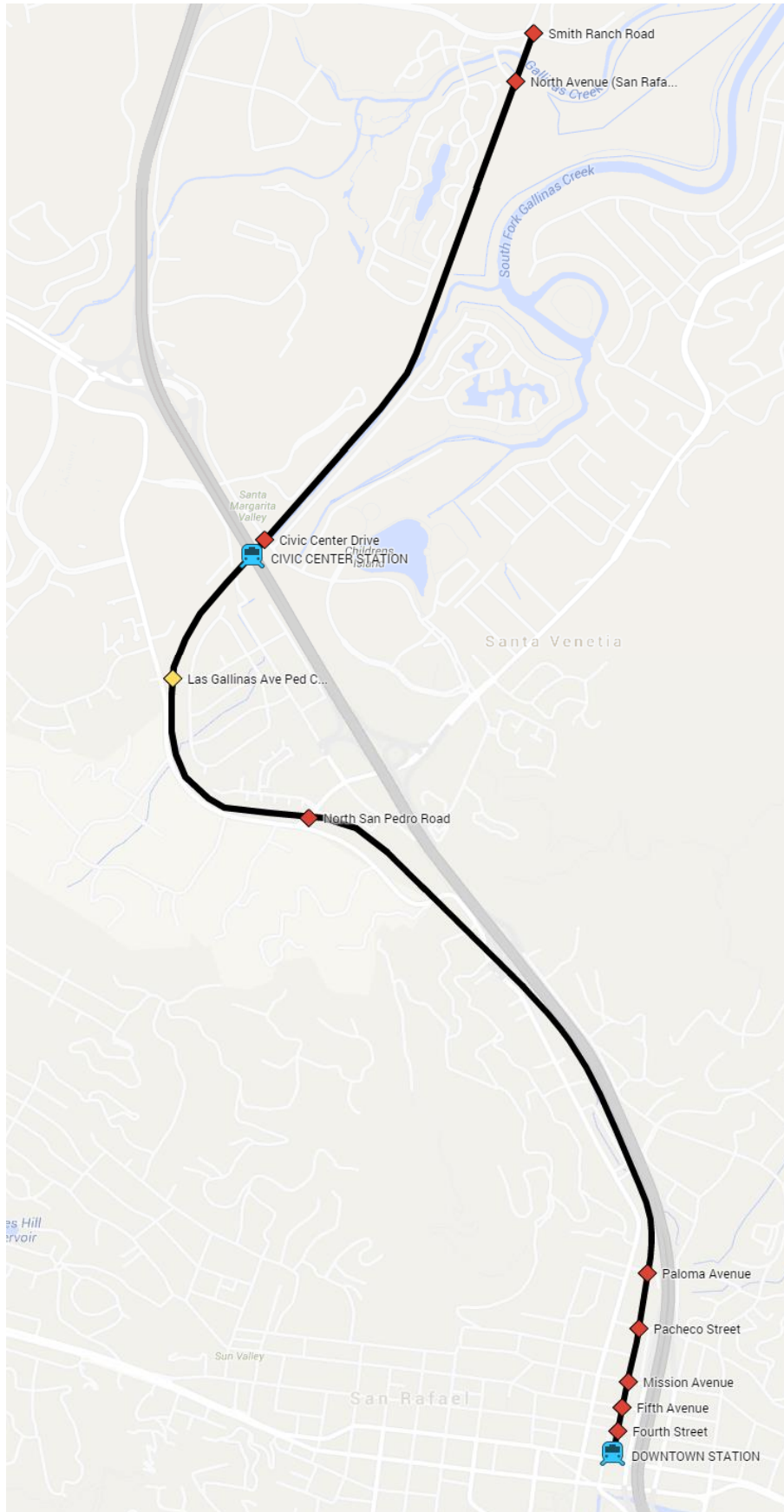
FISCAL IMPACT: At this time, there are no known fiscal impacts from this action.

ACTION REQUIRED: Provide direction to staff.

ATTACHMENTS

1. Map of Proposed Quiet Zone
2. SMART's publication of "Quiet Zone Safety Measures to be built by SMART"
3. Timeline for Quiet Zone Process

Map of Proposed Quiet Zone





**QUIET ZONE
SAFETY MEASURES
TO BE BUILT
BY SMART**

FROM SAN RAFAEL TO SANTA ROSA

JUNE 2014

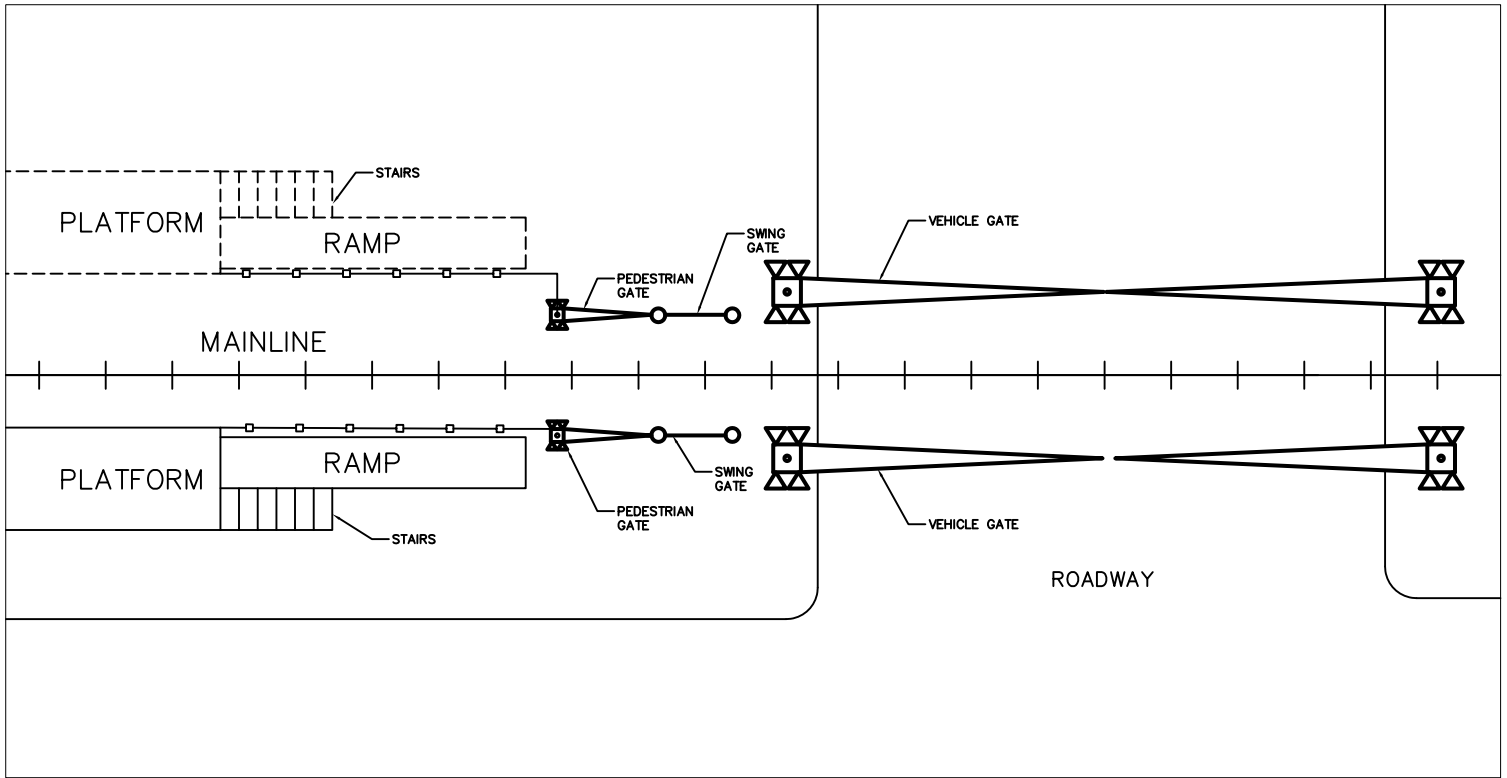


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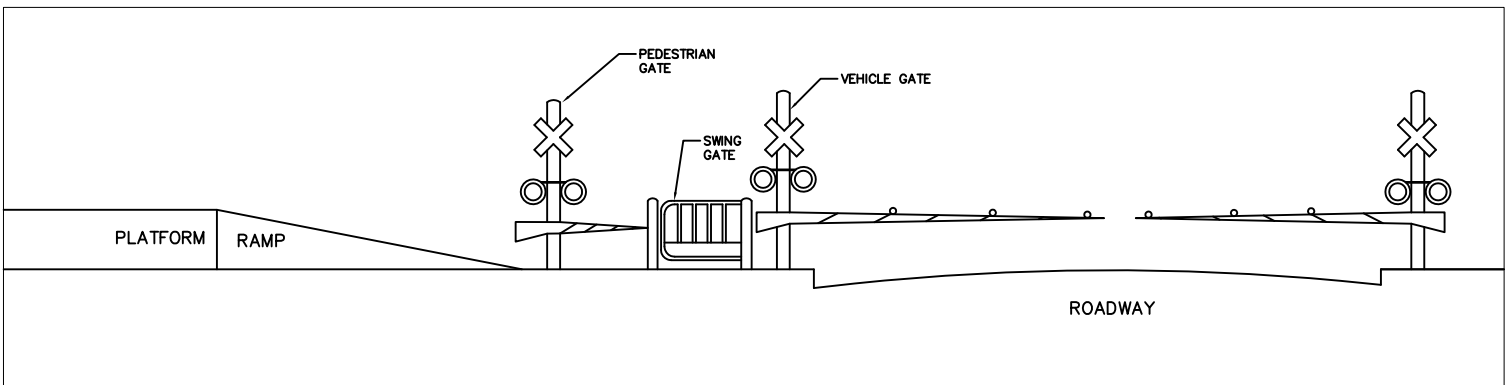
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General Station & Gate Configurations



PLAN
N.T.S.

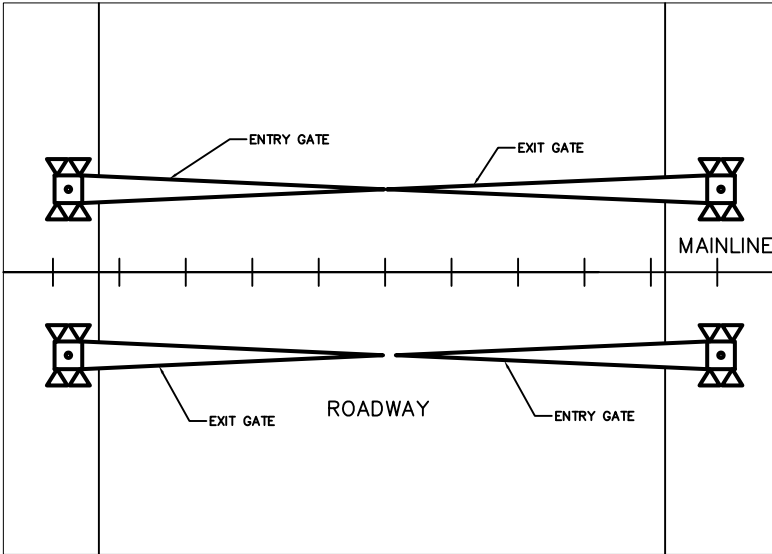


PROFILE
N.T.S.

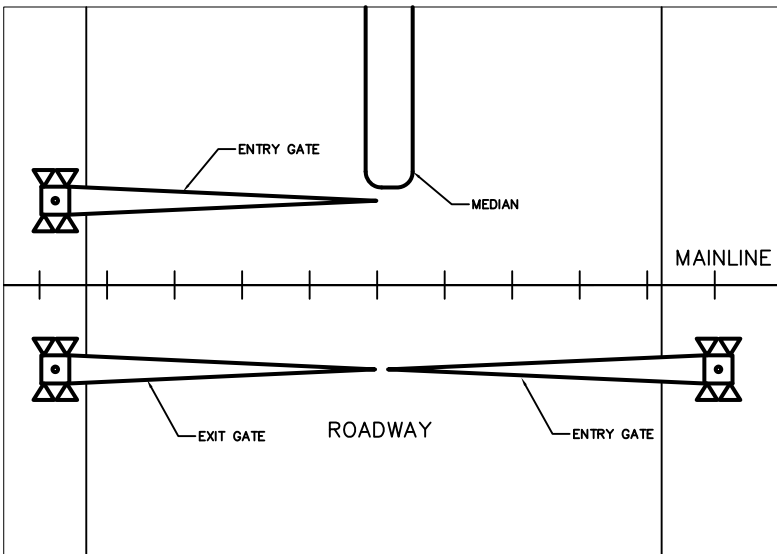
GENERAL STATION LAYOUT

NOTES

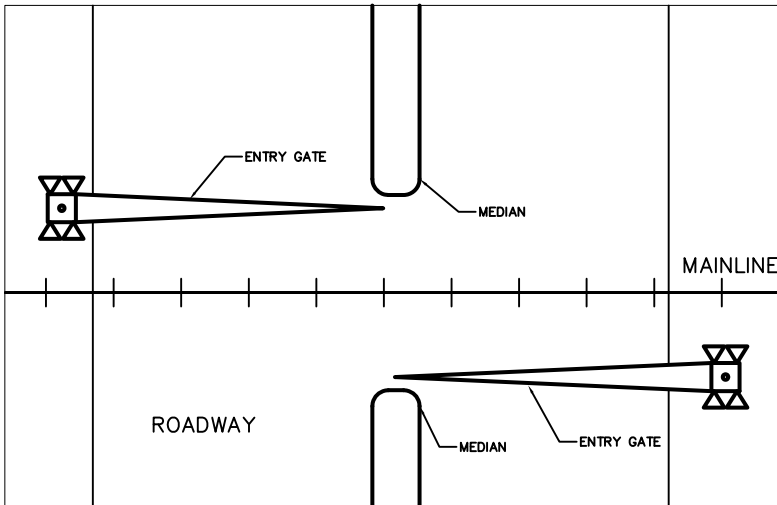
1. PLATFORM CONFIGURATION WILL VARY ACCORDING TO LOCATION
2. PATH OF TRAVEL TO BE ASSESSED BASED ON PLATFORM TRACK CONFIGURATION



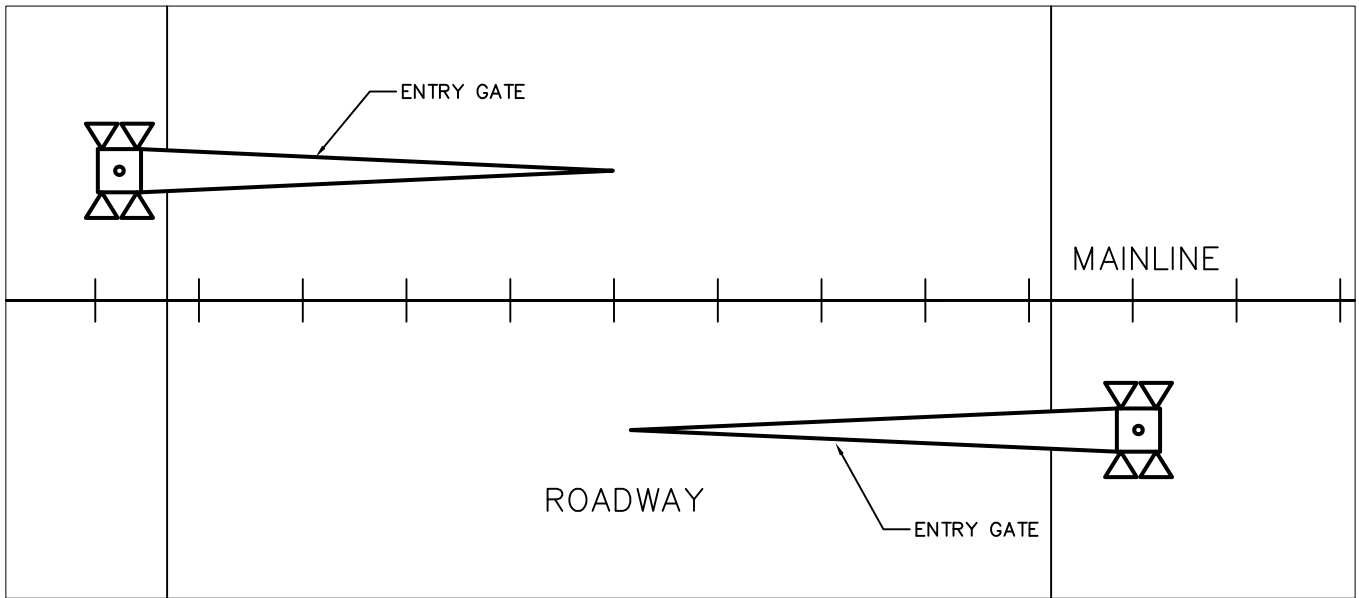
QUADRANT GATES



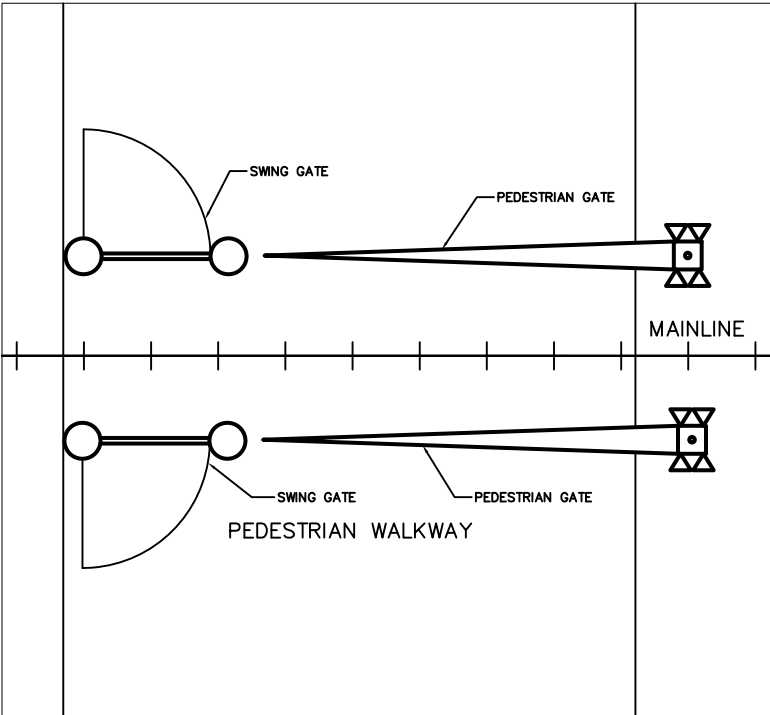
2 ENTRY GATES & 1 EXIT GATE W/ MEDIAN



ENTRY GATES W/ MEDIANS

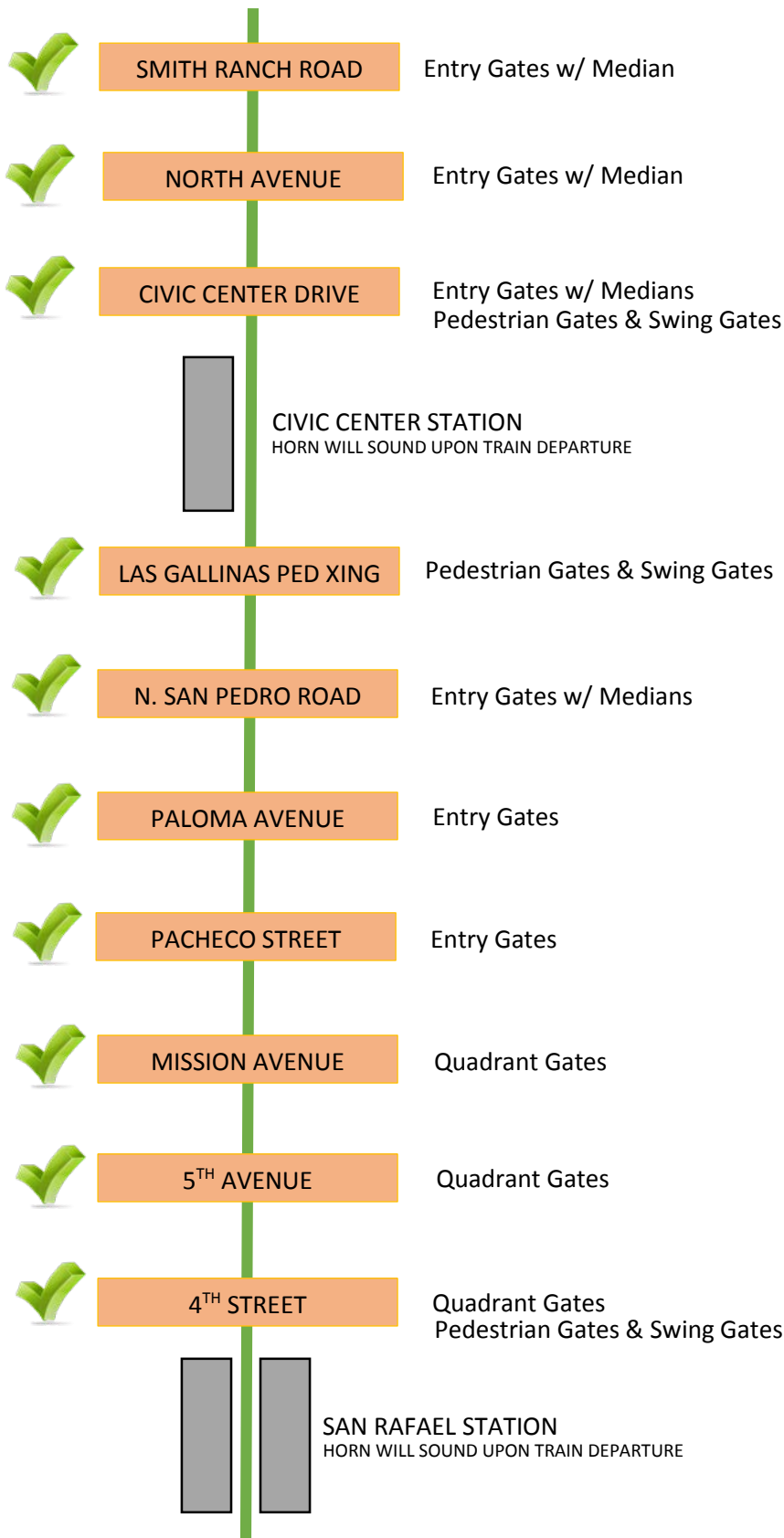


ENTRY GATES



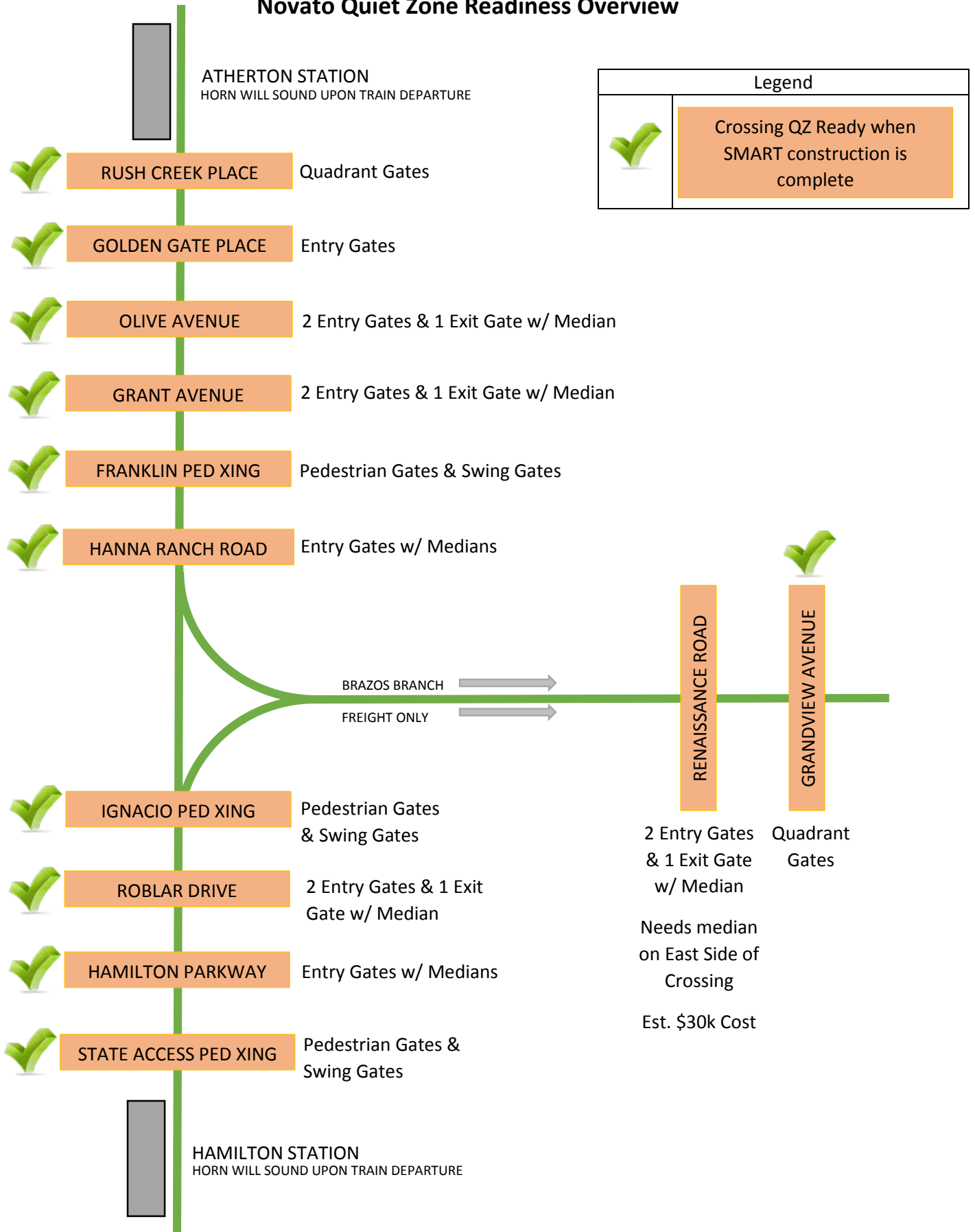
PEDESTRIAN GATES & SWING GATES

San Rafael Quiet Zone Readiness Overview

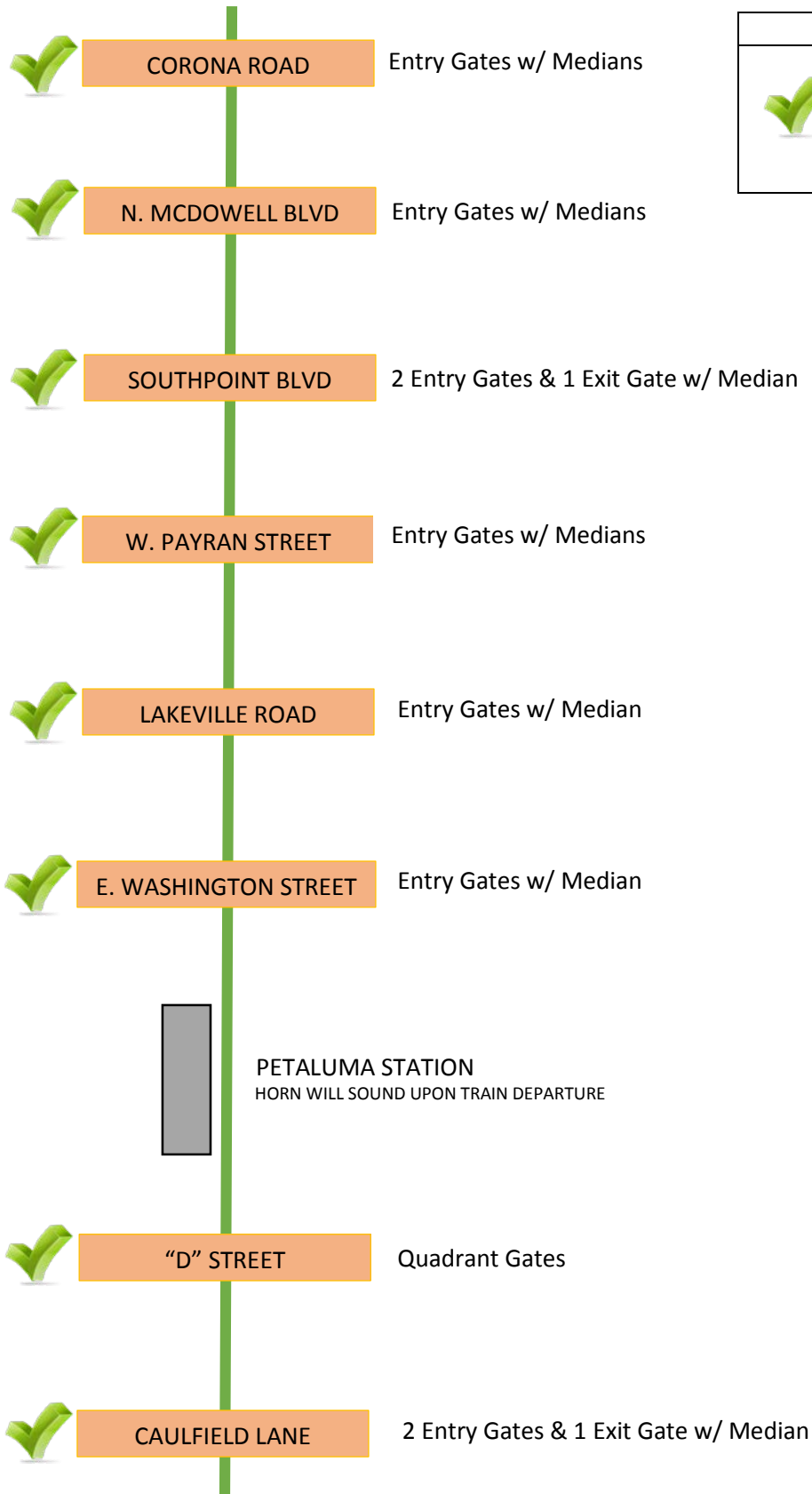


Legend	
	Crossing QZ Ready when SMART construction is complete

Novato Quiet Zone Readiness Overview

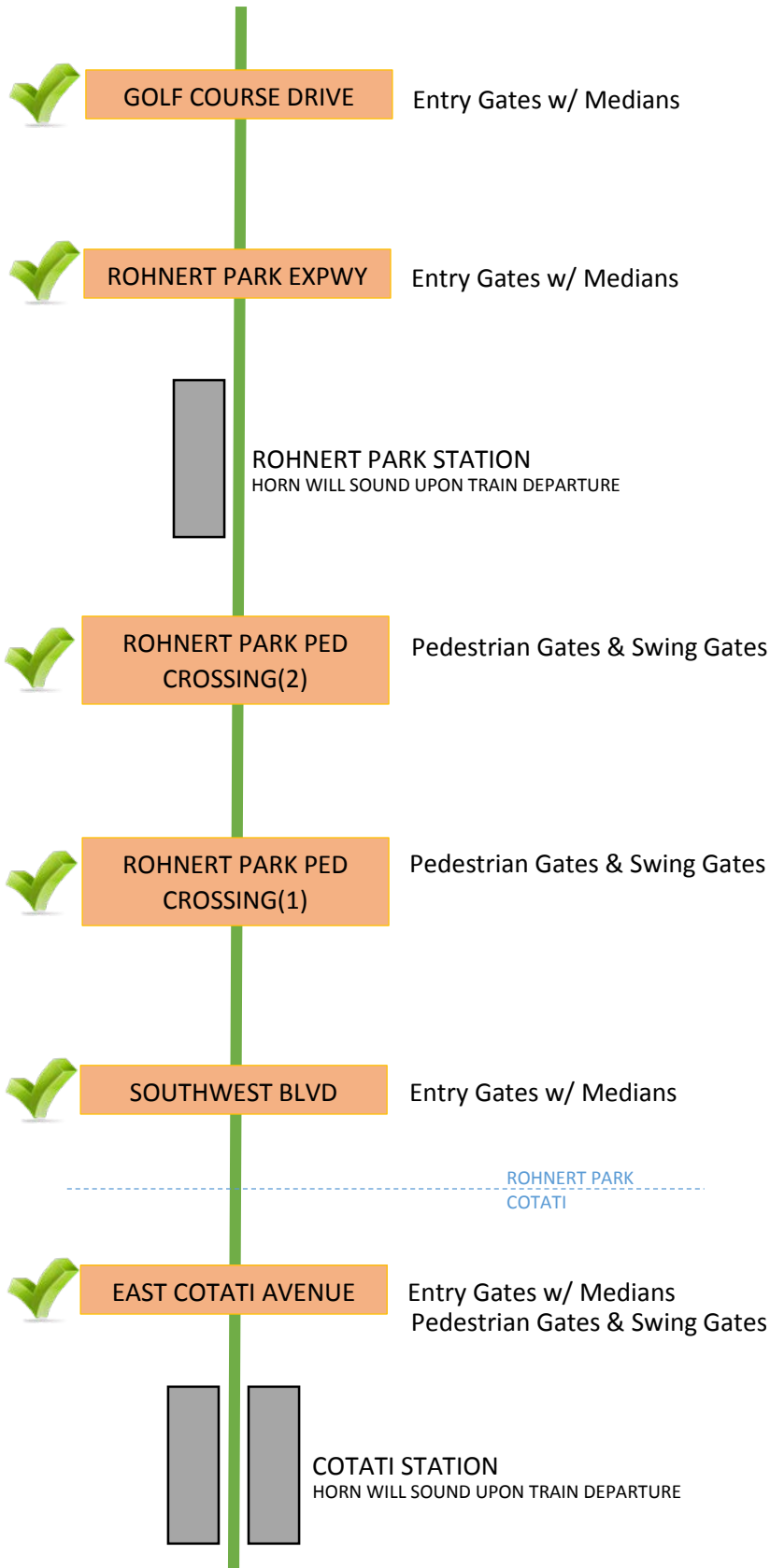


Petaluma Quiet Zone Readiness Overview



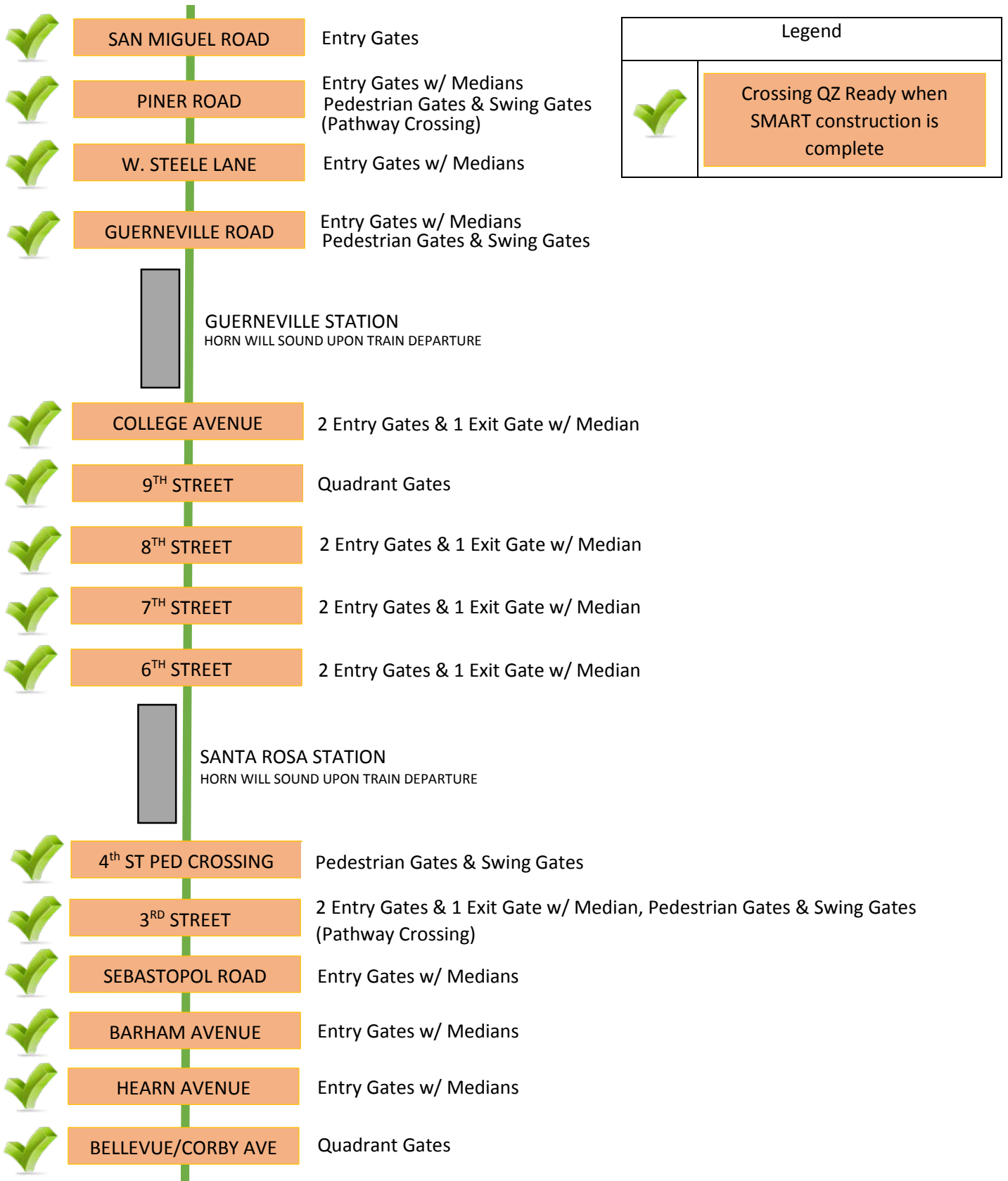
Legend	
	Crossing QZ Ready when SMART construction is complete

Rohnert Park/Cotati Quiet Zone Readiness Overview

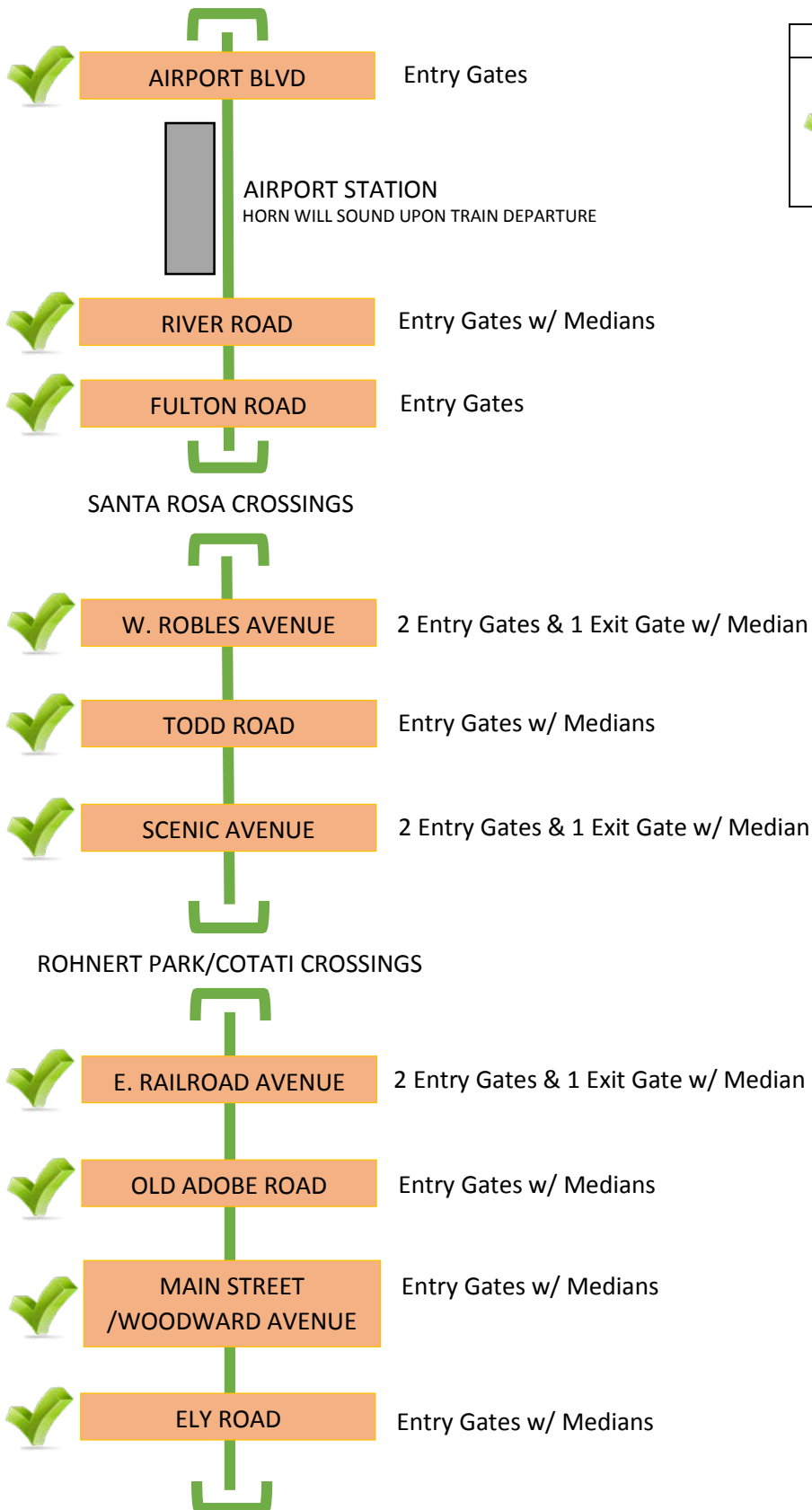


Legend	
	Crossing QZ Ready when SMART construction is complete

Santa Rosa Quiet Zone Readiness Overview



Sonoma County Quiet Zone Readiness Overview



Legend	
	Crossing QZ Ready when SMART construction is complete

City of San Rafael Timeline for Establishing a Quiet Zone

