



Date: September 20, 2024

To: Thomas B. Modica, City Manager 

From: Teresa Chandler, Deputy City Manager 

For: Mayor and Members of the City Council

Subject: **Update on Establishing a Memorandum of Understanding with Union Pacific Railroad**

On [July 16, 2024](#), the City Council requested the City Manager to work with relevant departments to explore the establishment of a Memorandum of Understanding (MOU) between the City of Long Beach (City) and Union Pacific Railroad (UPRR) to bolster cooperative response to garbage, overgrown vegetation, and encampments.

After multiple discussions, UPRR representatives have made it clear that UPRR is not open to pursuing a formal MOU at this time. However, UPRR has expressed willingness to enhance its existing Letter of Agreement with the Long Beach Police Department (LBPd), which currently allows access to LBPd officers to enforce trespassing violations and tow abandoned or illegally parked vehicles. The proposed enhancements would extend access to UPRR property to the Homeless Services Bureau outreach staff with appropriate training and notification to UPRR, and in partnership with LBPd, allowing for similar outreach response to encampments across the City. This collaborative approach would continue addressing public safety and encampment concerns while expanding support for unhoused individuals through coordinated outreach efforts. City staff will continue pursuing this Letter of Agreement, promoting increased coordination between the City and UPRR.

This memo outlines the proposed enhancements, current interjurisdictional efforts, and other considerations in exploring this collaboration.

Current Interjurisdictional Efforts

The City of Long Beach Homeless Services Bureau (HSB) plays an active role in interjurisdictional collaboration to address homelessness across shared boundaries, including UPRR properties. A key component of this collaboration is HSB's Interjurisdictional Liaison, who works directly with UPRR to respond to encampment hotspots within Long Beach. UPRR's encampment cleanup protocols differ from the City's, as UPRR properties do not fall under Long Beach's jurisdiction and are not subject to the City's encampment protocols outlined in the City's [Homeless Encampment and Public Spaces Cleanup Protocol memo](#).

Unlike the City's protocols, which typically include a public notice period and outreach prior to cleanups, UPRR is not required to provide a 48-hour notice. Cleanups on UPRR property often proceed without advance notice since the railroad's property is outside the City's jurisdiction. Outreach is typically conducted at the same time as cleanups by City Net, a service provider

contracted by UPRR. City Net offers services such as shelter referrals, housing assistance, and mental health support to individuals in the encampments.

UPRR currently conducts cleanups on its Long Beach properties at least once a month, with frequency determined by the number and urgency of reports they receive. To support these efforts, HSB coordinates with LBPD, ensuring their presence during cleanups to help navigate the railroad properties and ensure the safety of all involved.

Once outreach begins, UPRR's cleanup crews, trained in hazardous materials handling and railroad safety, carry out the cleanup under UPRR's oversight to ensure compliance with federal regulations. While the City's Interjurisdictional Liaison helps coordinate efforts with UPRR, the City's standard encampment protocols do not apply to these cleanups.

Addressing Homeless Encampments and Safety Challenges

UPRR acknowledged the growing number of homeless encampments on their properties, particularly in areas such as Candlewood, South Street, and near the 91 Freeway and Artesia. These encampments not only disrupt railroad operations but also pose significant risks to both the individuals living there and the surrounding community.

Despite ongoing cleanup efforts, some areas are quickly reoccupied after being cleared, especially where legal crossing requirements prevent permanent access restrictions. UPRR expressed frustration with the limitations of current enforcement measures. UPRR will continue working with the City to develop more sustainable enforcement strategies focused on deterring repeat offenses, while still ensuring outreach and support services are provided.

As part of their broader efforts, UPRR has established a reporting mechanism through which members of the public and the City can submit reports of encampments and cleanup requests on UPRR properties. Emergency incidents, such as life safety concerns, fires, or hazardous material releases, should be reported to the Union Pacific Response Management Communication Center (RMCC) at 1-888-UPRR-COP (877-7267). Non-emergency issues, such as transient encampments, blocked crossings, illegal dumping, or vegetation obstructions, can be reported through UPRR's [online system](#), which prompts coordination with the City for a timely response.

Letter of Agreement

While UPRR deploys its own security force to patrol and police its properties, LBPD and UPRR also have an active Letter of Agreement that authorizes LBPD to enter UPRR's private property and rights-of-way to enforce criminal trespass statutes and ordinances. This authorization includes enforcement of [California Penal Code 602\(o\)](#), which addresses trespassing on railroad property, as well as the towing of abandoned or illegally parked vehicles.

The agreement permits LBPD to enter UPRR property and cite individuals trespassing on the tracks or within twenty feet of them without prior authorization from UPRR. It also applies to individuals crossing the tracks at unauthorized locations, such as areas other than designated streets or pedestrian walkways. This agreement ensures that LBPD can legally and safely

intervene when there are public safety concerns or unauthorized activity on railroad property.

During recent discussions, UPRR expressed openness to expanding the Letter of Agreement to also include the Homeless Services Bureau's Outreach teams. This expanded scope would extend access to HSB Outreach staff, with appropriate training, coordination with UPRR, and partnership with LBPD. This would allow for similar outreach response to encampments across the City and increase collaboration between the City's homeless services system and City Net to engage with unhoused individuals before and during cleanups, helping connect them to services and support. Additionally, LBPD would continue enforcing trespassing laws while working alongside outreach teams to ensure that enforcement efforts are complemented by opportunities for individuals to access services. UPRR, LBPD, and outreach teams would maintain consistent communication throughout cleanup efforts, prioritizing safety and ensuring compliance with both legal and humanitarian standards.

UPRR MOU with City of San Jose

As previously discussed, the City of Long Beach already has an established procedure for coordinating cleanups and outreach with UPRR and the potential to enhance response through an expanded Letter of Agreement. UPRR was not open to pursuing an MOU with the City of Long Beach. However, City Staff inquired further about the process of establishing an MOU similar to the City of San Jose.

UPRR noted that the MOU with the City of San Jose was established prior to UPRR creating its own cleanup protocol and contracting with City Net to provide homeless outreach and engagement services. To replicate the MOU established between UPRR and the City of San Jose, Long Beach would need to commit significant financial and in-kind resources to fully support cleanup efforts and outreach coordination. San Jose's successful partnership with UPRR was largely due to that city's willingness to absorb significant costs associated with coordinated cleanups, outreach, and infrastructure improvements. To establish a similar MOU with UPRR, Long Beach would need to consider the following commitments:

- *Waiver of Permit Fees:* Long Beach would need to waive street closure and towaway permit fees associated with coordinated cleanups, allowing UPRR to place dumpsters and other necessary equipment in key areas without incurring additional costs. This would require the City to forgo revenue typically collected through such permits.
- *Graffiti Removal and Vegetation Abatement:* The City would need to allocate funding for crews or contractors to assist with graffiti removal, tree trimming, and overgrown vegetation abatement on City property adjacent to UPRR rights-of-way. The City would be responsible for covering labor, equipment, and disposal costs during these cleanups. Similar efforts may be needed post-cleanup to maintain public spaces and prevent future encroachments.
- *Homeless Outreach and Encampment Abatement:* Long Beach would need to expand its homeless outreach operations, coordinating with UPRR to provide services to individuals living in encampments on UPRR property and surrounding areas. The City would be expected to conduct outreach before cleanups and follow up afterward to prevent the

reestablishment of encampments. This would involve additional personnel and resources from homeless services, including outreach workers and case management.

- *Post-Cleanup Patrols and Security:* To deter the recurrence of illegal activities and encampments, Long Beach would need to provide periodic police or security patrols in high-priority areas following coordinated cleanups. This would require a commitment of staff time and resources from LBPD or other City enforcement agencies.
- *Fencing and Landscaping:* The City would be responsible for funding the installation and maintenance of new or reinforced fencing and landscaping on City property adjacent to UPRR rights-of-way. The City may also need to absorb ongoing maintenance costs to ensure the effectiveness of these deterrents.

In replicating San Jose's MOU model, the City of Long Beach would need to account for the expected costs and commit to ongoing financial and logistical support for cleanup and abatement efforts. Without such commitments, the frequency and scale of coordinated cleanups would likely remain limited to its current procedures. Staff are currently in the process of finalizing the cost estimates associated with the commitments outlined in this memo. However, considering the significant anticipated costs, pursuing a formal MOU with UPRR and the City is not feasible at this time. UPRR noted that a similar MOU allowing for the City to conduct its own clean-ups of encampments would require extensive specialized equipment, training, and coordination.

Conclusion

While pursuing a formal MOU between the City of Long Beach and UPRR is not feasible, as UPRR has made it clear that they are not open to entering into such an agreement, they have expressed interest in enhancing the existing Letter of Agreement with LBPD to improve coordination on cleanups and outreach efforts. These enhancements could help address ongoing safety and public health concerns, ensure more effective cleanups, and provide critical outreach services to individuals experiencing homelessness along the railroad corridors. The City Manager's Office will continue to work closely with UPRR and provide regular updates to the City Council as these efforts progress.

For more information, please contact Teresa Chandler, Deputy City Manager, at Teresa.chandler@longbeach.gov or (562) 570-5116.

CC: DAWN MCINTOSH, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
APRIL WALKER, ASSISTANT CITY MANAGER
MEREDITH REYNOLDS, DEPUTY CITY MANAGER
GRACE YOON, DEPUTY CITY MANAGER
TYLER BONANNO-CURLEY, DEPUTY CITY MANAGER
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER
MONIQUE DE LA GARZA, CITY CLERK (REF# [24-54149](#))
DEPARTMENT HEADS