



City Manager's Office
PO Box 580
300 LaPorte Ave.
Fort Collins, CO 80522
970.221.6505
970.224.6107 - fax
fcgov.com

MEMORANDUM

Date: September 4, 2019

To: Mayor and City Councilmembers

From: Joe Olson, City Traffic Engineer
Tyler Marr, Sr. Project Manager

Through: Darin Atteberry, City Manager
Jeff Mihelich, Deputy City Manager
Kelly DiMartino, Deputy City Manager
Dean Klingner, Interim Director of Planning, Development, and Transportation

Re: Train Horn Noise Reduction Efforts – Staff Update

Bottom Line

Given Squire Patton Boggs (SPB) inability to fulfill the City's federal lobbying needs on train horn solutions and a difficult path to success legislatively in the foreseeable future, staff is recommending the City not expend the funds appropriated for federal lobbying on train horn noise or fund the 2020 revision offer and instead pursue another waiver request with the Federal Railroad Administration this fall (FRA).

Background

Earlier this summer, City Council appropriated approximately \$50,000 for federal lobbying services to pursue solutions to relieve train horn noise downtown. Given previous experience and the reputation of Squire Patton Boggs, they were recommended as a sole-source provider of these services in the appropriation request.

Staff held an initial conversation with SPB upon Council approval to begin scoping the work and learn initial observations and advice. While staff learned much about how to approach a second waiver request and the path that would be required for a legislative change to provide relief, they also told SPB that the railroads have not been supportive of our efforts in this space. SPB represents a railroad industry group, which they did not think initially posed a problem. Recently, we learned from SPB that in fact, the railroad group was very uncomfortable with them doing any work to even support clients moving through existing regulations, let alone try to change them.

As a result, SPB is not able to fulfill the City's needs. SPB offered to provide recommendations on other firms that might be able to fill this need, but staff has not received that information as of this writing. In order to reengage a lobbyist, regardless of a SBP recommendation, staff would need to complete an request for proposal (RFP) process. This would likely inhibit starting work with a firm until late this fall. That, coupled with the Congressional calendar where the opportunity to secure a rider will become less viable as we move into 2020, leads staff to believe that money on a federal lobbyist would be better spent after the 2020 election.

In the meantime, staff is planning to continue to pursue a regulatory path. The first step in this process remains securing a waiver to the requirement of installing gates at every intersection in the proposed quiet zone. Staff will be applying for another waiver request using lessons learned from the first attempt and from SPB in initial conversations. Work will be substantially complete in time for Council's October trip to D.C., so that they can discuss with DOT/FRA officials and gather any feedback on the proposed approach to incorporate into a final document before staff submits in late October.

If Council would rather staff continue with a legislative approach in addition to a regulatory one, staff is happy to shift course by that direction and begin an RFP process in short order.