

**Martinez, Samuel**

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**From:** Anna C. Palmer <acpalmer@up.com>  
**Sent:** Tuesday, January 17, 2017 2:16 PM  
**To:** Martinez, Samuel  
**Subject:** Re: Tomorrow's LAFCO Hearing  
**Attachments:** 2016-03-18 City of Chino final ltr.pdf

Mr. Martinez,

Upon review of my file, it appears that UP has previously commented on this project to the City of Chino, and UP's comments remain the same. Please include the attached letter for the LAFCO hearing.

Sincerely yours,

Anna C. Palmer  
Advanced Certified Paralegal  
Union Pacific Railroad Company  
1400 Douglas STOP 1580  
Omaha, NE 68179  
Phone: 402-544-0425  
acpalmer@up.com

From: Anna C. Palmer/UPC  
To: smartinez@lafco.sbcounty.gov  
Date: 01/17/2017 03:55 PM  
Subject: Tomorrow's LAFCO Hearing

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Hi Mr. Martinez,

I have questions regarding the Griffin Homes item to be discussed at tomorrow's LAFCO hearing. Could you call me at your earliest convenience. Also, as a side note, I will be in the office until approximately 5:00pm CST. Hope to hear from you soon.

Sincerely yours,

Anna C. Palmer  
Advanced Certified Paralegal  
Union Pacific Railroad Company  
1400 Douglas STOP 1580  
Omaha, NE 68179  
Phone: 402-544-0425  
acpalmer@up.com

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UNION PACIFIC RAILROAD  
1400 Douglas Street, Stop 1580  
Omaha, Nebraska 68179

Patrick R. McGill/UPC Senior Counsel-Real Estate, Law Dept.

P 402 544 5761  
F 402 997 3603  
prmcgill@up.com

March 18, 2016

VIA EMAIL ONLY: [mhitz@cityofchino.org](mailto:mhitz@cityofchino.org)

City of Chino  
Community Development Department  
Attn: Michael Hitz, Principal Planner  
13220 Central Avenue  
Chino, California 91708

Re: Comments to proposed Griffin Residential Project near APN: 1016-521-03, 04,  
and 05, File No. PL16-0051 (the "Project")

Dear Mr. Hitz:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the notice on the above-referenced Project. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates rail main lines connecting San Francisco to Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both mileage and train operations. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers in the Chino area is crucial to the future success and growth of those customers.

The proposed Project location is adjacent to UP's Chino Industrial Lead. Additionally, there are at-grade rail crossings over these tracks at Pipeline Avenue and other nearby locations. Any land planning decisions should consider that train volumes near the Project area may increase in the future. UP also asks that the City and the Project developers keep in mind that this is a vital and growing rail corridor and nearby land uses should be compatible with this continuing rail use.



City of Chino  
March 18, 2016

### At-Grade Rail Crossing Safety

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. Due to the proximity of at-grade crossings to the Project location, we recommend that the City notify UP and the California Public Utilities Commission (CPUC) to schedule a diagnostic meeting regarding the proposed Project. Appropriate modifications to the street and warning devices on the nearby rail crossings may need to be included as part of the Project. Should the Project be approved, UP suggests the City consider holding railroad and crossing safety presentations, such as Operation Lifesaver, for the public on an appropriate basis.

### Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Project be approved, UP requests that the developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see if any additional mitigation measures should be included in the Project.

### Trespassing

Any increase in pedestrian traffic will increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the Project impacts associated with the increased likelihood of trespassing and set forth appropriate mitigation measures. In particular, the developer should install barrier walls or block fences, pavement markings and/or "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks. Buffers and setbacks should also be required adjacent to the right-of-way.

### Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by UP employees. UP requests that, as a mitigation measure, the developer should disclose to the general public, including new homeowners of the proposed Project, the daytime and nighttime noise levels naturally occurring with UP's long-standing freight rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note UP's

City of Chino  
March 18, 2016

anticipation that train volume may increase in the future. The Project's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Encroachments and Construction of Project

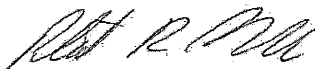
UP has made a preliminary review of the Project area, and it appears that there may be an existing fence and roadway encroaching onto UP property. If the Project is approved, UP specifically requests that the developers of the Project be required to install an 8 feet or higher barrier wall or fence at the UP/Project property line prior to construction of the Project. Our hope is that such a barrier wall or fence would aid in the mitigation of the risks posed by the Project, as well as resolve any encroachment issues. UP also asks that the City require the applicant to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of the Project.

UP appreciates the developer and the City giving due consideration to the above concerns, as this proposed Project may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Kristian Ehrhorn, Senior Manager - Real Estate  
Union Pacific Railroad Company  
1400 Douglas Street - STOP 1690 Omaha, NE 68179  
(402) 544-8567  
[kjehrhorn@up.com](mailto:kjehrhorn@up.com)

Please do not hesitate to contact Kristian Ehrhorn if you have any questions or concerns.

Sincerely,



Patrick R. McGill  
Senior Counsel - Real Estate  
Union Pacific Railroad Company

cc: Kristian Ehrhorn



EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem

GLENN DUNCAN  
EARL C. ELROD  
Council Members

MATTHEW C. BALLANTYNE  
City Manager

## CITY of CHINO

January 17, 2017

Mrs. Kathleen Rollings-McDonald  
Executive Director  
LAFCO  
215 North D Street, Suite 204  
San Bernardino CA, 92415

Re: LAFCO 3213 (Griffin Homes) Annexation

Dear Mrs. Rollings-McDonald:

This letter is in response to a letter from Union Pacific related to the Griffin Homes annexation. The letter dated March 18, 2016, requested the City and the developer work together to examine the need for certain suggested improvements be incorporated into the development that is currently under construction in the County of San Bernardino. It is the City's position that since the project was approved by the County in November of 2014, the improvements should have been requested at that time by Union Pacific during the project review and approval process. The City does not have the ability to condition the developer to comply with these items, as the property is not within the City. Additionally, the majority of the items appear to be suggestions and not requirements from Union Pacific. The developer has however, provided disclosures informing future property owners of the existence of the adjacent rail line.

Based on this information, the City does not believe the suggested improvements outlined in the letter are pertinent to the subject annexation application. If you have any questions, or if we can be of further assistance regarding this matter, please contact Michael Hitz, Principal Planner (909) 334-3448.

Sincerely,

Nicholas S. Uguori, AICP  
Director of Community Development

cc: File



## Martinez, Samuel

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**From:** Anna C. Palmer <acpalmer@up.com>  
**Sent:** Wednesday, January 18, 2017 6:54 AM  
**To:** Martinez, Samuel  
**Subject:** RE: Tomorrow's LAFCO Hearing

Information presented to the Commission during  
the Jan. 18, 2017 LAFCO hearing.

Mr. Martinez,

Thank you for your response. The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. It is important to UP that the City, County, LAFCO and applicant understand that the railroad is directly adjacent to this Project and regardless of where the applicant is in the planning process (rezoning, plan review, annexation, etc...), all concerns by UP should be documented and understood by all parties.

Sincerely yours,

Anna C. Palmer  
Advanced Certified Paralegal  
Union Pacific Railroad Company  
1400 Douglas STOP 1580  
Omaha, NE 68179  
Phone: 402-544-0425  
acpalmer@up.com

From: "Martinez, Samuel" <smartinez@lafco.sbcounty.gov>  
To: "Anna C. Palmer" <acpalmer@up.com>  
Date: 01/17/2017 06:28 PM  
Subject: RE: Tomorrow's LAFCO Hearing

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Good Afternoon again, Ms. Palmer.

I wanted to let you know that this project was approved by the County in November 2014. The proposed development is currently underway and the City is simply annexing the area that is currently being developed.

Unfortunately, it sounds like the issues identified in the letter should have been addressed during the County's approval process since the City has no jurisdiction on the proposed development.

If you have any questions, please email me back or call my at (909) 388-0480.

Thank you,  
Sam

**Samuel Martinez**