

October 14, 2024

Memo To: Mayor and Councilmembers
From: Lupe C. Valdez, Union Pacific Railroad
Regarding: Agenda Item 22 for Quiet Zone Feasibility & Homeless/Trespassers on Railroad

Dear Mayor Richardson and Councilmembers:

Unfortunately, I cannot attend your meeting tonight. For the record, I am submitting comments that I wanted to clarify regarding both the Quiet Zone Feasibility and the MOU proposed discussions.

Quiet Zone

In California, there is a process that must be followed for applying for a Quiet Zone. This process will involve the Federal Railroad Administration (FRA) and the CA Public Utilities Commission, the city, the railroad and in this case the owner the of the railroad property which is the Port of Long Beach and the Port of Los Angeles. Both Ports have a property management firm that handles such work.

If the City of Long Beach is interested in pursuing a Quiet Zone, UP requires that the city enter into a Preliminary Engineering Agreement per each crossing. This agreement is to reimburse UP for their public project manager and quiet zone consultant's preparation and participation in quiet zone diagnostic meetings at each crossing in the proposed quiet zone. The cost is approximately \$25,000 per crossing but can fall below or above that amount depending on various factors. This agreement does not include cost for any UP design or review of roadway construction plans for proposed safety improvements recommended by the diagnostic team participants. The City will be responsible for arranging a Diagnostic Team meeting to take place at each crossing with CA PUC, FRA, the railroad(s), the property management company (POLA/POLB) and the City. After the Diagnostic is completed, the city will be provided detailed diagnostic notes that included a list of recommendations regarding safety improvements needed at each crossing.

Once the City finalizes the proposed safety improvements at each crossing base on the recommendations of the Diagnostic Team, the city is responsible to either hire a consultant or do the design work needed. Upon final design, the plans will need to be submitted to CA PUC, FRA and UP for their review and approval. If any of the improvements are related to signal design or railroad hardware, there will be subsequent preliminary engineering agreements to reimburse UP for the design and estimates for all UP work. The estimates will be provided to the city and a construction and maintenance agreement will be executed by the City and UP for the railroad construction work. The city will also need to reimburse UP for required signal maintenance of such system for the life of the Quiet Zone.

Proposed MOU Regarding Trespassers/Encampments on Railroad Corridor

Union Pacific did enter an MOU with the City of San Jose for homeless encampments/trespasser removal at a time when UP did not have a program in place to deal with encampments. While the MOU has expired, the partnership has continued. With UP's Compassionate Relocation Program in place, UP can coordinate and partner with the city without the need for a formal agreement.

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While this is an ongoing issue for many private properties, UP has met with and will continue to engage with the City of Long Beach on problematic areas adjacent to both businesses and residents. Unfortunately, UP cannot solve this problem alone. UP has hired specialized contractors in bio-hazmat remediation and has also hired CityNet to conduct outreach to anyone found on railroad property. CityNet does not provide direct services but facilitates services to local agencies. It does provide transportation services and other assistance but does not replace or duplicate services the City of Long Beach already provide to its unsheltered residents. We continue to stress that railroad properties while common, are not safe for anyone that is not an employee or contractor trained to work in these areas. Unfortunately, the State of California suffers from one of the highest incidences of train related trespasser fatalities.

Union Pacific has tried fortified fencing in and around Market and Candlewood and unfortunately our fences, made of reinforced metal, are constantly vandalized. Continued attempts to breach the sound wall are constant. We will continue to fix these breaches as they occur.

Additionally, the City of Long Beach Police Department has an existing letter of agreement with UP Police that allow for them to enter railroad property for removal of trespassers. This letter is only for the local law enforcement and not meant for any other type of city staff. While all our resources are limited, it will take continued partnership efforts to make these areas less hospitable to trespassers

If there is a desire for additional clean ups- we will need to have those discussions with city staff. It is important to note that while we may have clean-up crews available, these clean ups require law enforcement personnel, and we may need to rely on local police department to assist our crews. Currently, our UP Police have also been dealing with ongoing cargo theft which is stretching our resources.

We also ask that residents or business report these incidents to www.up.com//notifyup. They can also email me at lcvaldez@up.com. Our UP Internal Safety team meets on a weekly basis to review

encampment/trespassers issues in Southern California so it's very important to report these situations even when they reoccur. Please do not call RMCC (Regional Response Communication Center) to report these situations as that number is only for emergencies.

UP contracts with CityNet for outreach to individuals along the tracks. CityNet works with the local service providers to connect any willing participants with appropriate city services. CityNet can provide transportation, housing, hospital transportation or covering transportation costs when individuals are reuniting with family members that may not be local and offer housing assistance. CityNet is not a direct service provider. UP also has approved contractors that provide hazmat clean up along the railroad property. UP has had joint clean-up efforts with cities so appropriate railroad safety personnel are on scene ensuring safety protocols are adhered to because safety personnel is already in place. Some cities have offered bins and hauling services which can really help extend the time our crews work on clean-up activities.

UP does not engage with towing of any vehicles on city streets. We do handle towing of any vehicle abandoned or illegally parked on railroad right of way. UP has a notification process but if there is a safety concern, the notice might be shortened due to the safety hazard.

To report trespassers/encampments please use the following link www.up.com//notifyup. RMCC no longer handles these calls but does handle any emergency calls that do not pertain to trespassers on railroad property.