

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Special Meeting of June 18, 2013
Ott Road Work Session
9:00 a.m., Room 35, County Courthouse
Pendleton, Oregon

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COMMISSIONERS PRESENT: Larry Givens, Chair; Bill Elfering, Vice Chair; George Murdock, Commissioner

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Connie Caplinger, Umatilla County Executive Assistant; Terrel Anderson, Union Pacific Railroad; Peggy Lyda, Union Pacific Railroad, Public Safety Division; Phil Wright, East Oregonian Senior Reporter; Tom Fellows Umatilla County Public Works Director; Tamra Mabbott, Umatilla County Land Use Planning Director; Bill Pohle, Union Pacific Railroad, Public Safety Division; Brock Nelson, Union Pacific Railroad, Public Affairs Director; Dave Lanning, ODOT Railroad Crossing Specialist; Tyler Wolfe, Union Pacific Transportation Department; Rick Shankle, ODOT Rail Crossing; Teresa Penninger, ODOT Region 5; Marilyn Holt, ODOT District 12; Paul Chalmers, Umatilla County Assessment & Taxation Director; William Ardee, Union Pacific Police Department Senior Special Agent

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CALL TO ORDER

The meeting was called to order at 9:03 a.m. Chair Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Introduction of meeting topic: Commissioner Givens reviewed the history of the Ott Road proposal to close it at the railroad crossing. He observed that the county had heard from ODOT Rail, the residents and the county staff. Both viewpoints were expressed by the residents of the Ott Road area with the most concern expressed regarding safety concerns for emergency access. He noted that no alternative to complete closure had been requested.

Report(s): Tom Fellows reported the history of the proposal prior to the introduction of the topic to the board some months previously. ODOT Rail instigated the discussion by introducing a “mini-corridor” project proposal with lights and gates to be installed on Canal Road and complete closure of the crossing on nearby Ott Road. The proposal was brought before the board at a meeting during which the board directed county staff and ODOT Rail to complete a design to be brought back to a later board meeting. When the design was presented to the board at a public hearing, it was determined that the school district and fire district were not on the list of those provided notice for the public hearing. Thus, the board set the work session.

Rick Shankle reported that the corridor project proposal to signal Canal Road in exchange for closing the Ott

Road crossing was subject to a restriction on the funds such that by the end of the federal fiscal year, the funds must be obligated for the project. Commissioner Elfering asked how soon that would be. Rick Shankle replied that the funds must be obligated by September and that there were numerous items to be completed prior to the fund obligation.

Discussion:

Commissioner Givens stated that he took issue with the process where it seemed as though the county was told that the project would be done ODOT's way or not at all. Rick Shankle replied that the crossing was not just about the crossing itself, but the elevations of the surrounding terrain and road conditions on the approach to the crossing.

Commissioner Givens commented that he had traveled the road and felt that other changes could be considered. Rick Shankle replied that ODOT Rail was open to suggestions, but that he had not heard any solutions presented and emphasized that ODOT Rail would be open to suggestions.

Commissioner Elfering asked if there were funds available to install crossing arms at the Ott Road crossing. Rick Shankle replied that it was possible that there were funds for that sort of project.

Terrel Anderson commented that crossing arms were unlikely to address the action of vehicles running the gate. The study produced a video record of the frequency of such incidents at guarded crossings. Peggy Lyda reported that there were 2 incidents at the crossing in the 8 to 9 months of the study.

Commissioner Givens commented that regulations could not stop stupidity. Terrel Anderson agreed, but pointed out that because the trains may stop and block the crossing from time to time, many of those crossing the tracks try to beat the train.

Commissioner Givens asked if Union Pacific had any funds to contribute to the project. Terrel Anderson replied that Union Pacific took financial responsibility in maintaining the crossing once the lights and gates were in place. That responsibility extended for the life of the crossing.

Brock Nelson stated that the initial installation was borne by the road authority, unless there was \$130,000 available in the project funds for that item. Rick Shankle pointed out that the requestor paid for the installation.

Commissioner Elfering asked for Union Pacific's position on the ODOT proposal. Terrel Anderson stated that the railroad would like to see the Ott Road crossing closed due to safety concerns.

Commissioner Givens commented that the topic presented a Solomonic situation for the county. In addition to the support for the closure, emergency services were opposed to it. The board was tasked with trying to decide what was best for the community in difficult circumstance.

Commissioner Elfering commented that it came down to the matter of safety under either circumstance and suggested that some actual figures on distance and time along the routes to the homes that would be cut off from using Ott Road would be in order.

Commissioner Givens asked if ODOT would consider installing gates at both intersections. Terrel Anderson

replied that the cost for gates would add at least \$350,000 and likely more per crossing for the equipment.

Peggy Lyda commented that the solution of crossing arms on Ott would not be cost effective. She stated that the functional classification of the roads rated Canal higher than Ott, identifying Canal as a principal road and major traffic collector.

Dave Lanning, from ODOT Rail, stated that the traffic counts, 70 vehicles per day, did not qualify Ott Road as a major collector.

Commissioner Elfering asked for the traffic count on Canal Road. Dave Lanning reported 290 per day and Tom Fellows added that the county's survey counted 390 per day, citing time of year as a likely contributor to the vast difference.

Terrel Anderson commented that the approach on Ott to the crossing and the intersection with Loop Road would need to be adjusted to place gates commensurate with line of sight needs. He noted that it would require the road to be adjusted back to the originally mapped county right of way.

Commissioner Givens asked for the percentage of grade at the approach to the crossing. Tom Fellows stated that the road department was looking into that, but that it was greater than 10%.

Dave Lanning commented that 3 school buses per day crossed there.

Tyler Wolf, Union Pacific Railroad, stated that Ott Road has the worst history of vehicles running the crossing, trying to get across in front of the lead units of a train.

Tamra Mabbott commented that the county's planning codes supported the functional classification as set by ODOT and Union Pacific. She noted that Ott Road constituted the urban growth boundary for Hermiston. The planning department would support the closure based on the expected increase in population density in the area near the crossing and based on the zoning in that area.

Terrel Anderson commented that Ott Road was ideal for a grade separated crossing, a bridge or underpass, if the crossing was eliminated. The cost and decision for that concept could be considered at another time, if the population density became such that a project to put in a grade separated crossing would become necessary. ODOT's goal was to decrease fatalities in train versus motor vehicle incidents.

Peggy Lyda commented that the closure would present a win/win situation for the county, the state and the railroad.

Commissioner Elfering asked how difficult it would be to put a crossing back in once the crossing was closed. Terrel Anderson stated that it would be more difficult to replace it with an at grade crossing.

Peggy Lyda commented that Union Pacific would be willing to work with the counties and offer crossing safety training as well.

Tom Fellows, in response to Commissioner Elfering's question on distance differences, stated that from the crossing to the intersection and from Townsend to Highland, it was .6 mile longer and via Hooker, it was 1.2 miles longer.

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Commissioner Givens asked what effect the change of route would have on the roads' maintenance. Tom Fellows stated that there would be no changes unless guardrail was damaged. Terrel Anderson stated that if lights and gates were installed, ODOT would want asphalt on the approaches to the crossing. Tom Fellows commented that the county had started the practice of paving 50 feet back from the crossings. Tamra Mabbott asked if Union Pacific would consider paying for the asphalt. Terrel Anderson replied that would not follow maintenance protocols because it was not a safety factor. The crossing bed between the gates would be constructed from concrete anyway.

Commissioner Elfering asked how much improvement would be made in the safety by gating crossings. Terrel Anderson replied that he was not certain and did not have that data. Peggy Lyda commented that 50% of accidents occur at gated crossings. Commissioner Elfering asked Tyler Wolfe if near miss data was recorded to identify crossings to determine safety equipment needs. Tyler Wolf commented that by the time that gating is considered, there are usually more than two fatalities recorded at the individual crossing.

Commissioner Givens asked if Union Pacific would consider paying for an overpass crossing. Dave Lanning replied that a grade separation could be done. Commissioner Givens asked if Union Pacific would enter into an agreement to put in a grade separated crossing. Terrel Anderson replied that was not Union Pacific's responsibility.

Commissioner Elfering asked for the costs to build a crossing similar to that near the Walmart Distribution Center. Terrel Anderson, stated that he was not familiar with that crossing, but estimated that a gated crossing would run about \$350,000. Commissioner Murdock recalled that the crossing costs were closer to \$8 to \$10 million.

Commissioner Givens stated that the project came to safety for both sides of the discussion. However, he felt the project proposal needed to be discussed further because the either/or option as presented did not sit well with him. Rick Shankle commented that it came down to the issue of more accidents at the intersection of Ott and Loop Roads or not. The safest crossing was none at all. However, he suggested that perhaps the county and ODOT would try to balance the number of emergencies among the residents who would be cut off in the past 5 years with the number of accidents, including fatalities. Dave Lanning added that near misses should also be factored into the discussion.

Commissioner Murdock commented that he had not heard the response time difference expressed. Commissioner Givens commented that at a previous meeting it was cited at five to six minutes longer on the alternate route.

William Ardee, Union Pacific Police Department Senior Special Agent stated that there were countless incidents at Ott and Canal. He concentrated his enforcement on Canal, however, because that was the crossing where the greater number of abuses occurred. The low volume of vehicles on Ott made it difficult to monitor, also. He stated he was the only office stationed in the area and agreed that stupidity cannot be stop. He also observed that a stop sign wasn't effective either and supported the closure of the Ott Road.

Rick Shankle asked if the county would compromise and consider keeping the crossing open to emergency access only. Terrel Anderson stated that Union Pacific would not consider that option due to the shift in liability.

Commissioner Givens asked Rick Shankle to describe an emergency access only crossing. Rick Shankle explained that there were currently only two such crossings in Oregon. The crossings had locked gates and provided access to those gate locks only to emergency service providers. Terrel Anderson explained that the trains would still be blowing their horns for those crossings. Dave Lanning concurred that the alternative was available.

Rick Shankle asked Tom Fellows if, when the surveying and traffic counts were done, the county looked at that possibility and a parallel road, like a frontage road. Tom Fellows replied that the cost was equivalent to an over crossing and a frontage road might not be feasible due to the county road standards.

Commissioner Givens asked how close together the county right of way and the road bed were, suggesting 700 feet. Tom Fellows stated that they were much closer.

Commissioner Givens requested actual data on the emergency calls. Rick Shankle asked what sort of data was needed. Commissioner Givens stated that how much response time was needed over the alternate routes.

Rick Shankle commented that ODOT had until the beginning of September to obligate the funds before the end of the federal fiscal year. Tom Fellows asked if the obligation would stand if an agreement was in place by the beginning of September. Rick Shankle believed so, but needed to verify.

Terrel Anderson commented that the railroad would also need to go through the design, a process that would take from 90 to 120 days. Commissioner Givens asked if there would be a cost for acquisition of rights of way. Tom Fellows replied that it would be minimal because only about .1 acre could be part of the corridor. Commissioner Givens asked for the cost to the county if the crossing was closed. Tom Fellows stated that there would be no cost. Dave Lanning stated that the county would be responsible for maintaining the road.

Commissioner Elfering commented that it did not seem that ODOT would consider an option to gate Canal and leave Ott as is. Rick Shankle commented that the option was there, but the process was necessary. The department was looking at putting in an interim order to preserve the funds.

Commissioner Givens asked if the county and state could move ahead with Canal and wait on a decision on Ott. Rick Shankle replied that could be an option, but he would need to consult with the state entities.

Commissioner Givens commented that he believed that the county could agree on the Canal proposal. Commissioner Elfering agreed. Dave Lanning added that Union Pacific needed to accept an interim order. Terrel Anderson felt that the railroad would not object, but needed to have a time frame for resolution to the Ott Road portion of the project. Commissioner Givens proposed that the end of July would be a reasonable target. Terrel Anderson agreed that date would work.

Dave Lanning asked if the interim agreement could be developed before that. Terrel Anderson stated that the issue would be the intersection adjustment.

Commissioner Givens asked if there were any way to cut back the banks of the irrigation canal to provide better visibility. Tyler Wolf commented that cutting back the banks was not likely to improve the matter of people running the crossing and the intersection.

Commissioner Givens proposed an interim agreement on Canal Road and that a deadline for commitment on Ott Road Minutes

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the resolution of the Ott Road matter be set for July 31, 2013. Rick Shankle proposed that an interim order could be out by the following week.

Dialogue:

Conclusion/Follow Up:

Peggy Lyda promoted Operation Lifesaver and noted that presentations for local groups were available.

Commissioner Givens requested information on the data on emergency calls and near misses from Tom Fellows. Commissioner Murdock added that specific response times for emergencies along all routes were necessary also.

Commissioner Givens noted that ODOT would put together an interim agreement on Canal Road.

ADJOURNMENT

The meeting was adjourned at 10:19 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners