



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

CONTACT: Vyto Adomaitis, Neighborhood Services and Public Safety Director

SUBJECT: Response to 2019 Santa Barbara County Civil Grand Jury Report on "Railway Fatalities in Santa Barbara County"

RECOMMENDATIONS:

- A. Review staff's recommended responses to the Santa Barbara County Civil Grand Jury (Grand Jury) Report regarding – "Railway Fatalities in Santa Barbara County"; and
- B. Authorize the City Manager to sign and transmit the City's Response to the Presiding Judge of the Superior Court, to transmit a copy to the current impaneled Grand Jury, and to file a copy with the City Clerk's Office.

BACKGROUND:

On June 10, 2019, the City received the Santa Barbara County Civil Grand Jury (Grand Jury) report entitled "Railway Fatalities in Santa Barbara County" (Attachment 1). The City Council is required to respond to this report within 90 days of receiving it, which provides the Council until September 10, 2018, to reply to the Grand Jury.

California Penal Code 933(c) states "no later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of governing body" and further states "All of these comments and reports shall forthwith be submitted to the Presiding Judge of the Superior Court who impaneled the Grand Jury."

DISCUSSION:

In 2018, the Santa Barbara County Grand Jury received a request to investigate railroad deaths in Santa Barbara County (County). The Grand Jury looked at a four-year period from 2015 through 2018. During that time, 20 railroad-related fatal accidents occurred along the 109-mile County railroad corridor.

Nearly all of the fatalities were the result of pedestrian trespassing on the right-of-way owned by Union Pacific Railroad (UPRR) and used by both UPRR and Amtrak. The Grand Jury identified high rates of suicide by train (11 deaths) and found that most of the other pedestrian trespasser fatalities were classified as transient/homeless persons by the County of Santa Barbara Sheriff/Coroner. The Grand Jury found that a vast majority of fatalities occurred in two relatively small stretches of track: from Ortega Hill in Summerland to Milpas Street in the City of Santa Barbara (High Fatality Zone 1 or HFZ1) and from Patterson Avenue to Glen Annie Road in Goleta (HFZ2). The report also found that ninety percent of the fatalities occurred between the hours of 11 a.m. and 7 p.m., and ninety-five percent of all deaths involved Amtrak trains. It should be noted that two of the fatalities attributed to the City of Goleta were in fact not in the Goleta area. The City's draft response letter to the Grand Jury (Attachment 2) makes this correction (see response to Finding 1).

The Grand Jury focused its analysis on the high fatality zones and found that a reduction in pedestrian trespassing deaths, including suicides and transient/homeless deaths, is best likely to occur by restricting access to and providing additional security in the HFZs. The Grand Jury concluded that improving railroad safety measures in the County will require collaboration between all stakeholders, and a program to:

- Mend existing fences and erect new ones;
- Remove overgrown foliage in the right-of-way area;
- Improve security patrols by negotiating MOUs with local law enforcement; and
- Increase surveillance by installing video cameras to monitor pedestrian trespassing and transient/homeless encampments.

Nearly all of the Grand Jury's recommendations call for some level of collaboration, cooperation or communication between the core agencies, namely the Cities of Santa Barbara and Goleta, the County of Santa Barbara, the Santa Barbara County Association of Governments (SBCAG) and the UPRR. The City's response letter points out that many of these recommendations have already been implemented through the City's establishment of a UPRR Rail/Highway 101 Corridor Safety Task Force (Task Force) in August 2018. The Task Force's most recent meeting in May 2019 was attended by 18 individuals representing all of the above entities with the exception of SBCAG, in addition to Caltrans, California Highway Patrol, and the following Santa Barbara County Departments: Sheriff, Fire, District Attorney and Behavioral Wellness. Most of the safety measures identified by the Grand Jury have been discussed by the Task Force, and UPRR has been repeatedly contacted regarding implementation of increased security, fencing, removal of overgrown foliage, and homeless encampment clean-ups.

The "Railway Fatalities in Santa Barbara County" report has six findings and seven recommendations (see pages 8 and 9) that require a response from the City. Pursuant to *California Penal Code* §933 and 935.59.05, the Santa Barbara County Grand Jury requests each entity to respond to the enumerated findings and recommendations within the specified statutory time limit. Responses to Findings must be either agree with, wholly disagree with, or partially disagree with plus an explanation.

Furthermore, responses to recommendations shall be one of the following:

- Has been implemented, with a brief, summary of the implementation actions taken
- Will be implemented, with an implementation schedule
- Requires Further Analysis, with an analysis completion date of less than six months after the issuance of the report
- Will not be implemented with an explanation of why

As indicated above, the draft response letter to the Grand Jury is provided as Attachment 2. Staff is asking the City Council to review the draft response and authorize the City Manager to sign the response letter and transmit it to the Honorable Michael J. Carrozzo, who is the Presiding Judge.

FISCAL IMPACTS:

There are no other fiscal impacts to the drafting, approval and transmission of the response to the Grand Jury's findings and recommendations, except for staff time

ALTERNATIVES:

Responses are required by Penal Code 933.05. Therefore, there is no alternative to responding to the Grand Jury's report.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Deputy City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

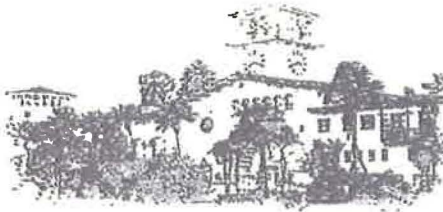
ATTACHMENTS:

1. 2018-2019 Santa Barbara County Grand Jury Report "Railway Fatalities in Santa Barbara County"
2. City's Draft Response Letter to the Grand Jury

ATTACHMENT 1

2019 Santa Barbara County Civil Grand Jury Report “Railway Fatalities in Santa Barbara County”

MAILING ADDRESS:
COUNTY COURTHOUSE
1100 ANACAPA STREET
SANTA BARBARA, CA 93101



PHONE: (805) 568-2291
FAX: (805) 568-3301
EMAIL: SBCGJ@SBCGJ.ORG
HTTP://WWW.SBCGJ.ORG

GRAND JURY
SANTA BARBARA COUNTY

CERTIFICATE OF SERVICE

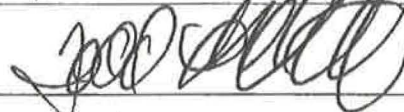
The undersigned, under penalty of perjury, does hereby certify that a transmittal letter and report titled **RAILROAD SAFETY IN SANTA BARBARA COUNTY** prepared by the 2018-2019 Santa Barbara County Grand Jury was delivered on this date.

TO: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Printed Name of person accepting:

TODD MITCHELL

Signature of person accepting:



Title of person accepting:

HR / RISK MANAGER

At: 130 CREMONA STE B GOLETA CA 93117

(Street Address, City, Zip Code)

Date Delivered: ____ / ____ / ____ (Mo/Day/Year)

Time of Delivery: ____ : ____ AM / PM

Printed Name of Juror: _____

Signature of Juror: _____

Note: Retain for records



MAILING ADDRESS:
COUNTY COURTHOUSE
1100 ANACAPA STREET
SANTA BARBARA, CA 93101



PHONE: (805) 568-2291
FAX: (805) 568-3301
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GRAND JURY
SANTA BARBARA COUNTY

June 10, 2019

City of Goleta
130 Cremona Drive, Suite B
Goleta CA 93117

Dear City Council Members

On behalf of the 2018-2019 Santa Barbara County Grand Jury, I am attaching a copy of the report for your review and response:

RAILROAD FATALITIES IN SANTA BARBARA COUNTY

The Grand Jury, County Counsel and the Presiding Judge have approved this report. The California Penal Code § 933.05 requires the following:

- You are receiving this report two working days prior to its release to the public; you shall not disclose this report prior to its public release.
- You must respond to each Finding and Recommendation in this report.
- As an elected county officer or agency head, the response time is not later than 60 days from the date of receipt of the report.
- As the governing body of a public agency subject to the reviewing authority of the Grand Jury, the response time is not later than 90 days of receipt of the report.
- If your response to a Recommendation is "Requires Further Analysis," you must provide an analysis completion schedule which shall not exceed six months from the report publication date.

Your response is a public record and will be posted on the Grand Jury website, www.sbcgj.org. You are required to send a hard copy of your response to:

The Honorable Michael J. Carrozzo, Presiding Judge
Santa Barbara County Superior Court
1100 Anacapa Street
Santa Barbara, CA 93101

The Jury requests that you send an additional hard copy of your response to this same address to the attention of the Grand Jury Foreperson.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "R. Downer", is written over a horizontal line.

Robert R. Downer, Foreperson
2018 - 2019 Santa Barbara County Grand Jury

Attachment

RAILWAY FATALITIES IN SANTA BARBARA COUNTY

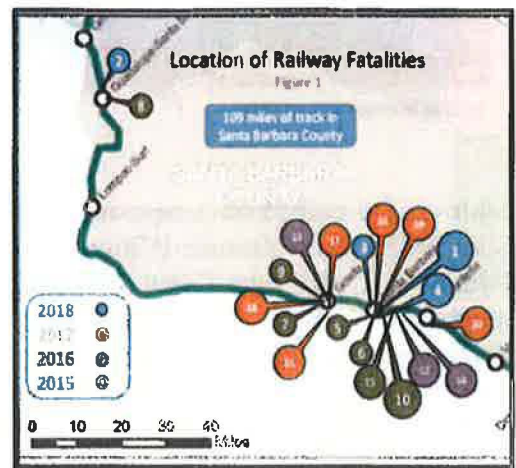
SUMMARY

The Santa Barbara County Grand Jury (Jury) received a request to investigate railroad deaths in Santa Barbara County (County). During a four-year period from 2015 through 2018, 20 railroad-related fatal accidents occurred along the 109-mile County railroad corridor. Ninety-five percent of the fatalities were the result of pedestrian trespassing on the right-of-way owned by Union Pacific Railroad (UPR) and used by both UPR and Amtrak. The Jury identified high rates of “suicide by train” and deaths of transient/homeless persons as significant trends. The Jury found that a vast majority of fatalities occurred in two relatively small stretches of track: from Ortega Hill in Summerland to Milpas Street in the City of Santa Barbara and from Patterson Avenue to Glen Annie Road in Goleta. The Jury focused efforts on these high fatality zones and developed six recommendations that could enhance railroad safety in the County.

BACKGROUND

During the four-year period from 2015 through 2018, 20 railroad-related fatalities occurred along the 109-mile County railroad corridor (Figure 1). UPR owns all the track in the County, including the right-of-way which averages 100 feet in width for the majority of the corridor. Amtrak leases the UPR track for use in operating its passenger trains, which pass through the County rail corridor 12 times a day, six in each direction. UPR runs an average of two freight trains through the corridor each day.

UPR classifies any incident or accident that occurs on its tracks, or within its right-of-way, as a trespasser incident or trespasser accident. UPR uses this terminology to emphasize that anyone injured on its property was there without permission. When a pedestrian or vehicle is in a



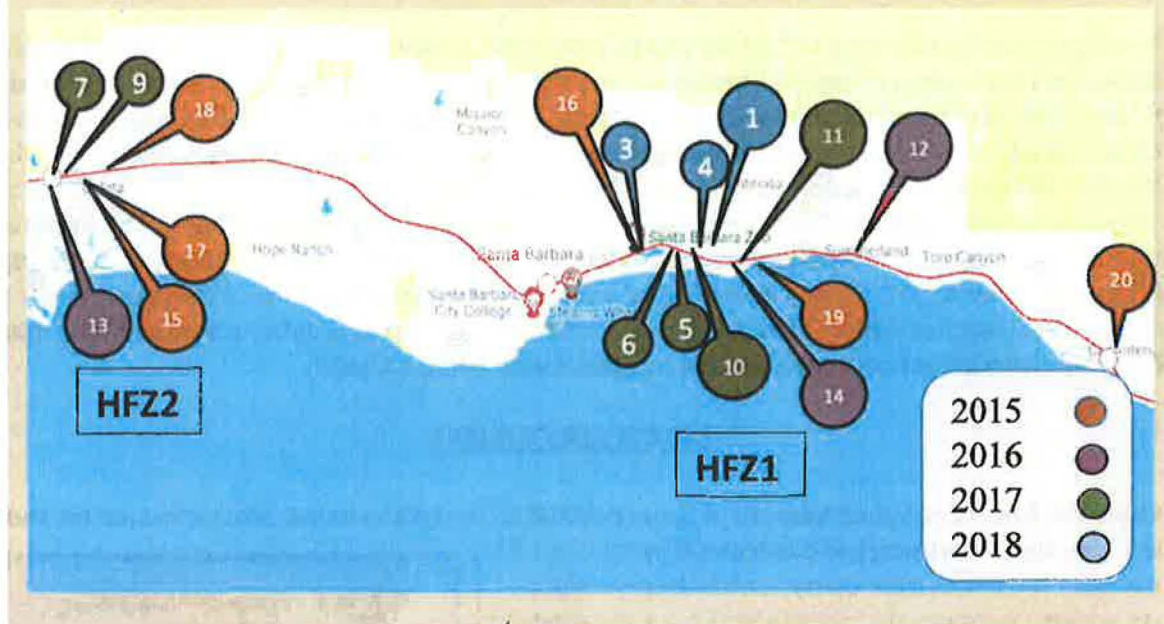
Source: Sheriff/Coroner Data

Figure 1

designated crossing, it is not considered trespassing. Of the 20 deaths recorded in the County, 19 were pedestrians and one was vehicle related. By the UPR classification, all the pedestrian fatalities were trespasser incidents.

Review of the data by the Jury revealed that the vast majority of fatalities occurred within two relatively short High Fatality Zones (HFZ), between Ortega Hill and Milpas Street (HFZ1) and between Patterson Avenue and Glen Annie Road (HFZ2) (Figure 2). Of the 19 pedestrian trespasser fatalities during this four-year period, 11 were in HFZ1 and six in HFZ2. Thus, 85 percent of fatalities occurred in approximately 12 percent (13 miles) of the 109-mile County railroad corridor.

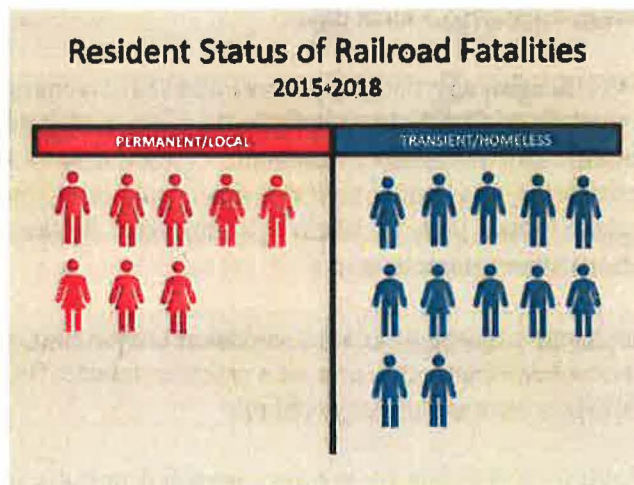
Santa Barbara County – South Coast Rail Deaths 2015-2018



Source: Sheriff/Coroner Data

Figure 2

Most of the pedestrian trespasser fatalities have been classified as transient/homeless by the Sheriff/Coroner (Coroner) (Figure 3 and Exhibit A). The Jury found significant numbers of transient/homeless encampments in HFZ1 and HFZ2, as pictured below. These zones include stretches where right-of-way fencing has deteriorated or is nonexistent. Additionally, these portions of the corridor have extensive areas where scrub brush and trees have been allowed to grow in the right-of-way, providing natural shelter for transient/homeless encampments. Areas where brush has been cleared and trees properly managed have very few encampments.



Source: Sheriff/Coroner Data

Figure 3



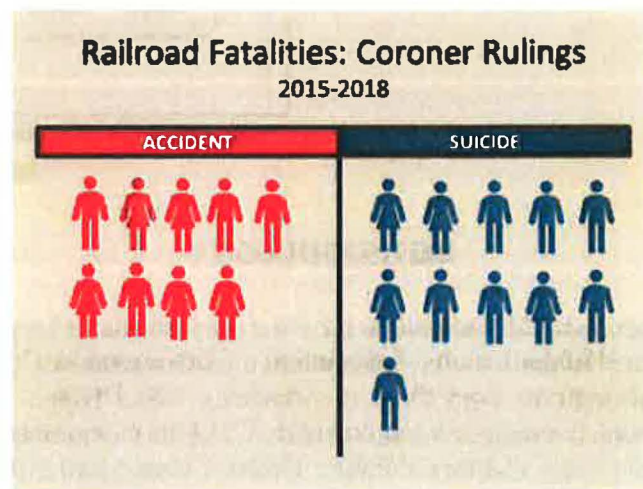
Source Carpinteria-Summerland Fire District



Source: Santa Barbara County Fire Department

UPR employs approximately 100 security personnel for the entire Western United States, which covers a total of 23,000 miles of track. In Santa Barbara County, local law enforcement agencies enforce trespassing and illegal camping ordinances in city, county, and state-owned land but do not pursue enforcement into the privately owned UPR right-of-way. In other locations, UPR has negotiated Memoranda of Understanding (MOU) with local law enforcement agencies to provide security along its right-of-way. In these cases, when pedestrian trespassing or encampments are observed, the local law enforcement agency is notified and takes the appropriate measures to remove the trespassers.

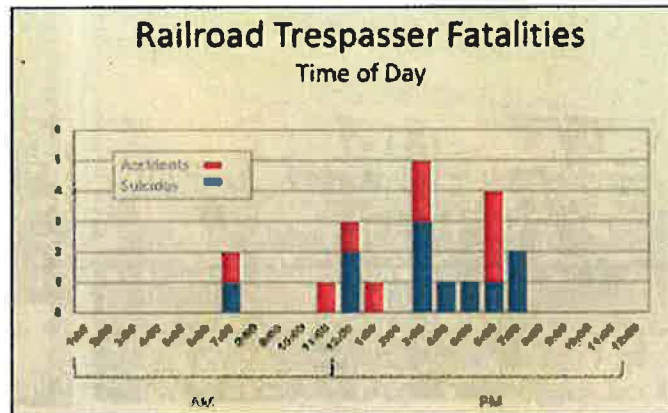
A disturbing observation is the number of incidents of “suicide by train.” The Coroner determined that 11 of the deaths in the county were suicides, of which seven were transients/homeless while four were local citizens or people with permanent addresses (Figure 4).



Source: Sheriff/Coroner Data

Figure 4

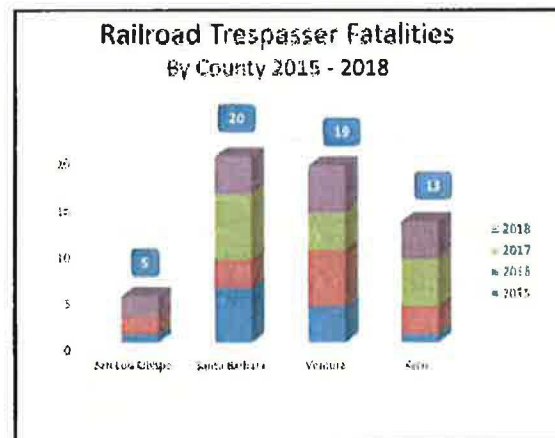
Ninety percent of the fatalities occurred between the hours of 11 a.m. and 7 p.m. None of the deaths occurred between 8 p.m. and 7 a.m. Ninety-five percent of all deaths involved the Amtrak trains.



Source: Sheriff/Coroner Data

Figure 5

A comparison of railroad deaths in the County with those in neighboring counties revealed a higher number and a much higher rate of railroad fatalities when compared to county population. Over the four-year period, the County had one railroad related death per 22,000 inhabitants, Ventura County had one per 46,000 inhabitants, San Luis Obispo County had one per 57,000 inhabitants, and Kern County had one per 69,000 inhabitants¹.



Source: California Public Utilities Commission Data

Figure 6

METHODOLOGY

The primary investigative activity undertaken by the Jury consisted of personal interviews with UPR officials and Santa Barbara County Association of Governments (SBCAG) officials. Also interviewed were representatives from the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) which manages the rail corridor. The Jury examined records from the Santa Barbara County Coroner, the California Public Utilities Commission (CPUC), and the Federal Railroad Administration (FRA) to determine the scope and nature of the problem and to determine methods to remedy the situation. The Jury also conducted a site investigation of the rail corridor from Carpinteria to Goleta.

¹ www.worldpopulationreview.com/us-counties/ca, last visited May 23, 2019

OBSERVATIONS

When compared to the number of railroad-related deaths for neighboring counties, the 20 deaths in the County were higher in number and percentage per population than deaths in San Luis Obispo, Kern, and Ventura counties over the same time period. The Jury found that 85 percent of the deaths occurred in two relatively small sections of the County's 109-mile-long railroad corridor. The high number of pedestrian fatalities that occurred in HFZ1 and HFZ2 indicates that these two areas should receive intense scrutiny with respect to pedestrian safety. HFZ1 and HFZ2 have several factors in common including:

- areas of damaged or nonexistent fencing
- stretches of scrub brush and overgrown trees
- high numbers of homeless encampments
- located near residential neighborhoods
- adjacent to Highway 101
- infrequently patrolled by security personnel

The high number of transient/homeless encampments plays a significant role in county railroad pedestrian deaths. Twelve of the 19 victims have been designated as transient/homeless. Deteriorating fences or no fencing at all provide easy access to the HFZs, while overgrown foliage provides the partial shelter and concealment that attract homeless encampments. As UPR employs few security personnel, the homeless encampments flourish in these zones.

Railroad service providers have worked in cooperation with local city and county agencies elsewhere in California to create sealed corridors. A sealed corridor is an area designed to enhance the safety of trains, passengers, motorists, pedestrians, and neighboring land users within and along a railroad corridor. It employs appropriate safety measures to systematically reduce the opportunity for accidents at grade crossings or elsewhere within the corridor.² An example of this is the City of Glendale, California, where officials from Metrolink and city agencies combined to make safety improvements including roadway and curb widening, new automatic vehicle exit gates, new sidewalks, new pedestrian gates and traffic signal advance preemption technology. Officials from Metrolink and city agencies refer to this as positive train control.³ The combination of these measures and others, such as additional fencing, removal of excess foliage and increased security observation, can work to limit pedestrian access to railroad right-of-way and create a sealed corridor.

UPR and Amtrak, working in conjunction with local governmental agencies, could create a sealed corridor stretching from Ortega Hill to Glen Annie Road. Improvements should include the repair and replacement of fencing to eliminate access to the rights-of-way, clearing of overgrown foliage

² www.DOT.CA.gov/hg/ctc/2006 Southern California Regional Rail Authority Board of Directors Report, "Metrolinks Sealed Corridor Project 2006," last visited May 9, 2019

³ www.cvweekly.com *Crescenta Valley Weekly*, "Rail 'Sealed Corridor Inaugurated,'" November 22, 2012, page 1, last visited May 12, 2019

to eliminate shelter areas, and working with local law enforcement to provide security and eliminate pedestrian trespassing.

Another component adding strength to the proposed sealed corridor would be to increase the security presence within the right-of-way area. In parts of Ventura County, the Sheriff's Department and UPR have adopted an MOU to provide security within the privately owned UPR right-of-way, and to investigate reports of pedestrian trespassing. If MOUs can be created with the Santa Barbara County Sheriff's Department and the Santa Barbara Police Department, security will be vastly improved within the proposed sealed corridor.

The introduction of video cameras within the HFZs can also act to seal the corridors. An eight-car passenger train traveling at 80 miles per hour needs about a mile to stop.⁴ If video surveillance cameras were installed on poles every mile within the HFZs, the increased observation of the zones could alert UPR staff to the existence of pedestrian trespassers and homeless encampments within the right-of-way. Since 90 percent of the fatalities have occurred between 11 a.m. and 7 p.m., the cameras would need to be monitored only during this period.

The sealed corridor concept could reduce the "suicide by train" incidents. All of the 11 pedestrian suicides occurred in the HFZ1 and HFZ2 areas. Easy access to the right-of-way, the predictability of train arrivals, the overgrown foliage, and the secluded nature of the zones within populated neighborhoods make them likely places for suicide. While the Jury realizes that it would be impossible to prevent determined individuals from ending their lives, creating sealed corridors can reduce the likelihood of suicide by train.

CONCLUSIONS

The 20 railroad-related deaths that occurred in the 109-mile County railroad corridor during the 2015 through 2018 period are significant and are concentrated within two small areas of track, HFZ1 and HFZ2. A reduction in pedestrian trespassing deaths, including suicides and transient/homeless deaths, can best be secured by restricting access to and providing additional security in the HFZs. Other jurisdictions in the state of California have achieved success in reducing the number of railroad fatalities by constructing a sealed corridor. A sealed corridor could be constructed from Ortega Hill to Glen Annie Road, essentially spanning the cities of Santa Barbara and Goleta. For maximum effectiveness, the proposed Santa Barbara-Goleta corridor would require a program to:

- mend existing fences and erect new ones
- remove overgrown foliage in the right-of-way area
- improve security patrols by negotiating MOUs with local law enforcement
- increase surveillance by installing video cameras to monitor pedestrian trespassing and transient/homeless encampments.
- A collaboration between all stakeholders, including scheduling regular meetings, will improve railroad safety measures in the County.

⁴ www.OLI.org Minnesota Operation Lifesaver, Inc., last visited May 23, 2019

Source: Sheriff/Coroner Data

Santa Barbara County Railroad Fatalities Years 2015 through 2018

	Year	Victim	Age	City	Location	Ruling ¹	Home ²	Time
1	2018	Female	33	Montecito.	Southbound Olive Mill Exit	A	T	7:10 AM
2	2018	Male	59	Guadalupe	Pacheco and 12th Streets	A	T	3:03 PM
3	2018	Female	77	Santa Barbara	Milpas/Calle Puerto Vallarta	S	T	7:00 PM
4	2018	Male	50	Montecito.	Spring Road	A	T	6:00 PM
5	2017	Male	44	Santa Barbara	W. Montecito ST	S	T	5:22 PM
6	2017	Male	18	Montecito	1700 Fernald PT	A	L	1:30 PM
7	2017	Male	52	Goleta	San Pedro Creek	A	T	12:06 AM
8	2017	Female	74	Goleta	W. Main ST	A	L	3:00 PM
9	2017	Female	65	Goleta	15 S La Patera Ln.	S	L	12:05 AM
10	2017	Female	62	Montecito.	Butterfly Lane	S	T	3:00 PM
11	2017	Male	46	Montecito.	Miramar Ave	S	T	7:00 PM
12	2016	Male	60	Summerland	Wallace Ave	S	T	4:30 PM
13	2016	Female	19	Goleta	Glen Annie	S	L	3:00 PM
14	2016	Male	61	Montecito.	Butterfly Lane	S	L	3:05 PM
15	2015	Female	49	Goleta	La Patera	A	T	11:30 AM
16	2015	Male	60	Santa Barbara	300 S Milpas	S	T	12:44 AM
17	2015	Female	21	Guadalupe	Magnolia Ave	A	L	6:11 PM
18	2015	Male	59	Goleta	500 Ninos Drive	S	T	6:00 PM
19	2015	Female	60	Guadalupe	Eucalyptos	S	L	7:08 AM
20	2015	Female	54	Carpinteria	RR Tracks	A	L	6:56 PM

¹ S = Suicide, A = Accident² T = Transient, L = Local Resident

Exhibit A

FINDINGS AND RECOMMENDATIONS

Finding 1

Eighty-five percent of railroad-related deaths occurring in Santa Barbara County were pedestrian trespasser incidents that occurred in the High Fatality Zone One from Ortega Hill in Summerland to Milpas Street in Santa Barbara and High Fatality Zone Two from Patterson Avenue to Glen Annie Road in Goleta.

Recommendation 1

That the Cities of Santa Barbara and Goleta, the County of Santa Barbara and Santa Barbara County Association of Governments meet regularly with Union Pacific Railroad to create a safety plan to reduce trespasser deaths in High Fatality Zones.

Finding 2

A sealed corridor has been used effectively to enhance railroad safety.

Recommendation 2

That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments collaborate with Union Pacific Railroad to develop a sealed corridor from Ortega Hill in Summerland to Glen Annie Road in Goleta.

Finding 3

There is a need for increased security presence to reduce trespassing within the High Fatality Zones, and in other communities this has been achieved through Memoranda of Understanding between Union Pacific Railroad and local law enforcement.

Recommendation 3

That the Santa Barbara County Sheriff and City of Santa Barbara Police Department negotiate Memoranda of Understanding with Union Pacific Railroad to provide enhanced security within their respective High Fatality Zones.

Finding 4

Fencing along the railroad right-of-way in the High Fatality Zones is inadequate or nonexistent.

Recommendation 4

That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments collaborate with Union Pacific Railroad to repair and install fencing, to prevent easy access to the Union Pacific Railroad right-of-way in the High Fatality Zones.

Finding 5

Overgrown foliage and trees provide a natural shelter for homeless encampments.

Recommendation 5

That the County of Santa Barbara and the Cities of Santa Barbara and Goleta encourage Union Pacific Railroad to cut back or remove overgrown trees and foliage within the Union Pacific Railroad right-of-way in the High Fatality Zones.

Finding 6

Video surveillance cameras provide increased observation of activity by pedestrian trespassers and homeless encampments within the Union Pacific Railroad right-of-way.

Recommendation 6a

That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments encourage Union Pacific Railroad to install and monitor video surveillance cameras on poles every mile within the High Fatality Zone.

Recommendation 6b

That County of Santa Barbara and the Cities of Santa Barbara and Goleta, together with Union Pacific Railroad, establish a schedule to monitor the video surveillance cameras between 11 a.m. and 7 p.m.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code* §933 and 935.59.05, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated finds and recommendations within the specified statutory time limit. Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree partially with an explanation

Responses to recommendations shall be one of the following:

- Has been implemented, with a brief, summary of the implementation actions taken
- Will be implemented, with an implementation schedule
- Requires Further Analysis, with an analysis completion date of less than six months after the issuance of the report
- Will not be implemented with an explanation of why

City of Goleta - 90 Days

Findings 1, 2, 3, 4, 5, 6

Recommendations 1, 2, 3, 4, 5, 6a, 6b

City of Santa Barbara - 90 Days

Findings 1, 2, 3, 4, 5, 6

Recommendations 1, 2, 3, 4, 5, 6a, 6b

Santa Barbara County Board of Supervisors - 90 Days

Findings 1, 2, 3, 4, 5, 6

Recommendations 1, 2, 3, 4, 5, 6a, 6b

Santa Barbara County Sheriff - 60 Days

Finding 3

Recommendation 3

Santa Barbara County Association of Governments - 90 Days

Findings 1, 2, 4, 6

Recommendations 1, 2, 4, 6a

ATTACHMENT 2

City of Goleta Response to the 2019 Santa Barbara County Civil Grand Jury Report “Railway Fatalities in Santa Barbara County”



July 22, 2019

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Stuart Kasdin
Councilmember

James Kyriaco
Councilmember

CITY MANAGER

Michelle Greene

The Honorable Michael J. Carrozzo
Presiding Judge
Santa Barbara Superior Court
1100 Anacapa Street
Santa Barbara, CA 93101

SUBJECT: Responses to 2019 Santa Barbara County Civil Grand Jury Report "Railway Fatalities in Santa Barbara County."

Dear Hon. Judge Carrozzo:

The City of Goleta is pleased to provide the following requested responses to the above referenced report as requested, for Findings 1,2,3,4,5,6 and Recommendations 1,2,3,4,5,6a, 6b. Please note the following responses:

Finding 1: Eighty five percent of railroad - related deaths occurring in Santa Barbara County were pedestrian trespasser incidents that occurred in the High Fatality Zone One from Ortega Hill in Summerland to Milpas Street in Santa Barbara and High Fatality Zone Two from Patterson Avenue to Glen Annie Road in Goleta.

Response to Finding 1: The City of Goleta partially disagrees with this finding. Two of the fatalities attributed to Goleta (W. Main Street and 500 Ninos Drive) are not located in the Goleta area. There is no Main Street in or near the City of Goleta, and 500 Ninos Drive is located in the City of Santa Barbara.

Recommendation 1: That the Cities of Santa Barbara and Goleta, the County of Santa Barbara and Santa Barbara County Association of Governments meet regularly with Union Pacific Railroad to create a safety plan to reduce trespasser deaths in High Fatality Zones.

Response to Recommendation 1: Will Be Implemented. The City of Goleta has established a Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force in 2018 to regularly meet with the UPRR and regional agencies like CalTrans, California Highway Patrol,

County of Santa Barbara Sheriff's Office, County of Santa Barbara Fire Dept., City of Santa Barbara, County of Santa Barbara District Attorney's Office, County of Santa Barbara Department of Behavioral Wellness and other agencies to discuss issues and concerns related to homelessness in and around the UPRR Right of Way (ROW). Invitations to future meetings of the Task Force will include SBCAG and other agencies in the region to join the City of Goleta's existing Task Force to facilitate the creation of the Safety Plan and other SB County Civil Grand Jury Railway Report action items and recommendations.

The creation of the Safety Plan will be discussed at the next UPRR Rail/Highway 101 Corridor Safety Task Force meeting to be scheduled by September 2019. Completion of said Safety Plan will be in coordination with participating agencies of the Task Force and is expected to occur by June 30, 2020.

Finding 2: A sealed corridor has been used effectively to enhance railroad safety.

Response to Finding 2: The City of Goleta agrees with this finding.

Recommendation 2: That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments collaborate with Union Pacific Railroad to develop a sealed corridor from Ortega Hill in Summerland to Glen Annie Road in Goleta.

Response to Recommendation 2: Will be Implemented. The City of Goleta's Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force will discuss the development of a sealed corridor from Ortega Hill in Summerland to Glen Annie Road in Goleta, at the next UPRR Rail/Highway 101 Corridor Safety Task Force meeting to be scheduled by September 2019. Completion of said sealed corridor will be the primary responsibility of the UPRR as they are the property owner. The City of Goleta would request that the UPRR complete the work to develop a sealed corridor by June 30, 2020.

Finding 3: There is a need for increased security presence to reduce trespassing within the High Fatality Zones, and in other communities this has been achieved through Memoranda of Understanding between Union Pacific Railroad and local law enforcement.

Response to Finding 3: The City of Goleta agrees with this finding.

Recommendation 3: That the Santa Barbara County Sheriff and City of Santa Barbara Police Department negotiate Memoranda of Understanding with Union Pacific Railroad to provide enhanced security within their respective High Fatality Zones.

Response to Recommendation 3: Has been implemented. The City of Goleta contracts with the Santa Barbara County Sheriff's Office for law enforcement services.

We have been informed by the Sheriff's Office that an MOU/Authority Letter has been approved by the UPRR, dated March 26, 2019 to allow the Sheriff's Office to provide enhanced enforcement and security within the UPRR Corridor.

Finding 4: Fencing along the railroad right-of-way in the High Fatality Zones is inadequate or nonexistent.

Response to Finding 4: The City of Goleta partially agrees with this finding. There are areas within the UPRR ROW where fencing is adequate.

Recommendation 4: That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments collaborate with Union Pacific Railroad to repair and install fencing, to prevent easy access to the Union Pacific Railroad right-of-way in the High Fatality Zones.

Response to Recommendation 4: Will be implemented. The City of Goleta's Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force will discuss the repair and installation of fencing to prevent easy access to the UPRR ROW in the High Fatality Zones in collaboration with the UPRR at the next Task Force meeting scheduled by September 2019. Completion of said repairs and installation of fencing will be the primary responsibility of the UPRR as they are the property owner. The City of Goleta will request that the UPRR complete the work to repair existing fencing by December 31, 2019, and install new fencing where needed, by June 30, 2020.

Finding 5: Overgrown foliage and trees provide a natural shelter for homeless encampments.

Response to Finding 5: The City of Goleta agrees with this finding.

Recommendation 5: That the County of Santa Barbara and the Cities of Santa Barbara and Goleta encourage Union Pacific Railroad to cut back or remove overgrown trees and foliage within the Union Pacific Railroad right-of-way in the High Fatality Zones.

Response to Recommendation 5: Has Been Implemented. The City of Goleta's Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force previously discussed the cutting back and removal of overgrown trees and foliage within the UPRR ROW in the High Fatality Zones. City staff has also contacted UPRR staff on several occasions to discuss needed foliage removal and homeless encampment cleanups. CalTrans, as part of this effort, has also previously cut back and removed overgrown trees and foliage in the areas between Highway 101 and the UPRR ROW, reducing fire hazards. The City will continue to request UPRR to cut back and remove overgrown vegetation in their ROW in the High Fatality Zones and ask that this work be completed by December 31, 2019.

Finding 6: Video surveillance cameras provide increased observation of activity by pedestrian trespassers and homeless encampments within the Union Pacific Railroad right-of-way.

Response to Finding 6: The City of Goleta agrees with this finding.

Recommendation 6a: That the Cities of Santa Barbara and Goleta, the County of Santa Barbara, and Santa Barbara County Association of Governments encourage Union Pacific Railroad to install and monitor video surveillance cameras on poles every mile within the High Fatality Zone.

Response to Recommendation 6a: Will be implemented. The City of Goleta's Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force will encourage UPRR to install and monitor video surveillance cameras on poles every mile within High Fatality Zones at the next meeting scheduled for September 2019. The City of Goleta will request that the UPRR complete work to install and monitor video surveillance cameras by June 30, 2020.

Recommendation 6b: That County of Santa Barbara and the Cities of Santa Barbara and Goleta, together with Union Pacific Railroad, establish a schedule to monitor the video surveillance cameras between 11 a.m. and 7 p.m.

Response to Recommendation 6b: Will be implemented. The City of Goleta's Union Pacific Rail Road (UPRR) Rail/Highway 101 Corridor Safety Task Force will encourage UPRR to establish a schedule to monitor the video surveillance cameras between 11 a.m. and 7 p.m. at the next Task Force meeting scheduled by September 2019.

The City of Goleta will request that the UPRR provide a monitoring schedule by December 31, 2019.

The City of Goleta shares the Grand Jury's concern over the number of pedestrian-related railroad fatalities in Santa Barbara County. City staff have already been working with UPRR, the Sheriff's Office, and other agencies to cooperatively and proactively address many of the findings and recommendations of the Grand Jury's report.

This concludes our responses to the Grand Jury's Report. For any additional assistance we can provide on this, please feel free to contact Vyto Adomaitis, Director of Neighborhood Services & Public Safety at vadomaitis@cityofgoleta.org or by phone at 805-961-7555.

Sincerely,

Michelle Greene
City Manager

CC: Vyto Adomaitis, Director, NS & Public Safety Dept.
Charlie Ebeling, Director, Public Works Dept.
Lt. Brian Thielst, Chief of Police Services