

ORDINANCE NUMBER O- 18744 (NEW SERIES)

ADOPTED ON JAN 31 2000

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 5, DIVISION 17, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 85.28 TITLED "TRAIN WHISTLE USE - PROHIBITED."

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VIII, Article 5, Division 17 of the San Diego Municipal Code is hereby(amended by adding section 85.28, titled "Train Whistle Use - Prohibited," to read as follows:

**Sec. 85.28 Train Whistle Use - Prohibited**

(a) Purpose and Intent. The Council finds that an effect of sustained economic growth in the San Diego region is an increase in freight train traffic through residential areas. The Council finds that it is the current practice of freight train engineers and crew members to use a whistle of ninety decibels or louder as a warning device when approaching any at-grade crossing or railroad tracks. The train whistles is used regardless of the time of day or speed of the train, presence or absence of pedestrians, or vehicles at or in close proximity to the crossing. The Council finds that the whistle is activated during late night hours through residential areas of the City for sustained periods of time lasting up to a minute or longer. The Council finds that this use of the train whistle seriously affects the quality of life for residents and visitors in these residential areas.

Therefore, it is necessary to enact regulations governing the use of train whistles under certain specific conditions.

(b) Prohibition. Except as provided in Section 85.28(c), the use of a locomotive air siren, steam whistle, air whistle, or other similar device is prohibited during the hours of 11:00 p.m. to 6:00 a.m., in The City of San Diego at all gate-protected grade crossings between Eighth Avenue and Hawthorne Street and 69<sup>th</sup> Street and Euclid Avenue.

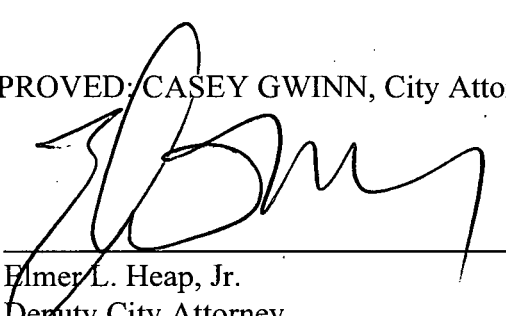
(c) Emergency Exception. Notwithstanding Section 85.28(b), a locomotive siren, steam whistle, air whistle, or other similar device may be activated to avert an immediate threat to life or property.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By

  
Elmer L. Heap, Jr.  
Deputy City Attorney

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