



Thursday, February 15, 2007

Back Print

**Public Works
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No 16

Subject Approve an ordinance to establish a Quiet Zone eliminating the need to sound train horns or other warning devices at the Union Pacific Railroad crossing at Dittmar Road

**Additional Backup
Material**

(click to open)

Ordinance

For More Information Richard Kroger, 974-7219, Laura Bohl, 974-7064

On June 24, 2005, a Federal Railroad Administration (FRA) Rule was passed giving governmental jurisdictions the ability to create 'quiet zones' to restrict locomotives from routinely sounding their horn, as is otherwise required by law, when approaching an at-grade railway-roadway intersection. This requires that supplemental safety measures be provided at the crossing. A crossing can be made quiet-zone compliant by one of three means: installation of four railroad crossing gates that block the entire roadway in both directions, construction of a continuous raised center median for at least 100 feet on each side of the railroad to prevent drivers from going around existing gates, or installation of wayside horns at the intersection. In the case of a power outage or other malfunction, train engineers must sound their horn. Each option also requires that the constant warning system be upgraded as necessary to ensure train engineers are warned of any power outage or other malfunction.

Improvements required by Union Pacific Railroad (UPRR) at Dittmar Road were completed in March 2006. These improvements included all necessary upgrades to the warning system. The roadway project also included a raised center median which required minor modifications to make this location fully quiet-zone compliant. Notices to UPRR and the Texas Department of Transportation required by the FRA rule in order to institute a quiet zone at this location have been submitted. The notices require a 60-day comment period, which expired on January 5, 2007. No comments have been received that would prevent a quiet zone from being established at this location.

The law currently requires sounding of a horn when a train is within 1/4 mile of the crossing. This requested City Council action will restrict routine sounding of train horns as a warning as trains approach Dittmar Road, Rail Crossing ID #447638L. It does not apply to other train noise such as squeaking brakes, the noise of the wheels on rails, or engine noise. Also, engineers will continue to sound the horn at their discretion, for example, when people are walking near the track, even within the quiet zone. Other public roadway intersections with UPRR will be brought forward to City Council in the future. From south to north, the rail intersects the following other public roadways: Dittmar Road, Matthews Lane, Stassney Lane, Bannister Lane, Oltorf Street, Mary Street and Duval Road. UPRR is currently preparing preliminary estimates for wayside horns to be provided at each location. No schedule for installing the horns at these other locations is currently available from UPRR. After estimates are received, staff will prepare a summary of options for the remaining crossings with available funding, and request City Council action to enter into an agreement with UPRR to perform design of the approved option for each location. Upon completion of design, another agreement with UPRR will be necessary to implement the approved option to institute quiet zones at the other locations.

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 13-4 OF THE CITY CODE TO ADD
ARTICLE 4 RELATING TO RAILROAD QUIET ZONES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The council finds that the requirements of Code of Federal Regulations Chapter 49, Parts 222 and 229, for the establishment of railroad quiet zones have been satisfied

PART 2. Chapter 13-4 of the City Code is amended to add Article 4 to read

ARTICLE 4. RAILROAD QUIET ZONES.

§ 13-4-61 RAILROAD QUIET ZONES.

(A) In this section, QUIET ZONE means the portion of the Union Pacific railroad track that is within one-quarter mile of its crossing with Dittmar Road

(B) Except as provided in Subsection (C), a person operating a train may not routinely sound the horn within a quiet zone

(C) A person operating a train may sound the horn to provide a warning to an animal, vehicle operator, pedestrian, trespasser, or crew of another train if, in the person's judgment, sounding the horn is appropriate to prevent imminent injury, death, or property damage

PART 3. This ordinance takes effect on _____, 2007

PASSED AND APPROVED

_____, 2007 § _____
§ _____
§ _____

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk