



# City of Commerce

Office of the  
City Administrator

February 17, 2015

Lupe Valdez  
Public Policy & Community Affairs Director  
Union Pacific Railroad  
13181 Crossroads Pkway N., Ste. 500  
Industry, CA 91746

**RE: FERGUSON DRIVE- UPRR SOUND WALL COMPLETION REQUEST**

Dear Ms. Valdez: *Lupe*

As City staff has communicated with you via email, I am writing to respectfully request a meeting with UPRR to discuss the continuation of the sound wall on Ferguson Drive from Saybrook Ave. to Gerhart Ave.

As you are aware, on June 20, 2003, a runaway UPRR freight train with approximately 30 cars was intentionally derailed on Ferguson Drive after running loose for 28 miles and traveling at approximately 90 mph. The derailment impacted residents and destroyed several homes that involved the evacuation of 150 people due to a broken gas and water line. At no point were area residents nor the local authorities ever notified by UPRR of the intentional derailment that was to occur.

In 2006, a protective sound wall near the train derailment location was finally completed. The sound wall was built to provide added security to the neighborhood and to reduce noise levels from the trains. That being said, at a recent Ferguson Drive Neighborhood Watch meeting area residents inquired as to the completion of the sound wall from Saybrook Ave. to Gerhart Ave. At this time, we would welcome the opportunity to discuss the proposed project criteria with you and your staff.

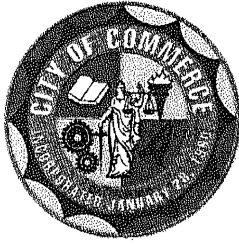
Thank you in advance for your meeting consideration to discuss this important public safety community concern. In the interim, if I can be of any assistance to you, please do not hesitate to contact me at (323) 722-4805, ext. 2215.

Sincerely,



Jorge Rifá  
City Administrator

cc: City Council  
Public Works & Development Services Director  
Safety & Community Services Director



# City of Commerce

Office of the  
City Administrator

March 15, 2016

Lupe Valdez  
Public Policy & Community Affairs Director  
Union Pacific Railroad  
13181 Crossroads Parkway N., Ste. 500  
Industry, CA 91746

**RE: FERGUSON DRIVE- UPRR SOUND WALL COMPLETION REQUEST**

Dear Ms. Valdez:

On behalf of the Council and the community, I am writing to request a follow up meeting with UPRR to discuss the continuation of the sound wall on Ferguson Drive from Saybrook Ave. to Gerhart Ave.

As you are aware, on June 20, 2003, a runaway string of loaded UPRR freight cars (approximately 30 cars) was intentionally derailed on Ferguson Drive after running loose for 28 miles and traveling at approximately 90 mph. The derailment injured persons, impacted residents, and destroyed several homes which involved the evacuation of 150 people due to a broken gas and water line. At no point were area residents nor the local authorities ever notified by UPRR of the intentional derailment that was to occur.

In 2006, a protective sound wall near the train derailment location was finally completed. The sound wall was built to provide added security to the neighborhood and to reduce noise levels from the trains. That being said, the Ferguson Drive community continues to call out for the completion of the sound wall from Saybrook Avenue to Gerhart Ave. I am following up with a second request to discuss the proposed project criteria with you and your staff.

I look forward to our discussion on this important public safety community concern. In the interim, if I can be of any assistance to you, please do not hesitate to contact me at (323) 722-4805, ext. 2215.

Sincerely,

  
Jorge Rifá  
City Administrator

cc: City Council  
Public Works & Development Services Director  
Safety & Community Services Director



## CITY OF COMMERCE AGENDA REPORT

**TO:** Honorable City Council **Item No. \_\_\_\_\_**  
**FROM:** City Administrator  
**SUBJECT:** Requests from Councilmember Argumedo  
**MEETING DATE:** August 16, 2016

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### **RECOMMENDATION:**

Staff recommends that the Council convene a workshop with the Union Pacific Railroad (UPRR) to discuss community impacts resulting from railroad operations.

Additionally, that the Council as part of the FY 2017/2018 CIP budget process, consider the re-prioritization and ranking of the FY 2015/2016 and FY 2016/2017 unfunded projects which includes the Ferguson railroad sound wall project.

### **OVERVIEW:**

This report presents before the Mayor and City Council a two-fold request from Councilmember Argumedo. Councilmember Argumedo is requesting to participate in a workshop with the Union Pacific Railroad to discuss railroad operations and their community impact such as the excessive blowing of locomotive air horns in the Ferguson neighborhood. Mr. Argumedo is also requesting that the Council consider the completion of the Ferguson sound wall buffering railroad operations from the Ferguson neighborhood.

### **MEETINGS WITH THE UNION PACIFIC RAILROAD:**

The Council has established an "Ad Hoc" Council Committee comprised of Mayor Pro Tem Baca Del Rio and Councilmember Leon to meet periodically with the UPRR to discuss railroad operational issues which impact the community. These meetings are specific to certain issues such as excessive noise and nighttime operations, and the meetings take place infrequently (two or three times a year) without a set schedule, and no decisions are taken to commit the City with two members of the Council. The State "Open Meeting" laws permit a City Council Committee of no more than two members to meet and report back to the full Council any reports or recommendations. However, no action can be taken. The Commerce Council Ad Hoc Committee did meet in 2015 over complaints from the ABC and Astor Avenue neighborhoods involving excessive noise. UPRR was receptive to the issues and relocated some of their operations affecting Astor; and also agreed to build sound walls along the boundary between the UPRR yard and the ABC neighborhood utilizing CalTrans mitigation funding from the I-710 freeway improvements underway.

In order to accommodate Mr. Argumedo's request to join the discussion, the Ad Hoc Committee would require one of the following: One of the existing Ad Hoc members not attend a meeting to be scheduled and allow Councilmember Argumedo to attend and participate in the Ad Hoc. Alternatively, the Council can direct that a regular or special meeting of the full Council be scheduled with the UPRR so that all Council members can attend.

UPRR as a matter of preference in the organization and scheduling of these meetings, seeks to consolidate discussions with cities since UPRR will bring subject experts from their Omaha headquarters. Hence, individual meetings with policymakers are difficult to schedule.

#### **EXTENSION OF FERGUSON SOUNDWALL:**

This project is in the City's unfunded category of CIP projects. The project was prioritized by the Council and was not allocated funding in FY 2015/2016 and/or the current CIP fiscal year (FY 2016/2017). The Council can reconsider the funding for the sound wall extension in the FY 2017/2018 process which will begin in April and May of 2017. It is not recommended that the Council reprioritize the project for the current year since the Council has already approved the FY 2016/2017 CIP. Staff has begun to work on the approved and funded projects.

The project as determined in FY 2015/2016 is about 2,500 in length, 15 feet high, with a total approximate cost of \$1.2 million dollars. The project would take approximately three years to complete through design, bidding, and construction.

For Council's reference is the CIP project sheet.

#### **FISCAL IMPACT:**

There is no fiscal impact related to the discussion of this request. There will be a fiscal impact related to the construction of the sound wall estimated at \$1.2 million.

#### **RELATIONSHIP TO STRATEGIC GOALS:**

This item related to the following Strategic Goal: Improve and maintain infrastructure and beautify our community.

Respectfully submitted, Jorge Rifa City Administrator

Approved as to form: Eduardo Olivo, City Attorney

# City of Commerce Capital Improvement Form

## Project Basic Information

Project Ranking Score: 57

Project: ☒ New ☐ Continued (from previous fiscal year)

PROJECT NO. TO BE ASSIGNED

<b>Project Name</b> UP Sound Wall Extension along Ferguson from Saybrook to Gerhart	<b>Project Location</b> Ferguson from Saybrook to Gerhart
<b>Requesting Dept/Dept. Coordinator</b> Public Works and Development Services	<b>Project Management Provided by:</b> Maryam Babak & Seung Yang
<b>Project Category</b> Infrastructure	<b>Project Cost</b> \$1,200,000
<b>Fiscal Year Start</b> Date	<b>Fiscal Year End</b> Date

<b>Operating Costs Offset By Revenues:</b>		<b>Operating Cost Savings:</b>
<b>Operating Budget Cost Impact Analysis:</b>		
<b>Potential Funding Source:</b>	<b>AMOUNT</b>	<b>Account Number:</b>
FUNDING SOURCE:	UP	1,200,000
<b>TOTAL</b>		1,200,000

## Project Description

Build a soundwall along Ferguson Drive from Saybrook Avenue to Gerhart Street to protect from noise and other railroad related safety concerns.

## Project Justification

In 2003, derailment of a run-away train into the nearby residential neighborhood caused much concern for the businesses and

## Notes

Assume about 2500 feet length, 15-foot high wall, at a cost of about \$25-\$30/SQFT

## Project Cost Detail

Components	Prior Years	Year					Total
		2015-16	2016-17	2017-18	2018-19	2019-20	
Administration & Project Management		\$10,000					\$10,000
Design & Engineering Services			\$100,000				\$100,000
Construction				\$1,000,000			\$1,000,000
Construction Management		\$10,000	\$100,000	\$90,000			\$90,000
				\$1,090,000			\$1,200,000

September 6, 2016

Mr. Jorge Rifa  
City Manager  
City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

Dear Mr. Rifa:

The purpose of this letter is to respond to the issues raised in your email dated August 22, 2016. I believe that this letter will demonstrate that the issues raised have been addressed and that we may not need to have a workshop.

Below is a summary of UP's actions related to the issues you raised in your email.

1. Extension of the Ferguson sound wall to cover all residential properties (approx 2,500 linear feet)

Response: UP did receive your letter requesting for the wall to be extended beyond its current boundaries. UP responded that we would assist the City with engineering requirements if the City wanted to pay for the wall. UP will not pay for the extension of the wall. The items in the MOU were addressed and responded to twelve years ago.

2. Construction of the side-walk along Ferguson. (City needs UPRR approval)

Response: Chris Keckeisen, UP Industry & Public Projects met with City staff in 2015 to discuss the process and path forward. There is both a design process and possibly an additional UP Real Estate easement needed if current easement from UP to the City does not cover proposed widening of sidewalk across the track. A field diagnostic with City of Commerce (sponsor/road authority), the UP Railroad and CA Public Utilities Commission (CPUC) starts the process. At this meeting, California Manual of Uniform Traffic Control Devices (CA-MUTCD), CA Public Utilities Commission (CPUC) and railroad requirements are discussed and addressed in design plans generated by the City. A crossing improvement agreement is then drafted, estimates prepared and an agreement executed by both City and UP, followed by CPUC GO-88 permit process to modify a public railroad crossing.

UP has assigned Daniel Moreno, UP Industry and Public Projects to assist the City in the next steps. He can be reached at (909) 685-2288. Mr. Moreno is already

engaged on another project in Commerce with staff. Your PUC contact is Mr. Chi Cheung To and he can be reached at (213) 576-5766. The City needs to contact CA PUC to arrange for a diagnostic meeting once a draft or concept design has been prepared for their review and engagement. The diagnostic would take place at the location on Telegraph and Slauson.

I did receive a call from City consultants requesting a letter of support from UP for grant funding for this project but unfortunately I had too short of notice to prepare a letter of support.

3. Glare of night time lighting spilling over into adjoining Astor Avenue residential neighborhood.

Response: When this issue arose three years ago, I asked the City to give me a list of residents who would allow me, with UP personnel and contractor to go onto their property and take light monitoring equipment to investigate any light spillage. We flew out the Contractor from Iowa and our personnel flew out from Omaha to conduct and measure light from adjoining properties. We waited until it was dark about 9:30 p.m. We had permission to visit four (4) properties of which only two (2) were residential. One of the properties tested was Mayor Pro Tem Tina Baca Del Rio's residence. As a result of our readings, we placed shields on the light poles closest to the resident's homes. Shields were placed on August 25, 2014. We had received no additional comments since the placement of the shields until your email.

4. Excessive Train horn use. Residents along Ferguson content that some train operators do it on purpose to irritate the neighbors.

Response: Union Pacific sounds its horns in compliance with federal regulations and UP safety rules. These rules were developed after careful study by the Federal Railroad Administration to protect lives. The horn use is required in a yard and we operate our yard in Commerce 24/7. There are a number of people that work and drive in our yard and the horn is the primary safety device available to our train engineers to avoid fatalities and injuries.

5. Excessive Train Idling.

Response: UP continues to monitor any train idling complaints that are called into UP Response Management Communication Center. We have continually asked everyone to please call (888) 877 7267 to report any idling complaints. This is the best way for UP to track all idling complaints and identify proper compliance with federal rules. Federal law permits locomotives to idle and prescribes those circumstances in which locomotives must be shut down. In the past 12 months we have received 3 calls from the City of Commerce regarding idling (2 from Astor and 1 from Ferguson). Please ask residents to utilize this number so we can track and investigate these incidents.

6. Dragging of equipment, disruptive and noisy operations at night.  
Understanding the issue of safety is paramount such as to clear a train ops area, why does it have to happen during nighttime hours when the community is sleeping if it isn't a safety issue?

Response: UP Commerce yard operates 24/7. We do work that needs to be done for a safe operation. We do not drag equipment but what people may be hearing are empty containers when they go over speed bumps or work being done as we move containers around with Hostlers (small trucks). We also use back up alarms which are required by Cal OSHA.

7. Weed abatement and illegal dumping on UPRR property as well as the railroad storing discards and derelict equipment close to the Astor homes.

Unfortunately people do use the right of way to illegally dump unwanted materials. We ask that you report dumping and weed abatement issues to (888) 877-7267. There are times when crews are in various locations and are unable to respond immediately to these situations. What may appear to be discarded materials, in fact may be usable or may be stored on our property for a particular use. UP utilizes every inch of space in the yard and we do store materials throughout the yard.

8. Maintenance of abandoned and unused rail lines for trash, garbage, homeless encampments.

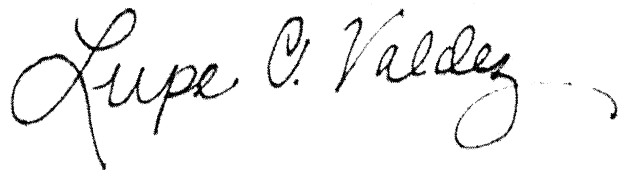
Response: If you receive concerns about homeless encampments or debris, please call RMCC at 888 877 7267. Illegal encampments pose safety and human health hazards to the public and our employees.

There are three rail companies in Commerce and the City engaged Jose Rubio & Associates to define the ownership of each rail line a few years ago. There was a tour of the area and information was given to the City on locations where UP no longer property or easements had. Any questions regarding UP property ownership can be answered by contacting Kristian Ehrhorn at (402) 544-8567.

I hope these answers address the questions raised in your email. Should you have additional questions, please feel free to contact me.

Sincerely,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink that reads "Lupe C. Valdez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lupe Valdez

cc: Daniel Moreno, UPRR  
Kristian Ehrhorn, UPRR  
Chris Keckeisen, UPRR

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