



MEMORANDUM

TO: Mayor and Council Members

CC: Spencer Cronk, City Manager
Robert Goode, Assistant City Manager

FROM: Robert Spillar, P.E., Director,
Austin Transportation Department

DATE: December 3, 2018

SUBJECT: **Response to Resolution No. 20180426-039 related to rail noise (CIUR 2026)**

On April 26, 2018, Council passed [Resolution No. 20180426-039](#), directing the City Manager to *engage and discuss with Union Pacific Railroad to determine if there are additional steps beyond creating a Quiet Zone that could mitigate the noise caused by Union Pacific Railroad's cargo trains*. Our July 20, 2018 memo requested an extension of the August 1, 2018 deadline to December 31, 2018. This memo provides an update to the work in response to the resolution and the July 20, 2018 memo.

Workgroup

Several City of Austin departments (Austin Transportation, City Manager's Office, and Austin Public Health) engaged this summer and fall with representatives from Union Pacific Railroad's Public Affairs Department and numerous stakeholders including Community Action for a Livable Municipality - CALM to address the concerns brought by Council as well as residents and businesses in the Seaholm District.

Findings

While a Quiet Zone was mentioned in the Council Resolution, Quiet Zones are solely for the mitigation of train horn noise, not mechanical noises such as engines, wheels, etc. Internally and with the work group, we considered several options. The following questions came up through those discussions:

- Does the City have authority to require Union Pacific to take actions to mitigate the noise? The answer is no. The City's noise ordinance is expressly preempted by federal law when it comes to noise emissions from rail cars engaged in interstate commerce. As Union Pacific's rail cars engage in interstate commerce, the City has no authority to regulate the noise caused by Union Pacific's rail cars or its rail operations.
- Does the City, as the former owner of the Seaholm property acquired from Union Pacific in 2003, have any continuing obligations related to railroad noise? The answer is no. The obligations that existed as a result of the purchase from Union Pacific run with the property and were therefore transferred with the property to the Seaholm developer.

- What efforts has Union Pacific taken to mitigate rail noise? During the October 9, 2018 CALM stakeholder meeting, Union Pacific shared details about their implementation of proven industry technology and methods that help with friction and lateral forces, and in turn noise, to include: four track lubricators in operation today, routine lubricator maintenance, lubricant details, regular rail inspection and grinding operations, and routine track elevation adjustments. Union Pacific commented to both the City of Austin and others that the company is open to further discussions or interventions provided that the solutions cause no harm to freight operations; costs are borne by parties other than Union Pacific; and the vetting of solutions follows a well-structured process (i.e. pre-vetting, experts discussing technical issues, etc.)

Conclusion

Union Pacific is aware of the noise and has taken certain steps over the years to try to reduce it without impacting safe operations. Union Pacific has stated the company is employing the most effective methods and technologies that have already been proven and are available to railroad companies, and the company's representatives and engineers were not aware of any additional steps or measures that they could be taking.

Property owners may be able to take steps to minimize noise on their own private property. As non-experts in the area of train noise and noise reduction, we did not attempt to identify or evaluate the effectiveness of any such private mitigation opportunities.

Based on the information above, we believe we have satisfied the intent of the resolution. There are no additional reasonable steps the City could take to mitigate noise from rail operations. We will ask Union Pacific to continue updating the City, especially if any new actions are taken in this area that may impact the noise.