

ATTACHMENT 'A'

COUNTY OF MARIN

DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation



Pat Echols
Interim Director

February 2, 2021

Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

Administration
PO Box 4186
San Rafael, CA 94913-4186
415 473 6528T
415 473 3799 F
415 473 3232 TTY
CRS Dial 711
www.marincounty.org/pw

SUBJECT: Agreement to Establish Joint Quiet Zone along the SMART rail line and Delegating Authority to County of Sonoma

Dear Board Members:

RECOMMENDATION: Approve the Agreement

SUMMARY: Marin County Department of Public Works, Transportation Division, requests approval of an agreement for the County to delegate establishment of a quiet zone along the Sonoma-Marin Area Rail Transit (SMART) line as depicted on Exhibit A (the Joint Quiet Zone) to Sonoma County. Sonoma County agrees to act as the Lead Authority for establishing the Joint Quiet Zone that includes crossings within the jurisdictional boundaries of Marin County.

BACKGROUND: The Federal Railroad Administration (FRA) established Code of Federal Regulation, Title 49 Use of Locomotive Horns at Public Highway-Rail Grade Crossings Part 222. As part of this regulation, communities have the option to establish Quiet Zones. This is an area where train horns are not routinely sounded at public and private grade crossings within their jurisdiction. Along the 43 miles and 76 public, private and pedestrian at-grade crossings on the SMART line there are five established Quiet Zones: San Rafael/Novato, Petaluma, Sonoma County (1), Santa Rosa and Sonoma County (2).

However, with these individual efforts, approximately six miles along SMART's route are without the horn silencing efforts. This area includes ten private crossings which are between the Novato/San Rafael and Petaluma Quiet Zones. Because of this lack of Quiet Zone coverage, the families who own the properties in the area are concerned that their community/homes will be the only ones with horns regularly sounding at these crossings.

There are four private crossings located in Marin County, all north of the San Marin SMART station:

- Miramonte/Burdell
- Redwood Landfill
- Hunting Lodge
- Neil's Island

The need for the Joint Quiet Zone is due to FRA regulations that stipulate Quiet Zone boundaries must be at the nearest public crossing; county or other jurisdictional boundaries are not valid in establishing a quiet zone. The agreement will allow Sonoma County to proceed with establishment of the Joint Quiet Zone and will

Accounting

Administrative Services

Airport

Building Maintenance

Capital Projects

Certified Unified Program
Agency (CUPA)

Communications
Maintenance

Disability Access

Engineering & Survey

Flood Control &
Water Resources

Fleet Operations

Land Development

Procurement

Real Estate

Reprographic Services

Road Maintenance

Stormwater Program

Transportation &
Traffic Operations

Waste Management

CAGb

include the affected private crossings in both counties. In addition to the County of Marin, Sonoma County will also serve as Lead Authority for the jurisdictions of Novato and Petaluma in establishing this new Joint Quiet Zone.

FISCAL IMPACT: The installation of signage, equipment and/or striping related to establishment of the Quiet Zone will be conducted by SMART. There is no impact to the General Fund by this action.

REVIEWED BY:	<input type="checkbox"/>	County Administrator	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	Department of Finance	<input checked="" type="checkbox"/>	N/A
	<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,

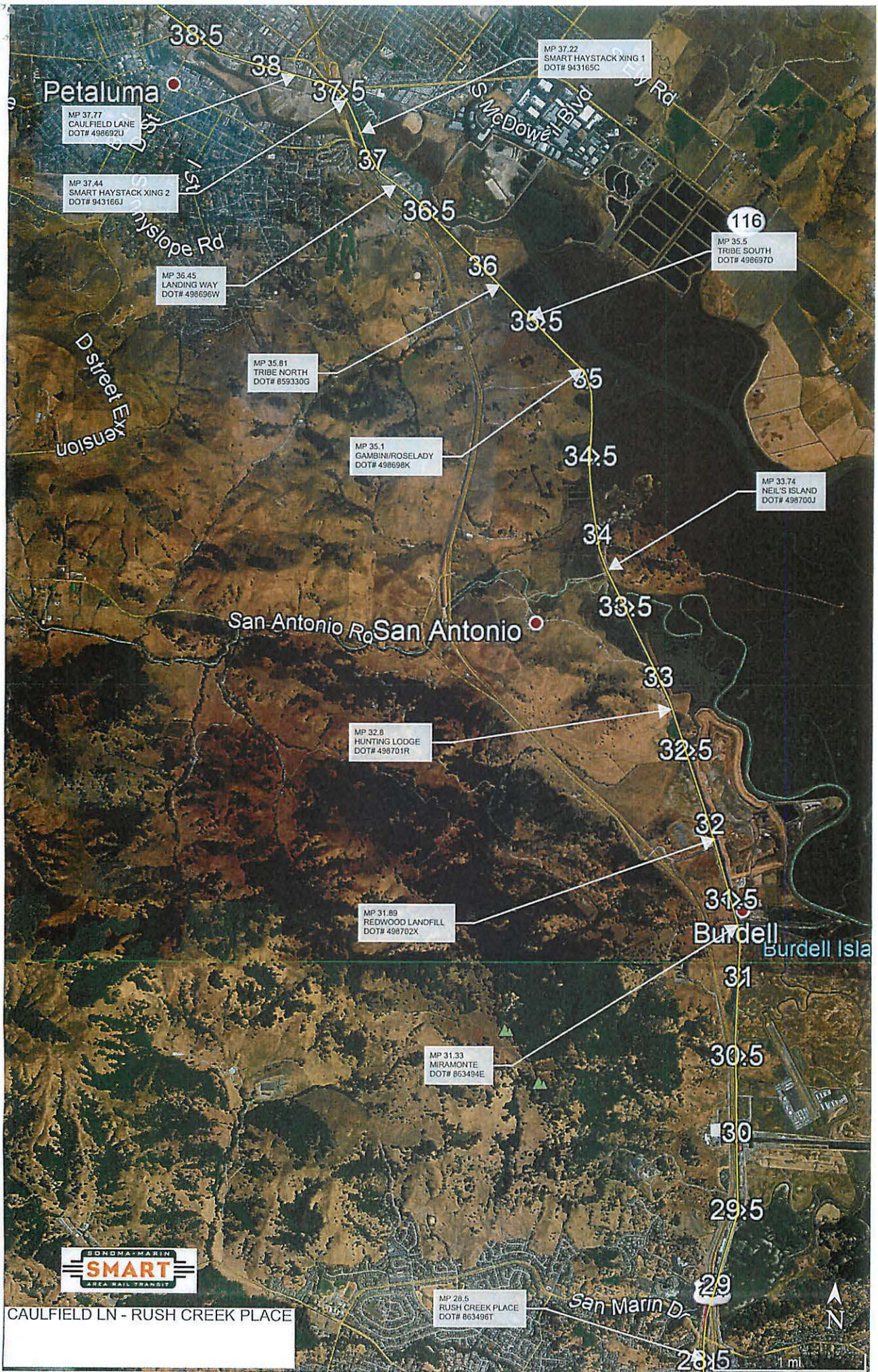


Carey A.T. Lando
Senior Transportation Planner

c: Farhad Mansourian, SMART Executive Director
Johannes J. Hoevertsz, Director, Sonoma County DPW

Attachments: Agreement to Establish Joint Quiet Zone and Delegating Authority to County of Sonoma





AGREEMENT TO ESTABLISH JOINT QUIET ZONE AND
DELEGATING AUTHORITY TO COUNTY OF SONOMA

This agreement (Agreement) is entered into as of the date of execution by the last signatory hereto, by and amongst the County of Sonoma, a political subdivision of the State of California (Sonoma County), and the County of Marin, a political subdivision of the State of California (Marin County).

RECITALS

WHEREAS, the Sonoma-Marin Area Rail Transit District ("SMART") is the operator of passenger rail service in Marin and Sonoma Counties and on the railway corridor over which it exercises control in those two Counties.

WHEREAS, SMART's railroad right of way passes through Marin County, and the Cities of Novato and San Rafael (Cities). The Cities have already established quiet zones. Sonoma and Marin County desire to establish a quiet zone (as defined in 49 C.F.R. Part 222) in all or a portion of the area within their respective jurisdiction as identified on Exhibit "A" hereto.

WHEREAS, 49 C.F.R. §222.37(a) authorizes a single public entity ("Lead Authority") to establish a single quiet zone that includes crossings located within its own jurisdictional boundaries and also qualified crossings located in adjacent and other public authorities' jurisdictions, and Sonoma County has agreed to act and serve as the Lead Authority for that purpose in establishing the single quiet zone under the terms and conditions set forth in this Agreement. The Federal Railroad Administration sees the role of a Lead Authority as one performing only administrative responsibilities. A public entity that takes on the duties of a Lead Authority under these circumstances does not thereby assume responsibility for liabilities arising out of the operation of crossings covered by a quiet zone but located in another jurisdiction.

WHEREAS, Marin County has initiated the procedures to establish a new quiet zone covering the area identified on Exhibit "A" hereto by providing a written Notice of Intent to establish a quiet zone pursuant to 49 C.F.R. § 222.43.

WHEREAS, Marin County is agreeable to and desires that Sonoma County act as the Lead Authority in establishing the quiet zone covering the area depicted on Exhibit "A" (the Joint Quiet Zone) and delegate to Sonoma County the authority to establish the Joint Quiet Zone to the extent that Joint Quiet Zone includes crossings located within the respective private crossings under the terms and conditions set forth in this Agreement.

Now therefore, the parties agree as follows:

1. Sonoma County agrees to act as Lead Authority and take all those steps prescribed in 49 C.F.R. Part 222 necessary to establish the Joint Quiet Zone.
2. Marin County consents to Sonoma County acting as the Lead Authority and, to the extent that the Joint Quiet Zone includes crossings within the jurisdictional boundaries of Marin County and pursuant to 49 C.F.R. §222.37(a), delegates to Sonoma County the authority to establish the Joint Quiet Zone.
3. Notwithstanding Sonoma County's agreement to act as Lead Authority for the purposes described herein, Sonoma County shall not be responsible for and shall not be deemed to assume any responsibility for any liabilities arising out of the maintenance, upgrade, operation, and/or repair of any of the crossings included in the Joint Quiet Zone and located in the jurisdiction of Marin County. Notwithstanding Marin County's delegation to Sonoma County of the authority to initiate and prosecute to completion the procedural steps necessary to establish the Joint Quiet Zone, Marin County shall not be responsible for nor be deemed to

2-2-21
CAG

assume any responsibility for any liabilities arising out of the maintenance, upgrade, operation, and/or repair of any of the crossings included within the Joint Quiet Zone but located outside its jurisdictional boundary.

4. By their signatures hereto, Marin County affirms that a Notice of Intent to establish quiet zone is intended to be filed by Sonoma County within 30 days once all agreements are executed with the City of San Rafael, City of Novato, and this agreement to establish the Joint Quiet Zone, subject to this Agreement and submitted on behalf of all parties hereto pursuant to 49 C.F.R. §222.37(a).

5. The Parties intend to submit a Notice of Intent to establish a Joint Quiet Zone. Sonoma County shall be authorized to act on behalf of Marin County pursuant to 49 C.F.R. §222.37(a) to submit, revise or rescind and resubmit a Notice of Intent upon written consent by each party hereto to the change.

6. Sonoma County shall timely prosecute the establishment of the Joint Quiet Zone to a successful conclusion such that the Joint Quiet Zone is established and the routine use of locomotive horns must cease within the meaning of 49 C.F.R. §222.45 within 30 days after the NOE.

7. Each party shall bear their own costs related to the establishment of the Joint Quiet Zone in their respective jurisdiction, including all staff and counsel time expended in furtherance thereof, and the costs of any improvements undertaken to prepare any portion of the Joint Quiet Zone area for inclusion therein. SMART will install and maintain the necessary Quiet-Zone signage within SMART's ROW related to train movements, including the QZ signs installed on whistle boards. Installation and maintenance of all other Quiet-Zone signage related to motor vehicle movements, including advance warning signs, is the responsibility of the entity establishing the Quiet Zone. In no event shall any party be required by this Agreement to undertake any improvements outside the areas of responsibility as specifically identified on Exhibit "A" hereto, or to fund or reimburse any other party hereto for improvements made outside such delineated areas.

IN WITNESS WHEREOF, the parties hereto execute this Agreement on the date(s) indicated below.

COUNTY OF MARIN

By: 

Dennis Rodoni, President, Marin County BOS

ATTEST: 

By: _____

Matthew H. Hymel, Clerk of the Board

APPROVED AS TO FORM:

By: 

Marin County Counsel

COUNTY OF SONOMA

By: _____

Lynda Hopkins, Chair, Sonoma County BOS

ATTEST:

By: _____

Sheryl Bratton, Clerk of the Board

APPROVED AS TO FORM:

By: _____

Sonoma County Counsel