



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

CITY COUNCIL WORKSHOP OCTOBER 1, 2012 4:30 P.M.

CALL TO ORDER

BUSINESS

- Discuss the installation of railroad crossing gates at Central Avenue and 10th Street North 4:30 – 5:00 p.m.
- Discuss maintenance of city parks 5:00 – 5:30 p.m.
- Discuss the addition of department head reports to the regular City Council meeting agenda 5:30 – 5:40 p.m.

ADJOURN



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: September 19, 2012

To: Mayor and City Council

From: Mitchell Berg, City Administrator

Re: Consider installing railroad crossing gates at Central Avenue and 10th Avenue North (Point Road)

BACKGROUND

At the April 6, 2009 City Council meeting, Engineer Peters explained that certain railroad crossings in the city would need to be upgraded with gates in the near future, to comply with Federal Railroad Administration (FRA) regulations. He recommended the city pursue funding assistance with the Minnesota Department of Transportation (MnDOT), but noted that it may take 3-5 years to secure the funding.

Per the direction of the City Council, staff requested funding from MnDOT for gates at five crossings, with priority given to 2nd and 3rd Avenue South. In February 2010, the city was notified that only the Central Avenue and 10th Avenue North (Point Road) crossings were approved for funding assistance, due to potential train congestion and safety hazards associated with multiple tracks and blind spots in these areas. Although disappointed by the crossings selected, the City Council decided to accept the funding at the March 2010 meeting, which would fund 90% of the project, reducing the city's cost to roughly \$60,000.00. However, before moving forward with the project, the City Council directed staff to further investigate whether the funding could be used to upgrade alternate crossings, as several 10th Avenue North (Point Road) residents were not in support of a gate at this crossing.

Since 2010, staff learned that because the city's quiet zone is "grandfathered," we do not have to comply with current FRA crossing regulations. However, should an accident or fatality occur at a city crossing, a mandatory examination of our quiet zone designation would occur, and most likely warrant a crossing gate. Staff also received confirmation from MnDOT that the funding assistance could not be used at an alternate crossing and noted that crossing gates may not be optional in the future, and without funding assistance, the city would have to bear the entire cost to upgrade the crossings.

On September 17, 2012, the city received correspondence from MnDOT reiterating they would like to proceed with the project, as these crossings have been identified as a public safety concern, warranting a gate, and therefore were selected to receive funding assistance. MnDOT also expressed concern with liability, should there be an accident and it was known that the city had the opportunity to improve the safety of the crossings, but neglected to do so. In addition, MnDOT was able to secure additional funding assistance and has offered to pay for 100% of the project cost, with ongoing gate maintenance provided by the railroad.

Because a formal motion to proceed with or forego the project was never made by the City Council and MnDOT is anxious to proceed in 2013-2014, staff feels this matter requires additional discussion. To facilitate discussion and provide some background to the current City Council, representatives from MnDOT and SEH will be present at the October 1, 2012 workshop and excerpts of meeting minutes and documents discussing this matter are attached for reference. This topic will also be placed on the October 1, 2012 regular meeting agenda to summarize discussion from the workshop and to make a formal motion on the matter.

RECOMMENDATION

Staff recommends the City Council make a determination on whether to proceed with the installation of a crossing gate at Central Avenue and 10th Avenue North (Point Road).

EXCERPTS OF CITY COUNCIL MEETING MINUTES/AGENDA ITEMS

April 6, 2009 - Minutes

Consider authorization to pursue Mn/DOT funding for railroad crossing signals and gates: Engineer Peters explained that the city's nine or ten at grade railroad crossings with passive warning devices have been grandfathered in under the quiet zone rules for the existing night-time whistle ban. However, the Federal Railroad Administration (FRA) will require the city to upgrade the crossings with signals and gates at some point in time. SEH recommended that the city pursue placement on the Mn/DOT list requesting signal funding assistance, which could take three to five years. The FRA would extend the time for upgrades while the city pursues the funding. The Mn/DOT program typically pays 90% of the estimated \$250,000.00 per grade crossing. If funding assistance is not obtained, the city would bear the entire cost to install the signals. Discussion followed on revising the crossing priority list to be sent to Mn/DOT. Councilmember Kraftson recommended the crossing at either 2nd Avenue South or 3rd Avenue South be put on the priority list, due to a high level of residential traffic. It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to submit a letter to Mn/DOT requesting that the City of Bayport be considered for funding assistance for installation of new railroad signals with gates and that SEH explore adding more intersections to the priority list. Motion carried.

March 1, 2010 - Minutes

Update on railroad quiet zone and match granting for crossings: Administrator Berg stated that the city has been designated as having a railroad quiet zone for quite some time. However, as a condition of keeping this designation, the city will be required to upgrade to armed railroad crossings. Administrator Berg mentioned that the city was successful in securing a federal grant that would pay for 90% of the cost to upgrade two of the city's crossings. However, the city's portion of the cost share for the project would be roughly \$60,000.00, which is anticipated for 2013-2014. Discussion followed on the two crossings that were selected for funding, which are 10th Street North and Central Avenue and well as opportunities for securing grant funds for additional crossings in the future. The City Council expressed some disappointment in the crossings selected and directed staff to see if the city could designate alternate crossings for funding, but also expressed their appreciation for this grant and support for the project. It was moved by Councilmember Kraftson to accept the grant funding for the two crossings, but to direct staff to investigate whether the city could designate alternate crossings to receive this funding. The motion was duly seconded by Councilmember Seeberger. Motion carried.

May 3, 2010 – City Administrator's Report

Petition from residents of Point Road on a railroad crossing: The City received a petition from several residents living on Point Road in regards to a proposed armed crossing across the railroad tracks of 10th Avenue South. City Hall has also received numerous phone calls from residents both on the point and not on the point about this subject ever since it was brought up at a previous City Council meeting. I have attempted to explain to the residents that the Council is in agreement that an armed crossing does not make the most logical sense at this particular intersection, one reason being of the low average daily traffic (ADT) counts which cross over the tracks. I also have attempted to explain to the residents the City would not be obligated to expend any of the funding until 2013 or 2014, which hopefully would give the City ample time to either see if the City could install some less costly traffic control device or shift the armed crossing to a crossing with more traffic.

Regardless of an armed crossing, the City and its residents will still be faced with a railroad which continues to violate the law that requires them to not block an intersection for more than 10 minutes at a time. As a result, the City has sent a formal letter to MNDOT and the federal DOT, in which case the City is working with both entities to hopefully reach a successful outcome. In addition, the City has forwarded the letter to the City's various legislative lobbyist organizations it belongs too in an attempt to raise this issue with our state legislatures.

June 7, 2010 – Minutes

City Administrator's update: Administrator Berg noted the Minnesota Department of Transportation (MnDOT) indicated they would not change their stance on placement of an armed crossing on 10th Avenue North, due to the potential for blind spots and because the Federal Railroad Authority has already logged one accident at the crossing. A letter to Point Road residents detailing these discussions and other train-related issues will be sent out this week.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

DATE: June 8, 2010
TO: Residents of Point Road
FROM: Mitchell Berg, City Administrator
RE: Train issues and signal crossings

The City has received a number of calls from residents living on Point Road in regards to a signal crossing the City Council approved at 10th Street North. In addition to receiving several phone calls, staff also received a letter dated April 5, 2010 from a number of residents who expressed their opposition "to the installation of a controlled railroad crossing on Point Road."

From this correspondence, it appears that there are three major concerns with the proposed crossing: 1) railroad cars blocking the track for periods in excess of 10 minutes; 2) expending of public funds on an armed railroad crossing for an intersection which has an average daily traffic count of 150 cars and train speed of 10 miles per hour or less; 3) emergency access to residents.

In regard to the first issue, the City sent out a letter dated April 21, 2010, to the United States Federal Railroad Authority (FRA) and the Minnesota Department of Transportation (MNDOT) requesting their assistance to help the Union Pacific Railroad comply with the 10 minute rule. The City was notified that the FRA would follow up on the matter with the railroad. In addition, the City has been meeting with a number of representatives from Xcel Energy to see if they can also help the City in addressing this problem, as the purpose of the trains is to deliver coal to the Xcel King Plant.

In short, both the FRA and Xcel Energy said they will do their best to help the City with their efforts and have given the City numerous court opinions, including one given by the Kansas Attorney General in which they write, "it is our opinion that local legislation that imposes speed restrictions on trains is preempted by the Federal Railway Safety Authorization Act of 1994. Depending on its terms, local legislation that imposes time restrictions on trains obstructing traffic may offend the Commerce Clause of the United States Constitution and may be preempted by the Federal Railway Safety Authorization Act of 1994." Nevertheless, the City will continue to work with the railroad to help them understand the potential concern for public safety they are creating whenever they continue to block the intersection.

Lastly, should you find yourself stuck at an intersection for 10 minutes or more, please call the following number to report the violation: **1-800-848-8715**. If after calling this number and the train has not moved, the City asks that you contact the Washington County Dispatch office at **651-439-9381** to report the violation.

In regard to the second issue, the City has accepted a grant that would pay 90% of the cost to place an armed crossing gate at the intersection of 10th Street by 2014. On May 6, 2010, staff met with the FRA and MNDOT to clarify requirements related to funding and placement of the armed crossing. The following is a summary of the items discussed:

Q: Does the City have to install armed crossing signals at every public crossing?

A: It was initially believed that the City was required by law to comply with the current no-horn rule.

But according to the FRA, because Bayport's quiet zone is "grandfathered," we do not have to comply with the most current and up-to-date federal rules, which requires all public crossings to have a signal. However, if there ever would be an accident (pedestrian or vehicle) or fatality (a suicide counts as a fatality), a mandatory examination of our quiet zone designation would occur and most likely warrant armed crossings.

Q: Can the City request a review of the crossings which were selected to receive grant funding?

A: According to MNDOT, the state will allow the City to submit a formal letter requesting a second review of the 10th Street crossing. But since there are three sets of tracks crossing 10th Street and this is adjacent to the area where they separate trains and create "blind spots," it did not appear MNDOT would favor relocating the signal crossing elsewhere.

Q: Is there a way to install a less expensive crossing control at these intersections?

A: According to the FRA, there is a requirement that all of the armed crossings have a redundant system to reduce the possibility of any failure.

Q: Will the City be obligated to maintain these crossings after they are installed?

A: No. If the City participates in the 10% cost share of the installation, the railroad will be responsible for 100% of the signal maintenance. If at some time in the future the City decided to install their own crossing, the City might be required to pay 100% for the ongoing maintenance.

In regard to the third issue, the city shares your concern in having accessibility for emergency vehicles. In the event of an emergency, the City has the ability to contact the railroad directly and order the train to unblock the access. The City is also working with Washington County Emergency Management to address alternative emergency response scenarios.

To conclude, I hope this information has been helpful and has provided you with an update on the city's efforts. I am very sympathetic to the concerns of the residents on Point Road. Be assured that the City will stay vigilant in its attempt to get the railroad to understand that by blocking the tracks, they are posing a threat to public safety. Furthermore, the City asks that you continue to contact the Police Department whenever a train is blocking the intersection for any period of 10 minutes or more.

While it appears there is no federal mandate requiring the City to install an armed crossing along 10th Street, it appears that if there is another accident, the federal government would mandate the City to install a crossing arm at every public crossing, to maintain our quiet zone status. Although the City Council accepted the grant, a final decision on whether to proceed with the project is not required until 2013. Therefore, both staff and the City Council feel that there is still adequate time to continue to analyze the situation. Should there be any further questions, please feel free to contact me at 651-275-4414.

Sincerely,

Mitchell Berg
City Administrator
City of Bayport

CC: Mayor and City Council
Department heads



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BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: September 25, 2012

To: Mayor and City Council

From: Mitchell Berg, City Administrator

Re: Discuss the addition of department head reports to the regular monthly City Council meeting agenda

BACKGROUND

At the August 27, 2012 City Council budget workshop, it was suggested by Mayor St. Ores to add a section entitled "staff reports" to the regular City Council meeting agenda, similar to the cities of Stillwater and Oak Park Heights. Mayor St. Ores mentioned this would give department heads an opportunity to highlight activities of each department to the City Council and public.

It should be noted that several years ago, the regular City Council agenda did include a section for department reports. However, because a majority of the department reports included information that was either covered elsewhere on the agenda or in the city administrator's report, the reports were found to be repetitive and therefore in the interest of time, removed from the agenda. Staff is supportive of revisiting this topic, and if the consensus of the City Council is to proceed with adding this item to the regular meeting agenda, staff would entertain discussion on the following points:

- Where to include the reports on the agenda
- Who shall give the report
- Delivery of the report (verbal, written, both?)
- Time limit for the report
- Frequency of the report by department (monthly, quarterly, annually, as appropriate?)

RECOMMENDATION

Staff recommends the City Council make a determination on whether to proceed with addition of department head reports to the regular monthly City Council meeting agenda.