



Legislation Text

File #: 16-104, Version: 1

TO: Mayor and Commissioners
FROM: Tim Stillings, Planning & Zoning Director
THROUGH: Donald B. Cooper, City Manager
DATE: February 16, 2016

NOTICE OF INTENT TO ESTABLISH A QUIET ZONE THROUGH THE CITY OF DELRAY BEACH

Recommended Action:

Motion to authorize the City Manager to submit the Notice of Intent to Establish a Quiet Zone along the FEC Corridor within the City of Delray Beach to FEC and other state and federal agencies as required by law.

Background:

The Florida East Coast Railway (FEC) is working with the Palm Beach Metropolitan Planning Organization (MPO) to improve the safety of the roadway-rail crossings along the FEC corridor between West Palm Beach and the City of Boca Raton. The key focus of these improvements is to upgrade all the public at-grade crossings so that a continuous "Quiet Zone" can be established along this corridor.

Quiet Zones are regulated by the Federal Railway Administration (FRA) under the Use of Locomotive Horns at Highway-Rail Grade Crossings rule, published in the Federal Register on April 27, 2005. Under this rule, new "Quiet Zones" can be established if the at-grade crossings meet or exceed the national risk standard (aka "National Significant Risk Threshold").

According to information provided by the FRA, "The rule addresses use of the horn only with respect to highway-rail grade crossings. Railroads remain free to use the horn for other purposes as prescribed in railroad operating rules on file with FRA, and railroads must use the horn as specified in other FRA regulations (in support of roadway worker safety and in the case of malfunctions of highway-rail grade crossing active warning devices)."

To establish the Quiet Zone in the City of Delray Beach, a Notice of Intent must be submitted to FEC. Under the federal law, "The public authority responsible for traffic control or law enforcement at the highway-rail grade crossing is the only entity that can designate or apply for quiet zone status."

The Palm Beach MPO has taken the lead to work with municipalities along the corridor to set up the Quiet Zone within the County. The funding for the improvements for the crossings is from a State grant (See attached article entitled "SETTING THE RECORD STRAIGHT").

Previous Resolutions that have been adopted by the City regarding the establishment of the Quiet

Zone and All Aboard Florida include the following:

- Resolution 13-14: Request for TIGER funds to upgrade the rail crossings.
- Resolution 04-14: Resolution requesting that the State of Florida funds the crossing improvements.
- Resolution 28-15: A resolution raising concerns on the impact of All Aboard Florida (Now Brightline) on the City.

Should the improvements be installed, there will be costs passed onto the City for the ongoing maintenance of the at-grade rail crossings. The City already has the responsibility to maintain the existing crossings so this is not a new cost but will increase due to the added safety features. A copy of the Reimbursement Agreement is attached for your reference.

It is important for the quality of life and the safety of the residents and visitors of Delray Beach that these improvements are made to the rail crossings whether or not Brightline (fka All Aboard Florida) moves forward with their plans for service along this corridor.

Kim Delaney, Director of Strategic Development and Policy, from Treasure Coast Regional Planning Council (TCRPC) will be here to help present this proposal. Ms. Delaney has been integrally involved in the regional coordination of the Quiet Zone.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

Finance does not have a recommendation on this project. The Planning & Zoning Department estimates that the necessary upgrades to eight grade crossings will increase annual maintenance costs by \$ 40,320.

Funding Source:

Funding is available from account number 334-3162-541-46.90.