



**OPERATIONS COMMITTEE  
OCTOBER 21, 2004**

**SUBJECT: UNION PACIFIC RIGHT-OF-WAY DEBRIS COMPLAINTS**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

Receive and file report on debris and rubbish issues on the Union Pacific's Right-of-Way adjacent to Metro's Blue Line Right-of-Way.

**ISSUE**

In July 2004, staff was directed to report back to the October Operations Committee on the condition of Union Pacific's Right-of-Way adjacent to Metro's Blue Line Right-of-Way.

**DISCUSSION**

The Union Pacific (UP) railroad right-of-way (ROW) that runs parallel to the Blue Line right-of-way for approximately 12 miles has been an ongoing source of complaints from neighboring communities due to Union Pacific's lack of care to remove trash accumulation and unwanted vegetation. Because these complaints are most often directed at Metro, a substantial amount of Facilities Maintenance staff time is expended in assessing and responding to each complaint. A typical investigation along the Blue Line ROW usually identifies the condition as being on UP's ROW and not on the Blue Line. Metro staff efforts requesting UP to maintain their ROW in a timely manner has proven to be time consuming and frustrating.

When a report of vegetation or debris in a ROW is received, Facilities Maintenance responds with a site visit to assess the situation. Complaints of this nature are often generated from the Metro Real Estate department, Customer Relations, a local District office, or an individual. When a complaint is determined to be on other than Metro property, ownership information is passed on to the originating complainant. Facilities Maintenance now provides a contact phone number for the Union Pacific; however, when calling it is common to receive a recorded message asking the caller to leave pertinent information. The UP western region manager over vegetation control and ROWs recently indicated that if the UP railroad did not contribute to the trash and debris they do not respond because it is considered to be a community issue.

Metro personnel have taken action to expedite UP corrective action by elevating these dumping issues to the fire department to determine if a citation could be issued against the railroad. After inspecting the area along the right-of-way, the fire department stated it was an aesthetic issue and did not rise to the level of being a fire hazard. Contact with local law enforcement indicated a willingness to deal with observed offenders, but unable to pressure the railroad over the presence of weeds or debris. Most calls from Metro personnel to the UP go unanswered. It appears the UP is currently supporting a yearly ROW cleaning.

## **NEXT STEPS**

Facilities Maintenance will implement a program to better document and ultimately help to control dumping on UP right-of-way property.

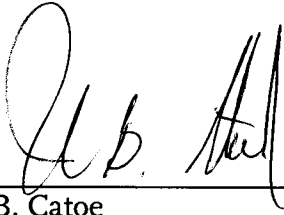
Staff will forward a letter to the applicable City Managers and District representatives within the 12-mile UP right-of-way area informing each that numerous complaints have been received concerning the condition of the property in their district. The letter will inform them of Metro's plan to provide contact information to complainants, which will include appropriate City Managers contact information to aid in resolving the issues on UP.

Metro will recommend a number of actions to the cities or County to facilitate code enforcement. These will include:

- Installation of signage indicating *No Dumping*, *No Littering*, and *No Trespassing* with the appropriate California Penal Codes (C.P.C. 374.3, C.P.C. 374.4, and C.P.C. 602) along the curb of the city street
- Painting curbs red in adjacent streets, where appropriate, to prevent parking for purposes of illegal dumping

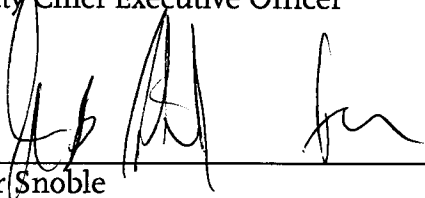
Should complaints be received after distribution of the letter notifying City Managers, Metro will respond to complainants in writing, providing contact information for Union Pacific, the applicable City Manager and Code Enforcement Manager to address their concerns.

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