

Defining the Threats – What Does Encroachment Look Like and What Issues Arise?

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Encroachment: What's the Problem?





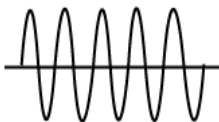


- ❑ Nuisance Issues
 - noise, vibration, light
 - wheels, locomotives, cranes, trucks
 - freight yard and logistics center loading activities
 - pollution and health
- ❑ Clearance
 - Vertical and horizontal
- ❑ Safety
 - at-grade crossings
 - trespass
 - accidents and spills

Why has This Issue Arisen?









- ❑ Freight Growth past 20 years
 - Increases in port, truck and train activity close to residential areas
- ❑ Environmental Justice
 - Community awareness has grown
 - Exec Order. 12898, 1994
- ❑ Gentrification
 - Restoration of old urban industrial areas
- ❑ Population Growth and Residential development
 - Often close to freight corridors and facilities
 - Land on the periphery
 - Infill policies







What do We Mean by Incompatible Use?

 Noise Sensitive Uses	<p>Dwelling units (residential, motels, etc.); educational uses (childcare, schools, colleges, etc.); libraries; hospitals and other residential health care providers; playgrounds.</p>
 Light Sensitive Uses	<p>Dwelling units (residential, motels, etc.); and hospitals and other residential health care providers.</p>
 Vibration Sensitive Uses	<p>Dwelling units; educational uses; vibration sensitive industries (such as precision high-tech industry); all buildings not constructed to withstand the fatigue caused by rail vibrations.</p>
 Uses Requiring Potentially Incompatible At-grade Crossings	<p>Dwelling units; educational uses; libraries; hospitals and other residential health care providers; commercial uses; emergency services.</p>
 Uses Associated with the Potential for Dangerous Trespass	<p>Dwelling units; education uses (especially childcare facilities and schools); libraries; playgrounds; commercial uses.</p>

From the Air Cargo Perspective

 Noise Sensitive Uses	Dwelling units (residential, motels, etc.); educational uses (childcare, schools, colleges, etc.); libraries; hospitals and other residential health care providers; playgrounds.
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 Vibration Sensitive Uses	Dwelling units; educational uses; vibration sensitive industries (such as precision high-tech industry); all buildings not constructed to withstand the fatigue caused by rail vibrations.
 Pollution/Air Quality Sensitive Uses	Dwelling units (residential, motels, etc.); medical (hospitals and other residential health care providers); educational (childcare, schools, colleges, etc.); recreational uses.
 Height Sensitive Uses	Residential and commercial uses that may impact approach and landing flight paths.
 Time Sensitive Uses	Night-time sensitive uses.

From the Port Perspective

	Noise Sensitive Uses	Dwelling units (residential, motels, etc.); educational uses (childcare, schools, colleges, etc.); libraries; hospitals and other residential health care providers; playgrounds.
	Light Sensitive Uses	Dwelling units (residential, motels, etc.); and hospitals and other residential health care providers.
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	Pollution/Air Quality Sensitive Uses	Dwelling units (residential, motels, etc.); medical (hospitals and other residential health care providers); educational (childcare, schools, colleges, etc.); recreational uses.
	Time Sensitive Uses	Night-time sensitive uses.
	Traffic and Congestion Sensitive Uses	Highway and roadway designs; aging infrastructure; capacity.

Physical 'Encroachment' onto Railroad Property



Source: Chuck Burnell North Carolina Railroad

Residential Development in Close Proximity to Port Activity, LA/LB CA



Source: The Impact Project, June 2009
<http://hydra.usc.edu/scehsc/pdfs/D-1-3%20Trade%20Health%20Environment.pdf>

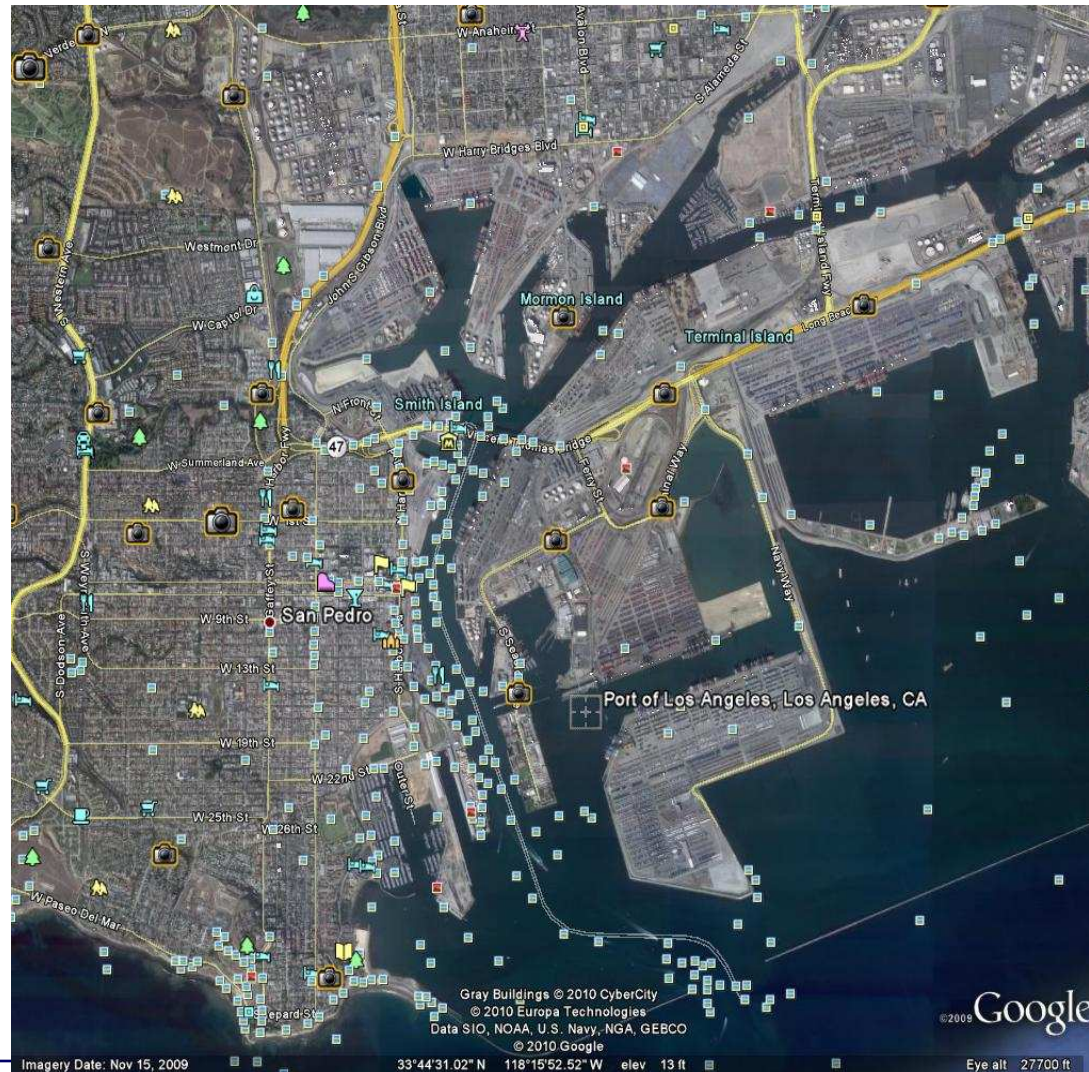
Development Adjacent to Waterways



Source: [Mileski et al, "Analysis and Recommendations on Protecting Waterways from Encroachment", Texas Transportation Institute, August, 2010.](#)



Development Adjacent to /Around Freight Facilities



Development Adjacent/Around Freight Facilities



Key Highway
(Condominiums)
Baltimore MD
Source: Jim Dwyer,
Talking Freight,
November 19 2008.



Trucks Queuing into Port, and Logistics Facilities



Source: The Impact Project , LA/LB CA, June 2009

<http://hydra.usc.edu/scehsc/pdfs/D-1-3%20Trade%20Health%20Environment.pdf>



Source: Coalition for Clean and Safe Ports, Oakland CA
http://www.workingeastbay.org/downloads/Port_Campaign_Overview.pdf

Aircraft Noise - Residents Near Los Angeles International Airport

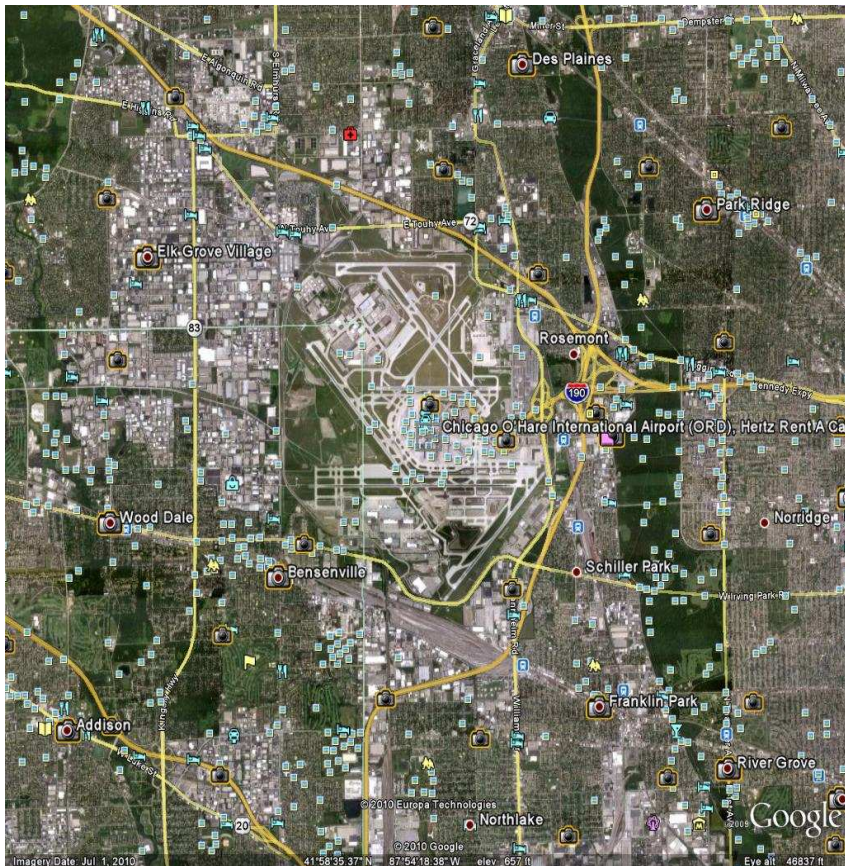


Source: GAO Airport Operations and Future Growth Present Environmental Challenges, August 2000

<http://www.gao.gov/archive/2000/rc00153.pdf>



Chicago O'Hare – FAA Airport Improvement Program



Source: Chicago O'Hare Noise Compatibility Commission 2010 Brochure.

- Sound Insulation Program
 - 6,950 homes insulated
 - 1,000 homes in construction
 - 1,000 homes in design
 - 116 schools insulated
 - 3 schools in construction
 - 1 school in design
- \$550 million cost
 - 20% match by localities
- New Program 2010 – sound insulation expanded to multi-owner buildings

How Close is Close?

Heights Blvd, Houston TX

Fence 3.5 ft, Foundation 8.5 ft from near rail



Source: Carolyn Cook - FRA

Built to “Usual” Standards No Soundproofing/Vibration Mitigation



Unit Facing Us Listed at \$350K Unit Behind (Closer to Rail) Listed at \$380K



Source: Carolyn Cook - FRA

For Rail, Major Issue is Trespass

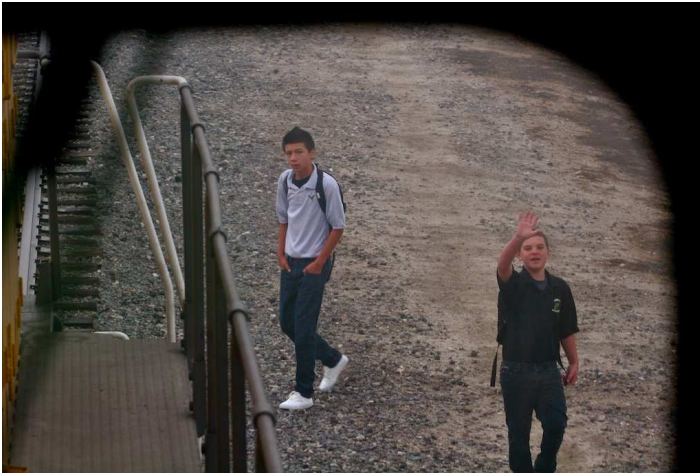


- ❑ Children crossing UP line in Anaheim CA to get to Ball Jr. High School
- ❑ Crossing the tracks to get to San Onofre State Beach, CA



Source: Jon Waide FRA Region 7 Law Enforcement Liaison Officer

Trespass onto Railroad



Children Crossing railroad, Anaheim to get to Ball JR High School.
Source: John Waide FRA Law Enforcement Liaison Officer

Community Expectations



- ❑ Subdivision Developer's Representations
- ❑ Purchaser's Due Diligence
- ❑ Freight Role in "Disclosure"
- ❑ Reasonable accommodation by freight
- ❑ Community Awareness &/or Education on Freight operations
- ❑ Placement of EMS/Fire/Police, Schools in relation to access by freight modes

Source: Dennis Kearns, BNSF

A Neighbor's Frustration



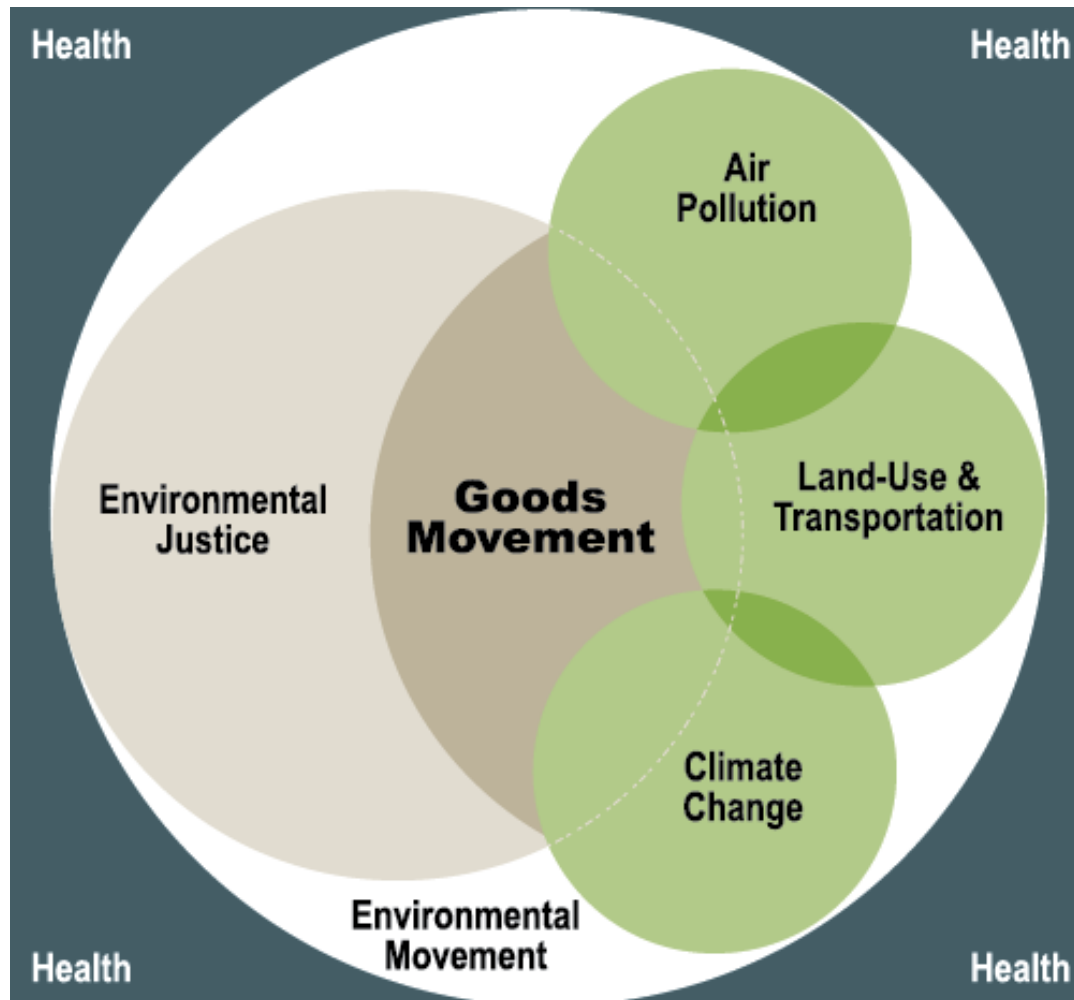
- Hello, my name is **** and I am a resident in []. Our neighborhood is situated right next to railroad tracks that bear your name. I have **never lived near railroad tracks** and have a few concerns I was wanting to address.
- First, our **neighborhood has only one entrance/exit** which is very often clogged with traffic due to trains. I have had several experiences with sitting at the railroad crossing for more than ten minutes and one experience where we sat for 26 minutes. In that particular instance, there were **two trains which both stopped right in front of our one entrance/exit** and they just sat there. Sometimes I see the trains split up and things like that, but these two seemed to just be stopped. My concern with this is that I have 3 small children and what if I were on my way to rush one of them to the emergency room? **How would I get through two stopped trains?** I never even physically saw someone, so I couldn't even explain to the conductor that I would need to get through. As a concerned citizen and parent is there anything you can tell me that would help me if that situation ever were to arise?

A Neighbor's Frustration



- Secondly, even if there is no emergency, is there anything protecting us from getting stuck at railroad crossings indefinitely? I mean it seems that we just sit there until the trains finish whatever they need to do. **Is there a time limit to which in a normal non emergency situation the trains must adhere to?** I am fully aware that railroad crossings are just a part of the transportation community and in no way am I saying I never want to get stuck at a crossing, but **sitting for 26 minutes just seems wrong and unfair to those of us with destinations and timeframes to meet.** And in many instances if the trains were at least moving and we could see that the crossing would soon be clear, that would be nice. It is the times that the trains come to complete stops and we just sit, not knowing how long it will take for them to move and finally 26 minutes later, they slowly make their way on.
- It is fair to say **I am very frustrated and concerned** and just would like to know as a citizen what recourse I have in these situations. Thank you for your time.

Environmental Justice and Freight



Source: The Impact Project , June 2009
<http://hydra.usc.edu/sc/ehsc/pdfs/D-1-3%20Trade%20Health%20Environment.pdf>

How the Developer Can Impact the Issue



- ❑ Cheney WA – request for variance Jan 2010
 - Reduction in lot size, where zoning immediately north of site is ‘industrial’ and 2 freight rail lines run.
- ❑ Notice of application was sent to all property owners and residents within 300 feet of subject site
 - No responses were received
- ❑ Per code: the proposal ***shall be integrated with surrounding land uses*** and minimize any negative impact resulting from the development
 - Findings: *The subject site is located at the intersection of X Road and X Street. Northwest is a railroad right of way. All other surrounding sites are vacant. The proposed development **does not alter or interfere with the railroad right of way.** Therefore the criteria is met.*

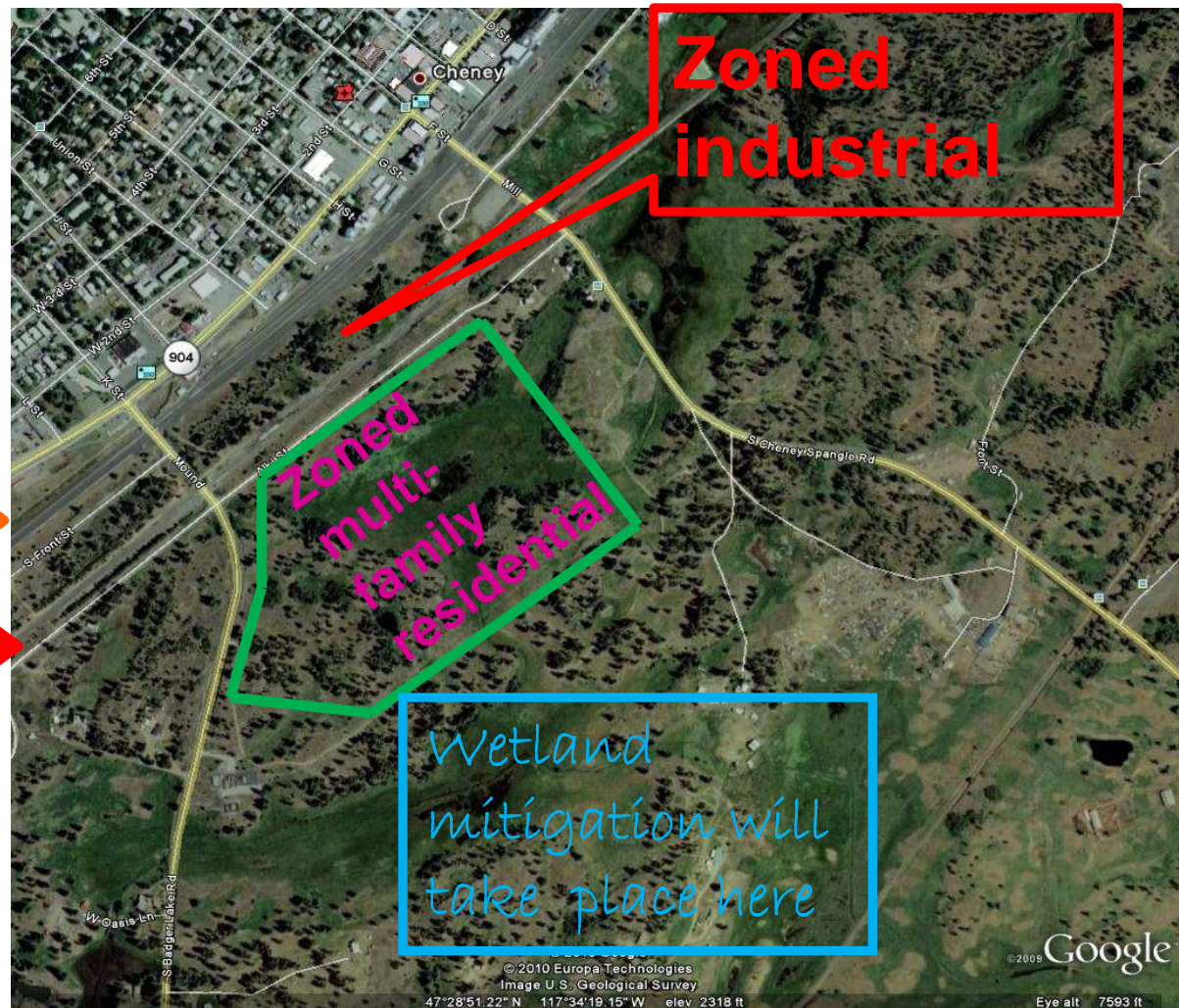
Sidewalks being built on Alki St

3 unit property already built – facing Alki St

Sole development access road will lead into Alki St

BNSF →

UP →



The Conservative Planner – Does Urban Planning Imitate Mass Produced Industrialized Art?



Source: The
Conservative
Planner, Planetzien.
Friday Funny: Bad
Planning at Playtime
November 11, 2010.
<http://www.planetizen.com/node/46855>



“The Disconnect”: Two Common Misconceptions about Freight



Questions?