

5. Authorize the City Manager or designee to execute related documents, except policy matters.

SUMMARY:

The Project installs Union Pacific railroad, Federal Railroad Administration, and California Public Utilities Commission (Railroad/FRA/CPUC) -mandated safety measures at Brockton Avenue railroad crossing: eight new vehicular and four new pedestrian warning devices with gates, raised medians, fencing, ADA-compliant sidewalks, and path-of-travel improvements to establish a Railroad/FRA/CPUC approved Quiet Zone. Trains sound horns 31 times daily (21 freight, 10 passenger) at 96–110 dBA for 15–20 seconds, causing noise pollution, sleep disturbance, and health/safety hazards. Notice of hearing mailed December 16, 2025, per CCP §1245.235. Project exempt from CEQA (Class 1, §15301); Notice filed July 18, 2024.

BACKGROUND:

On April 10, 2018, the City Council received a report on the Concept Design Approval and Project Authorization for the proposed Quiet Zone along the Union Pacific Railroad Corridor at Brockton Avenue and Palm Avenue rail crossings. Following discussion, the City Council (1) approved the concept design for the Palm Avenue/Union Pacific rail crossing; (2) approved the concept design Alternative 1 for the Brockton Avenue/Union Pacific rail crossing; and (3) directed the Public Works Department to complete the project design and file a Notice of Intent to create a new quiet zone at the Brockton Avenue and Palm Avenue rail crossings.

DISCUSSION:

Over the past several months, the Real Property Services Division has been involved in the acquisition of real property interests from the State Department of Motor Vehicles (DMV) and the adjacent private property owner, The Family Trust of Richard H. Pluim and Rosalie J. Pluim, dated March 22, 1997. Regarding the State Department of Motor Vehicles, the acquisition is for an approximately 156 square foot street and highway easement and an approximately 150 square foot temporary construction easement necessary for the project which consists of installing eight (8) new vehicular and four (4) new pedestrian railroad warning devices at Brockton Avenue, replacing the existing at-grade crossing surface at Brockton Avenue, installing four (4) new vehicular railroad warning devices at Palm Avenue, reconstructing concrete curbs, gutters, sidewalks, and driveways, constructing raised medians, installing fencing and handrailing, installing tactile tiles, and repaving both crossings (“Project”).

A Notice of Decision to Appraise letter was sent out on December 20, 2023, and a statutory Offer to Purchase was made to the owners of record on September 10, 2024. The offers were based on independent appraisals of fair market value completed by EPIC Land Solutions, Inc. Since initiating negotiations of the two ownerships impacted by the Project, (1) Pluim Family Trust is in condemnation awaiting settlement, and (2) DMV acquisition has been actively in progress with the Department of General Services (DGS) but appears to be awaiting final approvals beyond the scheduled construction dates, which are necessary for the Project to continue.

The ownerships, assessor’s parcel number, and property address of the affected parcel, and the related real property interests that are subject of this action are as follows:

1. Owner: State of California, Department of Motor Vehicles

- a. APN: 225-041-007

- b. Address: 6280 Brockton Avenue, Riverside, CA 92506
- c. Interests: 156 square foot street and highway easement,
150 square foot temporary construction easement (12-Month Duration)

To date, the above required real property interests have not been obtained, and the City was notified by the owner's representative, the Department of General Services (DGS), that they have been addressing the required notification process required by the authority, California Government Code §14664(b)(1)(A) allows the director to execute grants to real property belonging to the state. This includes the authority to sell, convey, or exchange properties that are not needed by any state agency at fair market value, following a 30-day notice to the Joint Legislative Budget Committee and the relevant members of the Senate and Assembly.

Negotiations are continuing in hopes of reaching mutually acceptable settlement and/or closing of open escrow, but they are uncertain. Since the negotiations and/or escrows may continue for some time and may not close, it is recommended that the Resolution of Necessity be adopted, and eminent domain action be filed in order to acquire the permanent and temporary property interests necessary for the Project by the second quarter of the 2026, in order to meet the construction schedule that has been tentatively agreed upon by the Union Pacific railroad. Legal description: Portion of Government Lot 3 in the Fractional Northwest Quarter of Section 34, Township 2 South, Range 5 West, San Bernardino Meridian located in the City of Riverside, County of Riverside, California, per Attachments 4 (permanent) and 5 (temporary).

HEARING AND PROJECT NECESSITY FINDINGS:

On or before February 23, 2026, the required notice of hearing was sent by first class mail to the property owners of record. They specified the City's intent to consider the adoption of the Resolution, right to appear and be heard on the issues noted below, and that failure to file a written request to appear would result in a waiver of the right to appear and be heard. The City has scheduled the hearing at which all persons who filed a written request within 15 days of the date the notices were mailed, may appear and be heard.

The Resolution requires a two-thirds majority to adopt, and the City must make four (4) findings. The required findings and facts in support thereof are as follows:

I. Whether the public interest and necessity require the proposed public project.

Discussion: The Project is in the City's Magnolia Center neighborhood which is zoned Office (O) and the General Plan Designation is MU-N (Mixed-Use Neighborhood). The Brockton Avenue to Palm Avenue Quiet Zone Project, when completed, will establish a railroad Quiet Zone that will result in the elimination of the routine sounding of train horns at these crossings, which have a significant impact on the quality of life of the residents living near these crossings, especially at night, and in order to protect the health, and safety and welfare of the general public at large.

On average 21 Union Pacific freight trains and 10 Metrolink passenger trains go through these crossings daily. Per Federal law each train must blow their horns at a decibel level between 96 and 110 decibels (dBA) at 100-foot in front of the train at least 15 seconds but no more than 20 seconds before reaching the crossing. If a train is moving faster than 60 mph, the horn must be sounded when the train is within a quarter mile of the crossing, even if that's less than 15 seconds in advance. The required horn pattern is two long blasts, one short blast, and one long blast. This pattern is repeated or prolonged until the front of the

train occupies the crossing. Routine 96–110 dBA horns (31 daily trains) create public nuisance/health hazard in Magnolia Center (zoned O, MU-N General Plan).

- II. Whether the proposed public project is planned and located in a manner that would be most compatible with the greatest public good and the least private injury.

Discussion: The design was selected based on significant input from staff at Federal Railroad Administration, California Public Utilities Commission, and Union Pacific railroad who own and maintains the tracks. The proposed Project is planned and located in a manner that will be most compatible with the least private injury by limiting acquisition to those parcels and property interests that are necessary to complete the proposed Project in a manner that enhances the health, safety, and welfare of the general public.

- III. Whether the property sought to be acquired is necessary for the proposed Project.

Discussion: The real property interests sought to be acquired are a small portion of the frontage of the subject property and are necessary for the construction of the proposed Project. Without this real property interest, the Project cannot be constructed as proposed and as approved by the California Public Utilities Commission Authorization (Attachment 2). The permanent easement is needed to realign the existing concrete sidewalk and provide a viable and safe path of travel for pedestrians crossing the tracks. The Temporary Construction Easement is necessary for labor access during the construction period to facilitate the construction of the proposed new improvements.

Without acquiring these interests a viable and safe path of travel for pedestrians cannot be constructed, the Quiet Zone cannot be approved by Railroad/FRA/CPUC, and the Project cannot proceed.

- IV. Whether the offer required by Section 7267.2 of the Government Code has been made to each of the owners of record.

Discussion: Confirmation and identity of the record owners of the parcels affected by this proposed Project was made by ordering a litigation guarantee. Statutory offer was then made to those property owners of record, based on approved independent fee appraisal of fair market value, from July 1, 2022, through February 21, 2024. The offer was delivered.

The City of Riverside has an overriding need for prejudgment possession of the property interests identified herein in that the City of Riverside will not be able to complete the improvements as required by Union Pacific Railroad, California Public Utilities Commission and Federal Railroad Administration and will not be able to establish a railroad quiet zone at the Brockton Avenue crossing.

FISCAL IMPACT:

The estimated fiscal impact to acquire the subject real property interests is \$7,200, which is based on approved independent fee appraisal. The amount is required to be deposited into the State Condemnation Fund as part of the eminent domain process. Sufficient funds to cover this amount are budgeted and available in Measure A Fund, UP Quiet Zone-Brockton and Palm project account number 9872130-440313.

Prepared by: Ron Duran, Real Property Agent
Approved by: Miranda Evans, Acting Community & Economic Development Director
Certified as to availability of funds: Julie Nemes, Interim Finance Director
Approved by: Mike Futrell, City Manager
Approved as to form: Rebecca McKee-Reimbold, Interim City Attorney

Attachments:

1. Vicinity Map
2. CPUC Authorization
3. Resolution of Necessity
4. Legal Description & Map - Permanent Easement (156 sq. ft.)
5. Legal Description & Map - Temporary Easement (150 sq. ft.)
6. Appraisal Summary (EPIC Land Solutions, Inc.)
7. Statutory Offer Letter (September 10, 2024)
8. Notice of Exemption (CEQA, July 18, 2024)
9. Notice of Hearing (March 10, 2026)
10. Presentation