

**Gerard Sullivan**  
Senior General Attorney



September 27, 2011

VIA e-mail at [sahsing@ci.milpitas.ca.gov](mailto:sahsing@ci.milpitas.ca.gov)

Milpitas Planning Division  
Attn: Sheldon S. Ah Sing  
455 E. Calaveras Blvd.  
Milpitas, California 95035

Re: Notice of Public Hearing before Milpitas Planning Division to consider a request to amend Site Development Permit No. SA11-0005, Major Tentative Map Amendment No. TM11-0001 and Conditional Use Permit Amendment No. UA11-0008, Citation Residential Project ("Project") located at 1200 Piper Drive, Milpitas, CA ("City")

Dear Mr. Ah Sing:

Union Pacific Railroad Company ("UP") provides this letter in response to the above Project. UP has operating right of way in the area. Accordingly, UP wishes to raise the following issues.

Any development near operating right of way can negatively impact freight rail service and create unintended consequences that are in neither the railroad's nor the public's best interests, including land use conflicts due to the nature of rail operations that may cause mechanical odor, noise and vibration. New development will attract more cars and pedestrians to the areas around UP lines, and people may trespass onto the railroad right of way as well.

In addition to the other safety concerns of which UP remains vigilantly aware, these factors also have the result that trains may be forced to proceed more slowly, and/or to make more frequent emergency stops, which makes rail service less effective and efficient. In the event of train slow-downs or stoppages, train cars may be forced to block at-grade roadway intersections, causing traffic disruptions.

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UP requests that the City analyze and seek to mitigate the impacts that the Project will have on the UP lines and rail service by requiring appropriate mitigation measures. Possible mitigation measures that should be provided by developers of the Project include, in addition to the fence and signs mentioned above, public education and disclosure to prospective purchasers of the properties.

UP's rail operations generate the noise one would expect from an active railway. The City should analyze these possible noise impacts. As a mitigation measure, the City should at least require any developer of property included in the Project to disclose to the general public the daytime and nighttime noise levels naturally occurring with UP's long-standing freight rail service. The City also should consider requiring appropriate noise mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques in the Project.

It is well-known that rail operations generate vibration normally associated with an active railway. The County should analyze this possible impact. As a mitigation measure, the County should at least require any developer of property included in the Project to disclose to the general public this pre-existing and predictably-occurring vibration.

Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Ms. Lisa Burnside  
Manager, Real Estate  
Union Pacific Railroad Company  
1400 Douglas Street - STOP 1690  
Omaha, NE 68179

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,



Gerard Sullivan  
Senior General Attorney  
Union Pacific Railroad Company

cc: Ms. Lisa Burnside