

## STAFF REPORT

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**Date:** August 14, 2024

**To:** Mayor and City Council

**Through:** Jackie Bryant, Interim City Manager

**Subject:** Ordinance Introduction – Bill No. \_\_\_\_\_ (For Possible Action): An Ordinance to amend Title 8, Chapter 8.10, of the Reno Municipal Code entitled “Offenses Against Property”, prohibiting trespassing upon railroad tracks; and other matters properly relating thereto.

**From:** Travis Truhill, Director

**Department:** Maintenance and Operations

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**Summary:**

On July 24, 2024, City staff provided a presentation related to the need for a possible ordinance to help address railroad maintenance access, reduce repair costs and stormwater collection system interference, and to ensure the corridor is unobstructed in case of emergencies. An ordinance would also support public safety efforts and reduce life-safety concerns. Council directed staff to present an ordinance introduction to address maintenance impacts and public safety concerns. Staff recommends Council approve the introduction of a new ordinance for the Reno Municipal Code (RMC) in Title 8, Chapter 8.10, as Section 8.10.011 prohibiting trespassing upon railroad tracks.

**Alignment with Strategic Plan:**

Public Safety

Infrastructure, Climate Change, and Environmental Sustainability

**Previous Council Action:**

During the April 24, 2024, Council meeting, Council unanimously accepted the Directed Engagement, Enforcement, and Deployment Strategy (DEEDS) report and asked staff to bring forth potential solutions to help address the railroad corridor.

During the July 24, 2024, Council meeting, staff provided a presentation and Council directed staff to bring forth an RMC ordinance to prohibit encroachments adjacent to the railroad.

**Background:**

Reno is a major rail corridor linking west coast ports. The Reno Transportation Rail Access

Corridor (ReTRAC) project, completed in 2006, was instrumental in addressing several environmental, maintenance, and pedestrian concerns. The ReTRAC project assisted in safeguarding the railroad within the downtown core; however, several railroad areas remain accessible to the public and frequently present obstacles in addressing maintenance, repairs, and general access for City staff. Specifically, after the ReTRAC project, the City assumed maintenance responsibilities of some railroad corridors.

**Discussion:**

Council was presented with the maintenance implications, financial impacts, ongoing debris disposal, and rising safety concerns adjacent to the railroads in the City of Reno. An ordinance prohibiting encroachments adjacent to the railroad would address these ongoing concerns, protect lives, and reduce maintenance repairs. Following Council's direction at the July 24, 2024, meeting, staff was tasked with drafting an ordinance to address encroachments along the railroad corridors in the City of Reno.

Based upon Council recommendations, staff is proposing an addition to RMC Title 8. The proposed new ordinance would be added into the existing Title 8, Chapter 8.10 entitled "Offenses Against Property", as Section 8.10.011 prohibiting trespassing upon railroad tracks.

Per Section 8.10.011 of Title 8, Chapter 8.10, a person would be considered trespassing if they enter or remain within 100 feet of a railroad track without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry, presence, or conduct upon the property interferes with, interrupts, hinders, or which, if allowed to continue would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, or train. The ordinance also establishes the 100 feet measurement from the most outer point of the railroad track extending out in each direction.

A significant benefit of this ordinance over standard trespassing is that it will not require posting of signs every 500 feet along the railroad corridor, currently required by law. This will eliminate the staff time and costs associated with production, installation, and frequent replacement of signage on the railroad tracks. This ordinance is limited in that only the railway corridor would not require posting. Additionally, the ordinance also aligns with the Federal Railroad Administration safety protocols.

Should staff receive Council direction to proceed, an ordinance adoption will be the final step of this process.

**Financial Implications:**

There are no financial implications associated with this item.

**Legal Implications:**

Legal review completed for compliance with City procedures and Nevada law.

**Recommendation:**

Staff recommends Council refer Bill No. \_\_\_\_\_ for a second reading and adoption.

**Proposed Motion:**

I move to refer Bill No. \_\_\_\_\_ for a second reading and adoption.

**Attachments:**

Ordinance