

# Transportation Advisory Board

Maricopa County Department of Transportation

## MINUTES

Tuesday, November 19, 2013

5. QUIET ZONE ORDINANCE (DOT-01-2013)

**Presentation:** Mitch Wagner, Board of Supervisors Liaison

**Suggested Action:** Public meeting to initiate regulatory change

Chairman Erpenbeck introduced agenda items 5 and 6 combined.

Mr. Wagner stated that the items could be combined as they are both part of the new Enhanced Regulatory Outreach Program (EROP) that the Board of Supervisors approved last year. Mr. Wagner reminded the TAB that last year Joy Rich introduced the EROP program to the TAB Members. He noted that information on the program has been included in the TAB agenda packets. Mr. Wagner explained that the process was designed to maximize stakeholder public involvement in any processes that are regulatory burdens on industry or private homeowners. He further explained that this process is focused on people who interact with those in the Planning & Development and the Environment Quality Departments. Mr. Wagner said the Board approval of the EROP process included a moratorium on any County changes to new laws, ordinances, regulations or rules until 2016.

Mr. Wagner stated that the EROP process begins with an introduction of the topic to the County Manager. He said the next step is for the County Manager to then send a memorandum to the Board stating the changes to the ordinance or rules and regulations that are being proposed are exempt from the moratorium because the moratorium did provide for exceptions for complying with Federal or State laws. Mr. Wagner pointed out that the Quiet Zone Ordinance is directly exempt from the moratorium as the effort is for the County to comply with the Federal law that allows for residents to come together and work preventing the unwanted train horn noise at crossings. Mr. Wagner stated that there are two quiet zones already in incorporated areas of Maricopa County, located at R.H. Johnson Boulevard and Meeker Boulevard. He stated the ordinance will follow the formal process for people to request a quiet zone to be established in their neighborhood. Mr. Wagner noted the ordinance does declare that the neighborhood pay for the improvements that are required at the crossings so that the horns don't have to be sounded. Mr. Wagner spoke to the presentation of the schedule of this item as it follows the Enhanced Regulatory Outreach Process. Mr. Wagner noted that a stakeholder workshop was held on November 5, 2013, with no one in attendance. Mr. Wagner indicated that today's TAB meeting was the first required public meeting to introduce the topic but that another public meeting will be held at the January 21, 2014 TAB meeting. He said the recommendations from that public meeting (January 21) will be submitted to the Board of Supervisors for approval of the ordinance. Mr. Wagner requested that if any TAB Member has any questions or receives any public

comments, please let him know so that he can make sure that the comments are documented for the record as part of the process.

Board Member Carlson asked Mr. Wagner if the Quiet Zone Ordinance pertained only to train whistles or if it could pertain to any over the road engine braking, such as jake brakes. TAB Member Carlson stated that he has received complaints from residents near the same corner of Meeker and R.H. Johnson, of jake brake noise, as well. He asked is that is ADOT's jurisdiction.

Mr. Wagner stated that the Quiet Zone Ordinance would only apply to train horns. He stated that brake noise would be a separate ordinance. Mr. Wagner stated that the focus was on the Federal law that applies to the railroads. Mr. Wagner asked Chairman Erpenbeck to ask for public comments for documentation.

Chairman Erpenbeck asked if anyone had any questions or comments they would like to make with respect to the Quiet Zone Ordinance. There were no comments.

## **DRAFT MINUTES**

### **Tuesday, January 21, 2014**

**1. QUIET ZONE ORDINANCE (DOT-01-2013)**

**Presentation:** Mitch Wagner, Board of Supervisors Liaison

**Suggested Action:** Public Hearing of the Enhanced Regulatory Outreach Program and possible recommendation to the Board of Supervisor for approval

Mr. Wagner mentioned that this is the second hearing for this Quiet Zone Ordinance which is part of the Enhanced Regulatory Outreach Program (EROP). He stated that there hasn't been any change to it, MCDOT hasn't received any additional public comments, questions, or issues. We are still on the same schedule as we had before and would like to get this out to the Board of Supervisors for approval on February 12<sup>th</sup>. What MCDOT is requesting from TAB today is a recommendation for approval.

**MOTION:** Vice Chairman Martin moved for the TAB recommend approval of this to the Board of Supervisors; Board Member Gullet seconded the motion.

**ACTION:** *Motion passed unanimously.*

Mr. Hauskins stated we should take note that this particular ordinance complies with the federal regulations but the important part about is we already have a couple of quiet zones, so he thinks it's a good idea.