

CITY COUNCIL MEETING

MARCH 18, 1981

642-573

COMMUNICATIONS

COMPLAINT RE
NOISE LEVEL
OF LOCOMOTIVE
HORNS

City Clerk Reimche presented a letter which had been received from Lawrence A. Wilson requesting assistance from the Lodi City Council in diminishing the noise level of locomotive horns of trains operating near his residence. Council was apprised that the Community Development Department has requested information from the Cities of Placentia and Anaheim, which have adopted ordinances dealing with this problem. A report will be made to the Council upon receipt of this information.

2/25/01

Request the assistance of the City of
Lodi on the enclosed.

Train hours have been waking the
citizens of Lodi in the early morning hrs.
for too long a time.

Thank you
Lawrence A. Wilson

S. I. HAYAKAWA
CALIFORNIA

GENE PRAY, PH. D.
ADMINISTRATIVE ASSISTANT

United States Senate
WASHINGTON, D.C. 20510

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY
FOREIGN RELATIONS
SMALL BUSINESS

February 24, 1981

Mr. Laurence Wilson
325 Daisy Avenue
Lodi, California 95240

Dear Mr. Wilson:

Enclosed is the response to the Congressional inquiry
which I initiated on your behalf.

I am sorry that the response was not more helpful, but I
do appreciate the opportunity to try to be of assistance.

Sincerely,

S. I. Hayakawa

S. I. Hayakawa

SIH:lem
Enclosure



U.S. Department
of Transportation
Federal Railroad
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 13 1981

The Honorable S. I. Hayakawa
United States Senate
Washington, D. C. 20510

Dear Senator Hayakawa:

SENATOR S. I. HAYAKAWA
RECEIVED
FEB 19 1981
RESOLVED
SAN FRANCISCO, CALIF. 94102

Your correspondence of January 17, 1981, to the Interstate Commerce Commission has been referred to my office for reply. Your constituent, Mr. Lawrence A. Wilson, was concerned about the noise level of locomotive horns from trains operating near his residence.

The Federal Railroad Administration (FRA) has the responsibility for promulgation and enforcement of regulations affecting the safety of the public, as well as railroad employees and passengers who ride on trains. The Federal regulations concerning the locomotive whistle or horn require only that each locomotive shall be provided with a suitable whistle, or its equivalent, arranged so that it may be conveniently operated by the engineer or motorman from his position in the cab. There is no Federal requirement on the actual sounding of the horn or whistle. Rules concerning the applicability, method and time duration of the actual sounding of the locomotive whistle or horn are issued, administered, and enforced by either the State Public Utilities Commissions or the operating railroad companies.

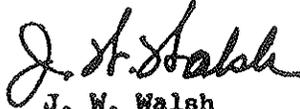
The Federal government's noise control program was established in 1972 with the passage of the Noise Control Act, P.L. 92-574. That Act recognized that the primary responsibility for noise control rests with state and local governments. However, in certain instances, Federal action would be necessary to control noise sources in commerce, the control of which requires national uniformity to avoid imposing undue burdens on interstate commerce. Section 17 of the Act specifically identifies railroad-generated noise as one of those areas requiring Federal action. The Environmental Protection Agency (EPA) is designated as the Federal agency responsible for the issuance of noise emission standards. The FRA has been designated as the agency which will insure railroad industry compliance with the EPA noise standards.

I understand your constituents' concern over the extent and use of railroad warning devices operating near their residences. In determining the sources of railroad noise which are in need of national regulation, the EPA concluded that comprehensive and truly effective Federal regulation would be overly cumbersome. State and local authorities are better able to evaluate the

particular local circumstances regarding the nature and extent of noise problems and the requisite safety considerations involved.

I trust that this information explains the FRA's role in railroad noise control. If I can be of any further service, please feel free to contact me.

Sincerely,



J. W. Walsh
Associate Administrator
for Safety

ALAN CRANSTON
CALIFORNIA

United States Senate

WASHINGTON, D.C. 20510

March 2, 1981

Mr. Lawrence A. Wilson
325 Daisy Avenue
Lodi, California 95240

Dear Mr. Wilson,

Thanks for your letter requesting my assistance.

I want to be as helpful as possible to you. However, the problem you've outlined appears to be one that can only be resolved by your local city or county government. Your City Councilman and County Supervisor have the responsibility for making sure that local government is being administered in the best public interest. Their looking into your problem would probably be the most helpful assistance you could receive. Thus you should get in touch with either your City Councilman or County Supervisor, and discuss your case with either or both of them.

I appreciate your coming to me, and wish I could be of assistance. If there's any way in the future I can seek to assist you on problems with the federal government, I hope you won't hesitate to get in touch with me.

With best wishes,

Sincerely,


Alan Cranston



ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION
CALIFORNIA STATE BUILDING
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE (415) 397-3378

U. D. Crusan

Public Utilities Commission

STATE OF CALIFORNIA

March 11, 1981

FILE NO ICNR 81/8

Laurence W. Wilson
325 Daisy Avenue
Lodi, CA 95240

Dear Mr. Wilson:

This refers to your letter of February 25, 1981 to Governor Edmund G. Brown, Jr. and the Commission concerning Southern Pacific Transportation Company's use of the engine whistle in and about the City of Lodi.

Although State statute (copy attached) does not require the use of such warning devices in cities, neither does it prohibit their use and it is the policy of most railroads that they use every means possible to prevent accidents at grade crossings. While it is regrettable that some disturbance does result from the use of various rail-highway crossing warnings, failure to do so, even though not required by law, has been a factor in granting substantial awards in civil actions against railroads.

However, the above safety factors notwithstanding the Cities of Placentia and Anaheim have adopted City ordinances prohibiting the use of train whistles within their city limits and you may wish to pursue this matter with your local authorities.

Very truly yours,

E. E. TANNER, Director
Transportation Division

cc: S. I. Miyakawa
U. S. Senate
Washington, D.C. 20510

J. W. Walsh
Associate Administrator for Safety
Federal Railroad Administration
400 Seventh St., S.W.
Washington, D.C. 20590

Enc.

(g) To acquire lands, timber, stone, gravel, or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts. (Amended 1975, Ch. 1240.)

(h) To change the line of its road, in whole or in part, whenever a majority of the directors so determine, as provided in Section 7531, but the change shall not vary the general route of the road, as contemplated in its articles of incorporation. (Amended 1970, Ch. 689.)

7537. The owner of any lands along or through which any railroad is constructed or maintained, may have such farm or private crossings over the railroad and railroad right-of-way as are reasonably necessary or convenient for ingress to or egress from such lands, or in order to connect such lands with other adjacent lands of the owner. The owner or operator of the railroad shall construct and at all times maintain such farm or private crossing in a good, safe, and passable condition. The commission shall have the authority to determine the necessity for any crossing and the place, manner, and conditions under which the crossing shall be constructed and maintained, and shall fix and assess the cost and expense thereof.

7538. At every farm or private grade crossing of a road where no automatic grade crossing protective device is in place there shall be installed, as a means of protecting the crossing, one or more stop signs of the type described in Section 21400 of the Vehicle Code or of such other design as the commission may prescribe unless, after a hearing, the commission shall find that the installation of such sign or signs at a particular crossing would create a hazard or dangerous condition that would not otherwise exist. At any grade crossing where stop signs are installed or in place, before traversing such crossing the driver of any vehicle shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train or other equipment using such rails. The vehicle shall remain standing while any train or other equipment using such rails is approaching the crossing and is close enough to constitute a hazard. A driver of any vehicle who fails to keep his vehicle standing while any train or equipment using such rails is approaching the crossing and which is so close as to constitute a hazard is guilty of a misdemeanor. (Added 1967, Ch. 944, Sec. 1. Amended 1968, Ch. 351, Sec. 1.)

Article 5. Railroad Equipment

7604. A bell, of at least 20 pounds weight, shall be placed on each locomotive engine, and shall be rung at a distance of at least 80 rods from the place where the railroad crosses any street, road, or highway, and be kept ringing until it has crossed the street, road, or highway, or a steam whistle, air siren, or an air whistle shall be attached, and be sounded, except in cities, at the like distance, and be kept sounding at intervals until

it has crossed the street, road, or highway, provided, that when a locomotive engine is engaged in a switching operation or comes to a stop at any point within a distance of 80 rods from the place at which the railroad crosses any street, road, or highway, it shall not be necessary that the bell be rung or the whistle, air siren, or air whistle be sounded, until such time and from such place as the locomotive begins an uninterrupted movement to and across the place at which the railroad crosses the street, road, or highway. Any railroad corporation violating this section shall be subject to a penalty of one hundred dollars (\$100) for every violation. The penalty may be recovered in an action prosecuted by the district attorney of the proper county, for the use of the State. The corporation is also liable for all damages sustained by any person, and caused by its locomotives, train, or cars, when the provisions of this section are not complied with. (Stats. 1951, Ch. 764, p. 2184, Sec. 7604. Amended 1953, Ch. 75, p. 796, Sec. 1.)

Article 7. Operation

7658. No city or county or city and county ordinance which establishes a limit on the speed of passenger trains shall be valid unless that ordinance has been approved by the commission. (Added 1976, Ch. 425.)



U.S. Department
of Transportation
Federal Railroad
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 13 1981

The Honorable S. I. Hayakawa
United States Senate
Washington, D. C. 20510

SENATOR S. I. HAYAKAWA
RECEIVED
FEB 19 1981
SAN FRANCISCO, CALIF. 94102

Dear Senator Hayakawa:

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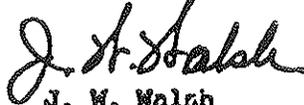
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Sincerely,



J. W. Walsh
Associate Administrator
for Safety

follow-up
CITY COUNCIL

WALTER KATNICH, Mayor
JAMES A. McCARTY, Mayor Pro Tem
RICHARD L. HUGHES
ROBERT G. MURPHY
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
LODI, CALIFORNIA 95240
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

March 24, 1981

Mr. Lawrence A. Wilson
325 Daisy Avenue
Lodi, CA 95240

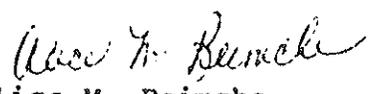
Dear Mr. Wilson:

Please be advised that your request for the assistance of the Lodi City Council in diminishing the noise level of locomotive horns from trains operating near your residence was presented to the Council at its regular meeting of March 18, 1981.

Council was apprised that Staff has requested copies of ordinances that have been passed by the cities of Placentia and Anaheim dealing with this problem. A report will be made to Council once this information has been received. You will be apprised as to when this information has been received and will be presented to Council.

Should you have any questions, please do not hesitate to call.

Very truly yours,



Alice M. Reimche
City Clerk

AR:dg