

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> April 8, 2013
	<p style="text-align: right;"><b>Agenda Item No.</b> 38</p> <p style="text-align: right;"><b>Roll Call No.</b> <u>13-0578</u></p> <p style="text-align: right;"><b>Communication No.</b> <u>13-165</u></p> <p style="text-align: right;"><b>Submitted by:</b> Phillip Delafield, Community Development Director</p>

**AGENDA HEADING:**

A. Resolution approving Preliminary Terms of Agreement with Union Pacific Railroad for the vacation of three segments of street right-of-way at the Hull Avenue, Scott Avenue and SE 34th Street crossings.

B. Set date of hearing on vacation and conveyance the subject segments of street right-of-way, (6-10-13).

**SYNOPSIS:**

Union Pacific Railroad is proposing the permanent closure of the Hull Avenue, Scott Avenue and SE 34th Street crossings. The purpose of the proposal is to address train and automobile movement constraints and to create rail capacity to support the growth of existing and new rail dependent businesses in Des Moines. A series of infrastructure, crossing notification and buffering improvements are proposed to offset the impacts of the closures. In addition, Union Pacific has withdrawn their request to vacate the SE 36th Street crossing in order to maintain greater north-south connectivity within the Laurel Hill Neighborhood. The proposed resolution would direct staff to develop a final agreement with Union Pacific. The final agreement and actions to vacate right-of-way would return to the City Council for approval on June 10, 2013.

**FISCAL IMPACT:**

Amount: \$2,006,000

Funding Source: Union Pacific Railroad (\$1,506,000) and State of Iowa Grant (\$500,000)

**ADDITIONAL INFORMATION:**

On January 28, 2013, the City Council received the Plan and Zoning Commission recommendation and directed staff to further evaluate the proposal to see if more could be done to address concerns that had been raised. At the March 11, 2013 City Council Workshop, a revised proposal was presented. Staff believes the revised proposal provides a balance between Des Moines’ goals to support mobility, neighborhood quality and economic growth in the community. Staff recommends approval of the revised proposal, which includes the following mitigation improvements:

1. Guthrie Avenue - Flashing notification signal near Dixon Street intersection (Dixon Crossing)
2. East University Avenue - Flashing notification signal east of Hubbell Avenue intersection (Hubbell Crossing)
3. East Euclid Avenue turning lane extension & left turn light installation at Dixon intersection
4. Dixon Street & Hull Avenue intersection enlargement
5. Hull Avenue widening - Dixon Street to Archer Daniels Midland (ADM) campus
6. Hull Avenue Cul-de-Sac

7. Hull Avenue street tree, traffic island & overlay improvements
8. Dean Avenue & East 30th Street. intersection turning lane & traffic light improvements
9. SE 36th Street railroad crossing improvements
10. Laurel Hill Road pavement overlay from SE 34th Street to SE 36th Street
11. Emergency access road - SE 34th Street to SE 36th Street - south perimeter of tracks
12. SE 34th Street Cul-de-Sac

The Short Line Yard/Hull Avenue Yard rail corridor has 10 at-grade street crossings from SE 36th Street to Hull Avenue. Delays at these crossings have been identified as a concern particularly at Hubbell Avenue, Dean Avenue, East Grand Avenue, and Hull Avenue, which carry the most traffic. Delays at these ten crossings are expected to increase if nothing is done. The U.S. Department of Transportation projects freight rail to increase 60% by 2040. Locally, increases in rail usage are occurring. ADM has indicated their rail usage has increased by 20% since 2009. They block Hull Avenue for approximately four hours a day during their 6:00 AM to 6:00 PM business hours as they move rail cars. This is in addition to pass through train traffic. The average weekday traffic counts for Hull Avenue and SE 34th Street in the vicinity of the crossings is 3,220 vehicle trips. Hubbell Avenue, East Grand Avenue, East Walnut Street, and Dean Avenue carry an average of 19,225 vehicle trips daily.

The SE 36th Street crossing is now proposed to remain open and to be improved. This provides a higher level of connectivity between the northern and southern portions of the Laurel Hill Neighborhood. An emergency access road is proposed between SE 34th Street and SE 36th Street along the southern perimeter of the rail line. This maintains the existing number of route options during flood events. Retaining the SE 36th Street crossing also eliminates the need to construct a new SE 38th Street crossing. The SE 38th Street crossing would have connected with Laurel Hill Road converting the eastern portion of it from a dead-end street to a through street. This maintains the private setting that several residents currently enjoy.

Traffic calming and streetscape improvements are proposed along Hull Avenue to enhance the neighborhood formerly recognized as the Garton West Neighborhood. Proposed improvements include a traffic island to deter truck traffic from the Guthrie Business Park attempting to drive east through the residential neighborhood. The island would be planted with trees to provide a visual separation between the industrial area to the west and the residential area to the east. Street trees would be planted to provide buffering from the industrial uses to the north and to soften views of Interstate 235 from the neighborhood. A pavement overlay would be installed from Delaware Avenue to East 24th Street. A second early notification sign is proposed for East University Avenue to warn westbound motorist when the Hubbell Avenue railroad crossing is blocked. This sign would be located far enough east of the Hubbell Avenue intersection that drivers that had originally intended to turn south on Hubbell Avenue could reroute.

Des Moines Public Schools staff has indicated that there are no Garton Elementary students residing within the Garton boundary west of the Hull Avenue tracks. If there were students residing there they would be eligible for busing as railroad crossings are considered a walking path hazard. Busing criteria includes elementary and middle school student living over 2 miles from school and high school students living more than 3 miles from school; and walk path hazards such as major street crossings, railroad crossings, viaducts, etc. Students living across the freeway, railroad tracks, or other walking path hazards from the school they attend are bused. Harding Middle School students east of the railroad tracks and I-235 are bused. The Goodrell Middle School boundary does not extend west of the tracks.

Union Pacific Railroad serves a total of 103 businesses in the metro. Thirty-eight (38) of these businesses are considered primary customers that require frequent service, such as ADM and

Bridgestone. ADM utilizes an average of 500 rail cars a month and has a total of 155 employees with a \$9.7 million annual payroll. The Hull Avenue closure would allow ADM to construct a \$2 million expansion of their refined oil facilities. This would facilitate additional operation and facility investment at the Des Moines location. Bridgestone utilizes approximately 1,500 rail cars a year and has a total of 2,000 employees with a \$140 million annual payroll. Bridgestone has built and planned for a total of \$151 million in improvements since 2010 at their Des Moines location. Union Pacific is also a local employer with 163 employees with an annual payroll of \$11.82 million in the Des Moines area. Without improvements, Des Moines will become “Capacity Constrained.” This limits the ability of existing rail-dependent Des Moines businesses to expand. It also puts Des Moines at a disadvantage to attract new rail-dependent business, as they will locate in areas with the level of freight rail capacity they need to succeed.

The following is a summary of frequently asked questions and responses that have not already been covered in this report.

*Q1.* Union Pacific Railroad has indicated that the proposed improvements should reduce blockages at related crossings by approximately 25%. Can a more specific timeframe be given?

*A1.* Crossing blockage times are hard to quantify. The typical train could travel through the crossings in as little as half the current time, but specific details such as type of load and destination make each case unique. Railroads are highly adaptable to changing customer needs. A quantifiable measure of improvement is not feasible given the changing variables.

*Q2.* Why not make improvements to the switches first and then monitor the results?

*A2.* The current proposal addresses capacity and crossing delay concerns. All elements of the proposal are inter-related. Installation of power switches alone would not address the lack of storage capacity north of Hull Avenue for long southbound trains and the lack of yard capacity to absorb inbound trains that are moving more quickly through power switches. Installation of power switches without the crossing closures may provide a modest benefit to railroad operations, but they will not achieve the desired outcome.

*Q3.* Can the Short Line Yard be expanded to the west to accommodate the longer train length without impacting SE 34th Street?

*A3.* It is not feasible to expand Short Line Yard to the west given the curved alignment of the track, the operational requirements of several railroads in the vicinity, and the lack of available real estate.

*Q4.* Can swing gates be installed at SE 34th Street that would allow the street to be opened during the State Fair and other events?

*A4.* Trains run according to customer needs on a 24 hour, seven (7) days a week, 365 days a year basis. Schedules change seasonally and in response to the fluid economy. As a common carrier, Union Pacific Railroad has a federal obligation to meet interstate transportation needs for thousands of customers across their 23-state operating territory. It is not possible to schedule 2,000 daily trains around intermittent closures at individual crossings. These constraints make permanent closure necessary.

*Q5.* Why did Union Pacific Railroad eliminate the second Ankeny Line?

A5. The Ankeny Line had one shipper that had been using the service. The shipper had not used rail service for over three (3) years and indicated that they did not have plans to use it again in the future. The line was abandoned through the Surface Transportation Board process.

Q6. Has any direction been given by the Federal Government pertaining to the elimination of at-grade crossings?

A6. The Federal Highway Administration's Railroad-Highway Grade Crossing Handbook (Rev 2nd Edition) is the standard reference document on prevalent and best practices relevant to highway-rail grade crossings. The Handbook states, "The first alternative that should always be considered for a highway-rail at-grade crossing is elimination. ....Elimination of a crossing provides the highest level of crossing safety because the point of intersection between highway and railroad is removed...The major benefits of crossing elimination include reductions in collisions, highway vehicle delay, rail traffic delay, and maintenance costs of crossing surfaces and traffic control devices...Eliminating redundant and unneeded crossings should be a high priority."

Q7. During heavy rain events debris runs onto Dean Avenue in the vicinity of the State Fair Campgrounds. What can be done to address this issue?

A7. The Public Works Department has reviewed the situation and plans to install curb along the north edge of Dean Avenue during the 2013 construction season.



**PREVIOUS COUNCIL ACTION(S):**

Date: January 28, 2013

Roll Call Number: [13-0166](#)

Action: [Receive](#) and file Plan and Zoning Commission recommendation regarding request from Union Pacific Railroad to vacate the following four segments of street right-of-way where the railroad right-of-way intersects, subject to conditions: ([Council Communication No. 13-040](#)). Moved by Mahaffey to receive and file. Motion Carried 6-1. Nays: Meyer.

- (A) Hull Avenue between Delaware Avenue and Dixon Street.
- (B) Scott Avenue between SE 20th Street and SE 22nd Street.
- (C) SE 34th Street between Scott Avenue and E. Court Avenue.
- (D) SE 36th Street at a point north of Scott Avenue.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: January 3, 2013

Resolution Number: 11-2012-1.21; 11-2012-1.22; 11-2012-1.23; and 11-2012-1.24

Action: A motion to approve the requested vacation of public right-of-ways failed by a vote of 5-8. No further motions were made.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Set date of hearing for the vacation of right-of-way. Hold hearing on the vacation of right-of-way and approval of final agreement.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).