

RAILROAD OPERATIONS IN SHASTA COUNTY

BACKGROUND/REASON FOR INVESTIGATION:

The Union Pacific Railroad is a prominent transportation link traversing central Shasta County. This transportation link is vital to interstate commerce. Railroad operations impact the activities of many in the county, especially as trains pass through the cities of Anderson, Redding and Shasta Lake. Unfortunately, accidents occur between trains and the general public, sometimes resulting in fatalities. As such, the Grand Jury felt it appropriate under California Penal Code Section 925 to investigate the regulatory authority, if any, that local governments have over railroad operations. In particular, the Grand Jury questioned if a Redding ordinance limiting the speed of trains to 45 mph through the city limits is enforceable. This ordinance, originally adopted in 1965, appears to be inconsistent with more recent federal regulations regarding train speed limits.

METHOD OF INVESTIGATION:

At the request of the Grand Jury, the Shasta County District Attorney provided a detailed legal opinion regarding the authority of local government over railroad operations as it relates to train speed limits. An interview was conducted with a Union Pacific Railroad representative. Other resources included Redding City ordinances and the Code of Federal Regulations.

FINDINGS:

1. Federal regulations {49 C.F.R. 213.9(a)} adopted under the Federal Railroad Safety Act of 1970 establish the maximum allowable operating speeds for all freight and passenger trains for each class of track on which they travel. The maximum allowable operating speed increases with each class of track, with ranges from Class 1 to Class 9.
2. Union Pacific railroad tracks traveling through Shasta County, including Redding, are Class 4 tracks. The maximum allowable speed for Class 4 tracks is 60 mph for freight trains and 80 mph for passenger trains.
3. Federal law regarding train speed limits preempts any local ordinance.
4. The 1965 City of Redding ordinance limiting train speeds to 45 mph through the city limits has been preempted by federal law and, therefore, is not binding on the railroad.
5. The above notwithstanding, the Union Pacific Railroad has established, by internal policy, a maximum speed limit of 45 mph for all trains traveling through the downtown Redding area.

RECOMMENDATION:

1. In light of more recent federal regulations, the Grand Jury recommends the City of Redding review its 1965 ordinance limiting train speeds. If warranted, the City of Redding should consider repealing said ordinance.

RESPONSE REQUIRED:

Redding City Council

RECEIVED

JUL 19 2002

CITY OF REDDING



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA
ADMINISTRATION OFFICE

OFFICE OF THE CITY COUNCIL

777 Cypress Avenue, Redding, CA 96001

P.O. Box 496071, Redding, CA 96049-6071

530.225.4447 FAX 530.225.4463

Pat Kight, Mayor

Mark H. Cibula, Vice Mayor

David L. McGeorge, Council Member

Michael J. Pohlmeier, Council Member

Mary Leas Stegall, Council Member

July 17, 2002
B-080-600-800

FILED

JUL 29 2002

ANN REED CLERK
By S. Greenhaw *S. Greenhaw*
Deputy Clerk

The Honorable Judge James Ruggerio
Shasta Superior Court
1500 Court Street
Redding, CA 96001

Dear Judge Ruggerio:

The Redding City Council wishes to thank you and the Grand Jury for your review of trains traveling through Redding and our Police Department complaint procedures.

As a follow-up to the Grand Jury Final Report, we have referred the railroad operations issue to our City Attorney for consideration of a repeal of the ordinance regarding train speed through the City of Redding.

We were particularly pleased to read the results of your investigation on citizen complaints coming into our Police Department. We also believe our procedures are good ones and we were pleasantly surprised how well we compare with other police agencies of similar size.

Thank you again for the work you and the Grand Jury do for our entire County.

Sincerely,

A handwritten signature in cursive script that reads "Pat Kight".

Pat Kight
Mayor