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BOARD OF SUPERVISORS
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

COUNTY OF SANTA BARBARA

August 27, 2019

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

Reference: Response to Santa Barbara Civil Grand Jury report titled, "Railroad Fatalities in Santa Barbara County" published June 13, 2019.

Judge Carrozzo:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code.

The Board appreciates the work conducted by the Public Works Department for their assistance in responding to this matter.

Sincerely,

Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors

CC: Santa Barbara County Grand Jury

**Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2018-2019 Report
“Railroad Fatalities in Santa Barbara County”**

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.

The Board of Supervisors agrees with Finding 1 and the data contained within the 2018-2019 Santa Barbara County Grand Jury report titled Railroad Fatalities in Santa Barbara County. The Union Pacific Railroad (UPR) is solely responsible for the operation and maintenance of the right-of-way studied within this report.

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.

Recommendation 1 has not been implemented, but will be implemented within the next six months with the Santa Barbara County Association of Governments (SBCAG) as the lead public agency. Caltrans should be included in this planning effort as their facilities abut a significant portion of UPR right-of-way.

Finding 2

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

The Board of Supervisors disagrees partially with Finding 2. Sealed corridors have been used by railroads as an effective safety measure at designated crossings (street/sidewalk crossings). If a vehicle or a pedestrian is in a designated crossing it is not considered trespassing. As stated within the report UPR classifies all the pedestrian fatalities listed as trespasser incidents. Pedestrian safety effectiveness of a sealed corridor is unknown at this time for trespasser incidents.

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.

Recommendation 2 will not be implemented by the County of Santa Barbara. Sealed corridors are designed by railroads to enhance railroad safety at designated crossings. UPR must determine the pedestrian safety effectiveness of sealed corridors for trespasser incidents.

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.

The Board of Supervisors disagrees partially with Finding 3. It is agreed that there is a need for an increased security presence on UPR right-of-way to reduce trespassing within the area described in this report. However, while the presence of an MOU is a good starting point, absent the dedication of sufficient physical resources toward the enforcement of trespassing laws, the presence of an MOU alone will not improve safety within the areas of concern.

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.

The Santa Barbara County Sheriff's Office has implemented this recommendation. As of March 26th, 2019, the Sheriff's Office has obtained written permission from Union Pacific Railroad, giving them the authority to enter their property for the purpose of enforcing criminal trespass statutes. However, the current agreement between Union Pacific Railroad and the Sheriff's Office does not provide funding or other resources to the Sheriff's Office's for the purposes of enhancing their ability to enforce trespassing laws on Union Pacific Railroad property. Due to the Sheriff's Office's current patrol staffing levels, their office has very limited ability to provide enhanced levels of service on Union Pacific Railroad property.

Finding 4

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

The Board of Supervisors disagrees partially with Finding 4. Some sections of fencing along the railroad right-of-way described in this report have experienced deterioration while other areas are adequate and effective for the installed purpose.

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.

Recommendation 4 will not be implemented by the County of Santa Barbara. The County does not have authority to repair and/or install fencing in the railroad corridor. UPR is solely responsible for the operation and maintenance of the right-of-way studied within this report. Caltrans should be included in this effort as their facilities abut a significant portion of UPR right-of-way and there may be economies of scale in this effort.

Finding 5

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

The Board of Supervisors disagrees partially with Finding 5. While overgrown foliage and trees may provide a natural shelter for homeless encampments, UPR has generally managed their vegetation efficiently over the years along their right-of-way corridor within the County of Santa Barbara. This vegetation is also seen as a visual and sound buffer by many of the adjacent private property owners.

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.

Recommendation 5 will not be implemented by the County of Santa Barbara. The County does not have authority to cut back and/or remove overgrown trees and foliage in the railroad corridor. UPR is solely responsible for the operation and maintenance of the right-of-way studied within this report. Caltrans should be included in this planning effort as their facilities abut a significant portion of UPR right-of-way and there may be economies of scale in this effort.

Finding 6

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

The Board of Supervisors disagrees partially with Finding 6. We agree that placement of surveillance cameras within areas of concern has the potential of increasing observation of pedestrian trespassers and homeless encampments. However, cameras alone will not accomplish the desired results without dedicated UPR resources to respond to observed trespassing and homeless encampments.

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 6a will not be implemented by the County of Santa Barbara. UPR is solely responsible for the operation and maintenance of the right-of-way studied within this report. If cameras are installed by UPR they should monitor the video feeds and ensure that sufficient resources are available to respond to trespass incidents.

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.

Recommendation 6b will not be implemented by the County of Santa Barbara. UPR is solely responsible for the operation and maintenance of the right-of-way studied within this report. If cameras are installed by UPR they should monitor the video feeds and ensure that sufficient resources are available to respond to trespass incidents.