



JOHN DEJONG

Glendale residents Glenn and Laverne Russell and their daughters and son, whose house is 30 feet from the railroad line.

Railroaded

Now we need to stay on track toward solutions

BY MAYOR ROSS C. "ROCKY" ANDERSON

Imagine being awakened by blasts of ear-shattering noise and a rumbling that shakes your house. In this westside neighborhood, it happens every day and every night. You never know when, only that it will occur.

A few weeks ago, I spent the night at the wonderful home of Glendale residents Glenn and Laverne Russell and their daughters and son, whose house is 30 feet from the railroad line. I was just dozing off when a blaring train whistle and the loud rumble of the train jolted me awake. 10:45 p.m. A few cars of the train must have had square wheels, given the tremendous thumping that shook the house, rattling a glass collection on a shelf in the bedroom in which I was supposed to be sleeping. After finally getting to sleep, another train — even noisier than the first — roared by. 4 a.m.

When I asked family members the next morning if they ever sleep through the trains, they said, "No way!" One of the daughters gets up at 5 a.m. to get ready for school, and the other family members are up by 6 — often exhausted from interrupted sleep throughout the night. No one "gets used to" this kind of noise.

This is what hundreds of families on Salt Lake City's west side experience since the reactivation by Union Pacific of its long-dormant railroad line near 900 South.

In May 1989, Union Pacific Railroad Company entered into a written agreement with Salt Lake City Corporation. In

that agreement, the City granted Union Pacific a "franchise and right-of-way" to construct, operate and maintain railroad tracks in a "franchise area," which includes the 900 South line. That written agreement provides for termination of the line under either of two scenarios: First, if any part of the franchise area is



Living with the trains means constant rattling.

not used by Union Pacific for nine months, the City is entitled to terminate the agreement by sending notice to Union Pacific. Second, regardless of use, the franchise is to end on June 30, 2003. Upon termination of the franchise, Union Pacific, according to the written agreement, is to remove its tracks from the streets they cross and restore the pavement.

Years later, then-mayor Deedee Corradini and her Senior Advisor, Brian

Hatch, told westside residents the railroad right-of-way might be turned into a nature trail; people bought homes in the neighborhood with that understanding.

After many months of inactivity on the line, I sent notice to Union Pacific that I was exercising the City's option to end the franchise, according to the terms of the

Through the years, people bought houses in the neighborhood with the understanding that the 900 South line was to be shut down and the tracks removed after mid-2003 at latest. Now, Union Pacific acknowledges they knew when they signed the 1989 agreement that they had neither the right to make that agreement — nor the intention to keep it.

agreement. We fully expected Union Pacific to honor the agreement by abandoning the line, pulling up its tracks and repairing the street.

Seems like a simple matter. The conditions for termination were met and I provided the notice specified by the agreement.

So how have we reached the terrible situation we face today? Now, after a long period of inactivity on the line, freight trains blast whistles and rumble through

otherwise peaceful neighborhoods at all hours of the day and night, severely undermining the quality of life for hundreds of people who feel powerless to do anything about it.

Union Pacific has said it is not bound by its own written promises — and that, in fact, it did not intend to be bound by what it promised to do from the start. It said only the federal Surface Transportation Board in Washington, D.C. has the authority to permit abandonment of a railroad line. And, of course, the Surface Transportation Board has *never* ruled against a railroad company in an abandonment proceeding.

Salt Lake City sued in federal district court, and pursued the matter before the Surface Transportation Board. Both bodies agreed that, although Union Pacific made its promises in writing, it could breach them because issues such as the abandonment of railroad lines are exclusively for the Surface Transportation Board to decide.

It seemed to us that, once having made its written promise to leave the area, Union Pacific should not be permitted to take the opposite position before either the Surface Transportation Board or the federal district court. But both bodies bought the argument that Union Pacific's agreement has no effect whatsoever on the matter.

We have taken the matter to the United States Court of Appeals for the Tenth Circuit. However, because of the uncertainty of the ultimate result, we have also worked with Union Pacific toward resolving some of the immediate concerns, such as designating a "quiet zone" so whistles will not continue blasting the neighborhoods. We are working to make certain that fencing is installed along the line and to provide greater safety measures at railroad crossings. We're also negotiating on long-term strategies to eliminate or greatly reduce train traffic on the 900 South line by reconfiguring tracks elsewhere.

Although this situation is outrageous, we also recognize that we must work with Union Pacific. In that spirit, we will continue to aggressively move toward the designation of a quiet zone and to improve safety along the track, while endeavoring to get rid of as much 900 South train traffic as possible.

As a city, we must stand in solidarity with westside residents, demanding short- and long-term solutions that will return the quality of life enjoyed by these families prior to the reactivation of the Union Pacific 900 South line. With the commitment of necessary funds and consistently tenacious advocacy, we can all stand up for our residents and work toward solutions — even when we're all feeling as if we've been railroaded. ♦

Rocky Anderson is the Mayor of Salt Lake City.