

MINUTES**MILWAUKIE CITY COUNCIL WORK SESSION****September 18, 2007**

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Bernard and Councilors Barnes, Collette, and Loomis

Staff Present: City Manager Mike Swanson, Community Development/Public Works Director Kenny Asher, Operations Director Paul Shirey, Engineering Director Gary Parkin, and Transportation Liaison Gavin Hales

Railroad Crossing Safety and Quiet Zone Proposal Update

Mr. Parkin at last meeting on July 17 questions. Access on Harrison Street, cost of four-quadrant gates, overall project budget. Discuss issues and seek direction.

Railroad crossing safety built on existing project CDBG railroad crossing enhancement at 37th and Oak. Install median barriers and pedestrian crossing improvements including Harrison. Three crossing would qualify city for quiet zone. Improve bike, pedestrian and handicapped access. Seeking to reduce noise impacts for 69% of households in Milwaukie. 65 decibel level was acceptable background noise established. Cost \$285,000 in addition to CDBG.

At 37th Avenue improvement consisted of sidewalk and add medians to inhibit people from going around crossing arms and swing turn lane so still make left turn from RR to 37th. At Oak most improvements from CDBG all the sidewalk improvements. adding for the safety project to make quiet zone eligible. He showed alternative to medians to allow for left turns. Previously put median down middle that would have prevented left from Oak to Campbell. Can allow left turns as they are today.

At Harrison no CDBG grant funds so improvements would be pedestrian improvements like other two crossings and sidewalks. Medians on either side of the crossing arms. His role has been to identify improvements and budget issues.

Mr. Hales role in project was to assess public on proposal and coordinate to refine proposal. Talked about revised access plan and how got there. On July 17 asked to meet again with business owners affected by proposal which was Purdy's carwash and detail. Talked about intended utilization of parcel on the south side of Harrison Street and pre-application filed in 2006 and relocation on south side. No longer intend to do that because of cost and

Mr. Parkin other issue with Fetty's was ability to improve upon circulation pattern shown at last meeting. Previously advocated lengthening median and 31st Avenue access to the site with right in right out. To get to site take left.

CITY COUNCIL WORK SESSION – September 18, 2007

APPROVED MINUTES

Page 1 of 4

Concern with two way traffic going through a narrow area so potential for crossing that movement with rights coming in. looked more closely and came up with better proposal. Shortened median to 60-feet allowed for a left out on 31st avenue right-of-way can make it past the end of the median. Had benefit of one motion in and through. Eliminated crossing pattern with first proposal. One-way traffic in this design. Fetty's happy with this proposal and look at this as access plan for the site.

Mr. Hales looked at 4-quadrant a new estimate for new and prevent cars from being trapped. Harrison \$365,000 or \$230,000 less than previously estimated. he had gotten estimates from UP. When asked for refined estimate pegged at.

Mr. Parkin sources fees in lieu of and can be spent on pedestrian projects in the neighborhood. Total \$90,000 with \$30,000 at 37th Avenue and \$60,000 on Harrison. Gas tax from state total \$157,500. Transportation SDC available for projects that meet certain criteria and capacity-related projects for a total of \$37,500.

Ms. Warner discussed funding sources and restrictions. Money available in FILO which is restricted by neighborhoods. Two neighborhood Hector Campbell and McLoughlin Industrial. Carefully looked at specific components. SDCs slightly less restricted to max use of funds. None of this was budgeted or available this year. Still would be transportation SDCs reserves left and would not exhaust the reserved. If give direction to move forward staff would work on budget allocation. This would come up and compete with other things and would compete with other projects.

Councilor Collette understood talking about using contingency.

Ms. Warner synonymous with reserve. Pertained to individual fund reserves.

Mr. Swanson one point did want to make was that before this would come back in a budget resolution form and discuss with the budget review board. Need to put together the final numbers to develop the resolution. Do not have the final word on the gas tax.

Ms. Warner proposal was not attended to approach the general fund contingency.

Mr. Hales expressed interest in proposal. Many expressed not concerned about particulars but do something to silence the horns. Received an additional 38 e-mails also two articles in Oregon 27/8/3. working on this project for more than a year and in talking with residents this issue emerged by a margin of 2:1 as the issue with the most credence in the community next to light rail. will proceed with CDBG projects this year. The safety will be in the upcoming budget. This was what staff felt was the best proposal.

Updated recommendation given high level of support. Request City Council direction on proposed resolution establishing intention and construct improvements when funds available.

Mr. Swanson started in September 2000. Brian Newman asked the question at that time, this was the issue he hears more about and the one he got more inquiries. In a lot of people's minds a clear livability issue. If move forward still have budget work to do plus an extensive review process. State and rr will not allow to go forward if not safe. Staff continued to work to see if there were an alternative that would bring the goal in line with the costs. That was the proposal before the Council tonight. Even an application the City felt confident in was not a slam dunk. There would be other voices that would not allow to go forward. Cost effective and affordable project while holding to the goal of eliminating the noise. Livability issue with a great number of people. He provided copies of e-mail indicative of what hearing from people.

Councilor Barnes even if approve the plan will take time to move forward. Can we do them incrementally or all at once.

Mr. Parkin if do one do not get a partial quiet zone have to have all three so no reduction in noise by doing just one.

Mr. Hales each permit filed on crossing by crossing basis. he noted not as constrained by permitting as originally thought. Ask for specific time frame and can set at 4 or 5 years. the impetus to move forward was that there were some cost savings doing as a joint proposal. How long will this take to resolve.

Mr. Hales said it will come down to when funds are available.

Ms. Warner can look elsewhere in budget and maybe projects not as compelling.

Councilor Loomis staff did a great job of looking. Not comfortable about spending the gas tax. If big issue should come out of the general fund. Keep that gas tax money for road maintenance.

Councilor Collette only talking about \$85,000 but probably other places to look for that. Appreciated concerns about gas tax money. This was a goal for a long time and now have staff work to clarify the costs. In favor of moving forward.

Mr. Swanson staff report action requested come up with a proposal that achieved the project and contingent upon availability of funds. Can look throughout the budget if Council directs.

Mr. Parkin understand local gas tax for paving.

Councilor Loomis now gas tax should pay for maintenance if that \$85,000.

Councilor Collette understood gas tax could be used for this.

Mr. Parkin in budget that was his source.

Mayor Bernard \$85,000 would be used for paving around those intersections.

Mr. Parkin this was really not a maintenance project.

Mr. Swanson heard don't use state gas tax, don't limit yourself in looking for funds to do that. Appropriate to use it but hears find the money somewhere else.

Councilor Barnes can we bring the budget committee together. maybe there was something in the budget now if look.

Mr. Swanson do not want to open that question up. Will do it at the staff level.

Mayor Bernard need to move forward. The budget did not include Purdy believed would take away 60% of his business. Do not have actual permission from the property owner to use that access. What if cut off corner? If just a little further and rounded do not have to use the driveway.

Mr. Swanson should look into the setback.

Mr. Parkin it would be tight. May not suit all vehicles.

Mr. Swanson could intersection be widened to allow the left turn.

Mr. Parkin one owner for Purdy's and lot next door. Unfortunately not able to contact Murphy.

Mayor Bernard cost might be look at 4-quadrant gates. How do you wipe out a business? Supports the project but concerned about the business.

Mr. Parkin four-quadrant gates less desirable although approved.

Mayor Bernard should proceed but need to contact property owner about access. Or do something about intersection of 31st Avenue so can access with a left turn.

Mr. Swanson adopting resolution does not make it a done deal but was a giant step forward.

Mr. Hales understood City would not have to have permission for configuration but rather between the Fetty's and Murphys. It was not a matter of the City needing the permission.

Mayor Bernard would like the City to be involved because he did not think Murphy will allow it. he felt the City should be active in trying to contact Murphy.

Mr. Swanson if direction is to move forward. Heard some issues about financing will do everything possible to make it work. Cannot broker a deal but would be to benefit to try to bring Murphy in. that awaited the Council's direction on this being a priority to move forward.

Mr. Parkin did meet with Murphy earlier this year to let him know what was going on. At that time he put up a brick wall and did not support it. Dealing with Fetty who were active and wanted to participate. Have not been in the position to get a lot of feedback.

Councilor Loomis suggested asking Murphy to partner.

Adjournment

Mayor Bernard adjourned the work session at 6:20 p.m.

Pat DuVal

Pat DuVal, City Recorder

AGENDA
WORK SESSION
MILWAUKIE CITY COUNCIL
SEPTEMBER 18, 2007

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

A light dinner will be served.

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Clackamas River Water (CRW) Contract Update	Paul Shirey
2.	5:45 p.m.	Railroad Crossing Safety and Quiet Zone Proposal Update	Gary Parkin & Gavin Hales
3.	6:30 p.m.	Adjourn	

EXECUTIVE SESSION

Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660(2). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development and Public Works Director

From: Gary Parkin, Engineering Director
Gavin Hales, Transportation Liaison

Subject: Railroad Crossing Safety and Quiet Zone Proposal Update

Date: September 5, 2007 for September 18th, 2007 Work Session

Action Requested

Staff requests direction from Council on a proposed resolution that would support implementation of the Railroad Crossing Safety and Quiet Zone project contingent on the availability of funds in future fiscal years.

Introduction

This report updates the Railroad Crossing Safety and Quiet Zone proposal with regard to:

- Access to Purdy's Car Wash
- Four-Quadrant Gate Costs
- Project Budget
- Updated Recommendation

The July 17th staff report detailing the Railroad Crossing Safety and Quiet Zone project is included as Attachment 1 to this report.

Background

At the July 17th City Council work session, staff presented the culmination of a year-long process of information gathering, public outreach and engineering

study regarding railroad crossing safety and a possible Quiet Zone designation for the City. (Attachment 1.)

Briefly, staff determined that a high level of community support exists for eliminating or reducing train horn noise, and that constructing median barriers for the three subject crossings (37th Ave, Oak St, and Harrison St) is the most cost effective means to improve safety and establish a Quiet Zone.

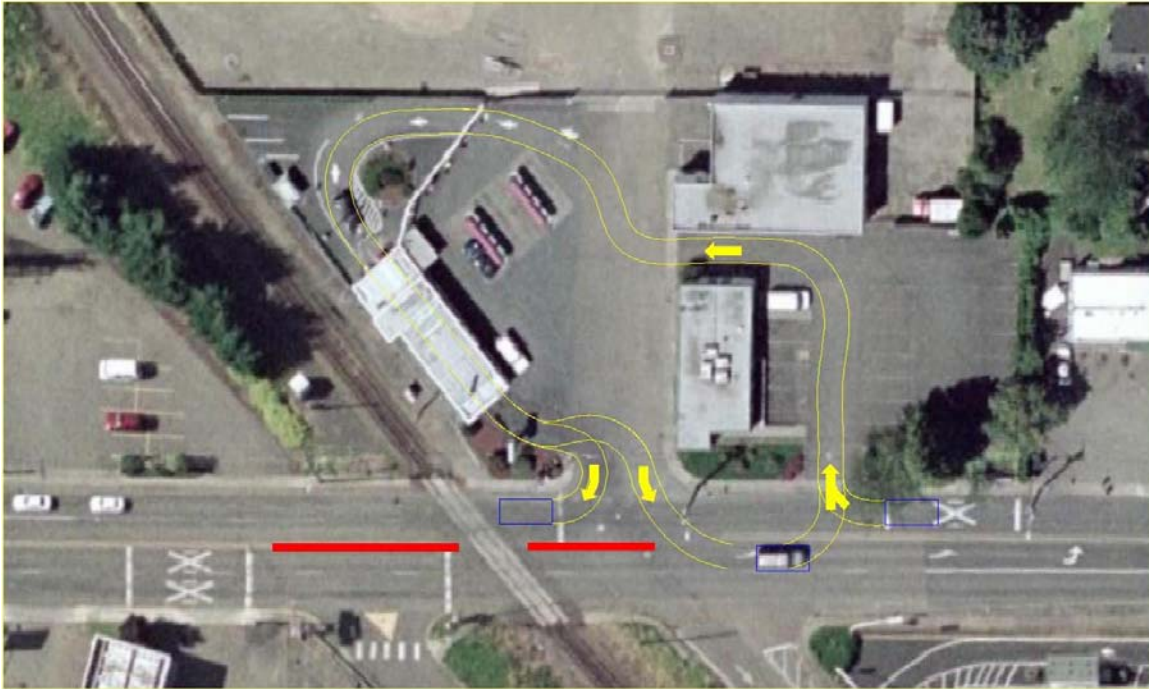
Purdy's Car Wash Access

On July 30, staff met with Waid, Cindy, and Mike Fetty, who represent Purdy's Car Wash and Purdy's Detail Shop, regarding the Railroad Crossing Safety and Quiet Zone proposal. The meeting revealed that the Fetty's prefer a configuration with 31st Avenue as the primary egress and the east driveway as the primary ingress for both of their existing businesses.

Staff determined that the access issue can be mitigated to the satisfaction of the Fetty's by establishing a circulation pattern that would limit access at 31st Avenue to out-only rather than restricting access to right-in, right-out only. This configuration would allow left turns out of the property that would have been restricted under the original proposal. The median barrier would still eliminate the existing 31st Avenue to Railroad Avenue movement across Harrison, which poses no issue for the Fetty's (see diagram).

Staff inquired about utilization of the Fetty's parcel on the south side of Harrison Street, as requested by the Mayor at the July 17th work session. Specifically, staff asked about the outcome of a pre-application filed in 2006 regarding a possible relocation of the car wash operation to that site. The Fetty's replied that they no longer plan to develop the site, due largely to the cost of this move, as well as the right-of-way they would be required to dedicate on all three sides of the site.

The Fetty's thanked city staff for working to minimize impacts to their business, and allowed that they would even consider acceding to the original proposal (if necessary).



Four-Quadrant Gates

Staff updated the cost estimate for adding gate arms to the Harrison Street crossing. The new estimate is \$270,000 for a complete SSM mitigation (2 additional gate arms, upgrade existing gate arms, rework signaling, install traffic loop detectors.) With pedestrian improvements, the total estimated cost for Harrison Street with a Four-Quadrant SSM mitigation is \$365,000. This is approximately \$230,000 less than staff had previously estimated.

Fiscal Impact

The Railroad Crossing Safety and Quiet Zone budget, which staff presented at the July 17th work session, proposed a combination of Fee In Lieu Of funds, Gas Tax, and Transportation SDCs to cover the \$285,000 project cost. Some of these funds would have been drawn from contingency budgets.

Subsequent to that report and due in part to Councilor Loomis's concerns and comments received from members of the Budget Committee, the Engineering Director, Community Development and Public Works Director, and newly appointed Finance Director conducted additional review of the project funding.

After carefully assessing each of the proposed funding sources, staff has concluded that the street fund (state gas tax fund) cannot cover its portion of the project this year, even from its contingency budget. There may be resources

available in this Fund in future fiscal years. This would be determined through CIP and Budget updates. Consequently, staff has prepared an updated budget for the project, which acknowledges the unavailability of Gas Tax funds in the current fiscal year.

Updated Budget

Crossing	FILO**	Gas Tax	Trans SDC	Total
37th Ave	\$30,000	\$81,200	\$38,800	\$150,000
Oak			\$25,000	\$25,000
Harrison	\$60,000	\$4,000	\$46,000	\$110,000
	<u>\$90,000</u>	<u>\$85,200</u>	<u>\$109,800</u>	<u>\$285,000</u>

**FILO: Fee In Lieu Of (collected from development in place of street improvements)
Funds unavailable.

Although many of the Railroad Crossing Safety improvements can be funded from FILO reserves for the pedestrian portion and up to \$109,800 from Transportation SDC funds, there remains a balance of about \$85,000 needed from the Gas Tax Fund to complete the project and qualify for a Quiet Zone designation.

Use of state gas tax funds in future years is subject to CIP updates and approval by the Budget Committee and City Council.

Recommendation

Given the high level of stated public support for the project, the efficiencies of permitting this project in tandem with the CDBG pedestrian improvements at 37th Avenue and Oak Street, and the relatively small funding gap, staff requests Council direction on a proposed resolution establishing the city's intention to:

- Create a Quiet Zone by making SSM improvements at Harrison Street, Oak Street, and 37th Avenues;
- Seek permits for these improvements from ODOT in tandem with the CDBG projects;
- Construct these improvements when funding becomes available, to be determined through the City's CIP update process, annual Budget update process, and related Budget Committee and City Council approvals;
- Proceed with the budgeted pedestrian improvements (CDBG project) at 37th Avenue and Oak Street during the current fiscal year.

Attachment

July 17, 2007 Work Session Council Report



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development and Public Works Director.

From: Gary Parkin, Engineering Director
Gavin Hales, Transportation Liaison

Subject: Railroad Crossing Safety and Quiet Zone Update

Date: July 3rd, 2007 for July 17th, 2007 Work Session.

Action Requested

Staff requests direction from Council on whether to return with a resolution to make improvements to increase railroad crossing safety and establish a Quiet Zone.

Background

Supplementary Safety Measures (SSM): Supplementary Safety Measures are engineering improvements that enhance railroad crossing safety by preventing vehicles from moving across the rail line when trains are present. The measures were approved by the Federal Railroad Administration for use in Quiet Zones, after more than a decade of rigorous testing and trial projects.

The SSM options available to Milwaukie include:

- Four Quadrant gates.
- Median Barriers.
- One-way streets equipped with gates that fully block the street.
- Temporary street closure (i.e., nighttime closure).
- Permanent street closure.

Staff examined two strategies for establishing a Quiet Zone: four-quadrant gates and median barriers. Staff selected median barriers for detailed study based on advantages in safety, cost, and the recommendation of agency partners.

In March of 2007, staff reported to Council on an opportunity to combine the CDBG Railroad Crossing Safety project with the Quiet Zone project. The projects are complimentary in that the pedestrian improvements provided by the CDBG project fulfill the pedestrian safety requirements of the Quiet Zone at the Oak Street and 37th Avenue crossings. Combining the Quiet Zone improvements with the CDBG railroad crossing project already underway provides permitting cost savings of approximately \$5,000. The consultant already in place for the design and permitting of the CDBG project can be used for the Railroad Crossing Safety and Quiet Zone effort. This saves the time and effort of consultant selection. When combined with utilizing their acquired knowledge, an additional \$15,000 savings can be realized.

CDBG Project: The 37th Avenue and Oak Street Railroad Crossing Improvement project will construct pedestrian improvements at the Oak Street and 37th Avenue crossings of the Union Pacific rail line. These improvements include sidewalk and crossing panels along the west side of both crossings, and serve to connect a discontinuous segment of the City's existing pedestrian network. Crossing panels reduce gaps between the paved surface and rails that would otherwise pose a danger to pedestrians and wheelchairs.

The improvements are funded by a combination of Community Development Block Grant funds (granted to the City in 2006), transportation SDC funds, and Funds In Lieu Of funding. The design and engineering for the original CDBG project have been prepared for the permit application.

Noise Impacts: 35 trains per day utilize the Union Pacific Mainline as it passes through Milwaukie. Each train sounds its horn in a four-part sequence as it approaches each of Milwaukie's four at-grade rail crossings. As train horns are quite loud, the sound affects approximately 82% of Milwaukie households above the level considered acceptable for normal residential land use by the Federal Transportation Administration. A map of the area affected above this level is included as Attachment 1 to this report.

Quiet Zone: Establishing a Train Horn Quiet Zone requires that Milwaukie replace the train horn safety feature with engineering improvements that reduce the risk of collision at a crossing by preventing careless movement across it, called Supplementary Safety Measures or SSMs.¹ Once established, a Train Horn Quiet Zone would prevent the sounding of train horns in all but emergency situations at three at-grade crossings in Milwaukie: 37th Avenue, Oak Street, and Harrison Street.

As train horn soundings are directly proportional to the number of at-grade crossings, including these three crossings in a Train Horn Quiet Zone would eliminate three out of four train horns currently sounded along the Union Pacific mainline. This would reduce

¹ Federal Railroad Administration, *Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings; Glossary of Terms*, Federal Register, Vol. 71, No. 159, August 17th, 2006.

the percentage of Milwaukie households affected above the residential land use threshold from 82% to 13%.

Community Response: Milwaukie residents were asked through a February *Pilot* article and the city website to provide feedback on the possibility of eliminating train horn noise. Out of 189 persons who've expressed an opinion, 165 were in favor, 7 were neutral, and 17 were opposed. Those in favor noted loss of sleep, crossing safety, and general disturbance to residents/businesses as key reasons. Those expressing opposition indicated a nostalgic or emotional attachment to the horns, concerns about the cost of improvements, and concerns that the loss of train horns would make crossings more dangerous as key reasons for opposing the Railroad Crossing Safety and Quiet Zone project.

Permitting: The Oregon Department of Transportation's Rail Division (ODOT-Rail) has requested that, if the City intends to make improvements through the Railroad Crossing Safety and Quiet Zone projects, a joint application be submitted for all intended improvement designs².

Proposed Improvements:

37th Avenue Crossing

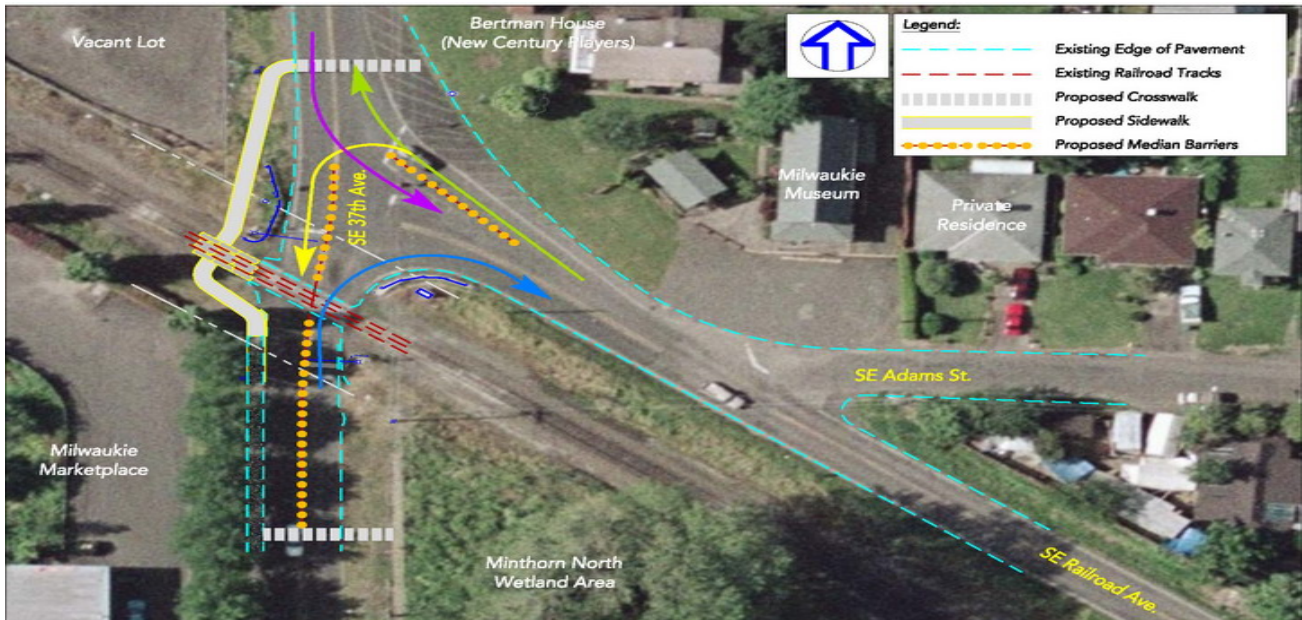
At 37th Avenue, the project would construct median barriers north, south, and east of the rail line (on Railroad Avenue). The intersection of 37th and Railroad Avenues would be realigned to accommodate these changes while preserving passenger vehicle turns. The CDBG crossing safety project will install a sidewalk on the west side of 37th Avenue crossing the rail line with crosswalks north and south of the crossing.

The new configuration would:

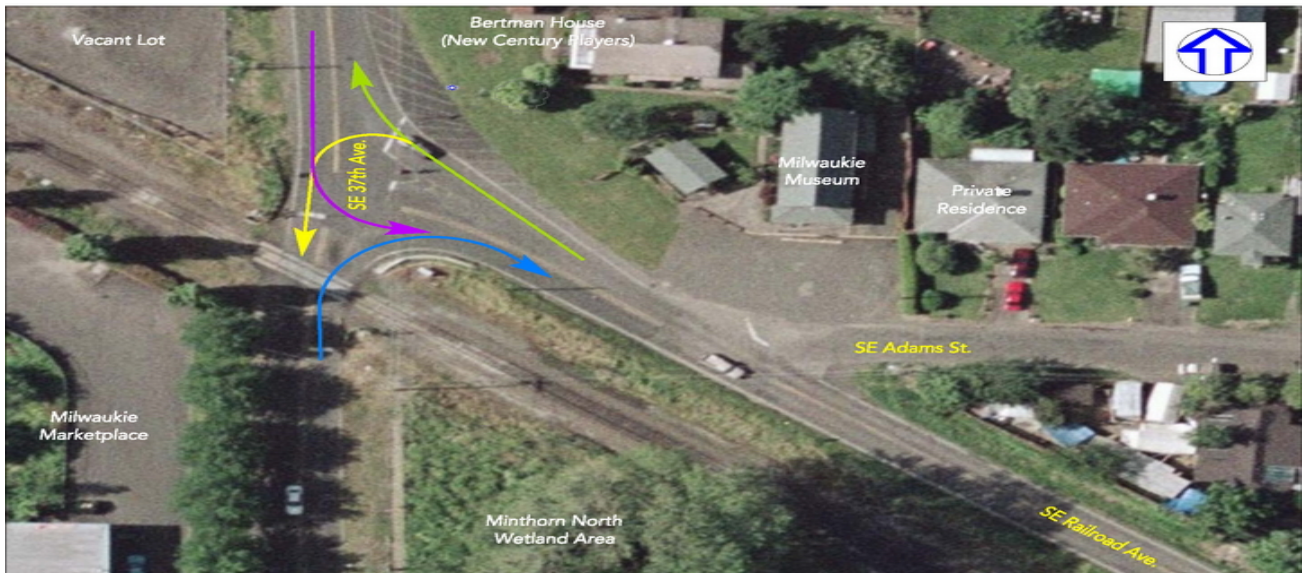
- Limit large vehicles (trucks, school and Tri-met buses) to right-in, right-out only access to and from Railroad Avenue.
- Substantially improve crossing safety for motorists, bicyclists, and pedestrians.
- Channel traffic, utilizing median barriers.
- Preserve all existing turns for cars.
- Completely prevent vehicles from crossing the rail line when gate arms are lowered.
- Improve pedestrian, bicycle, and handicapped access to the Minthorn North Wetland Area, Bertman House, Milwaukie Museum, and other community assets.
- Improve sightlines at the intersection of 37th and Railroad Avenues

² Pedestrian improvements at the 37th Avenue and Oak Street crossings will proceed even if Council does not implement the Quiet Zone project.

37th Avenue Crossing (proposed improvements.)



37th Avenue Crossing (existing conditions.)



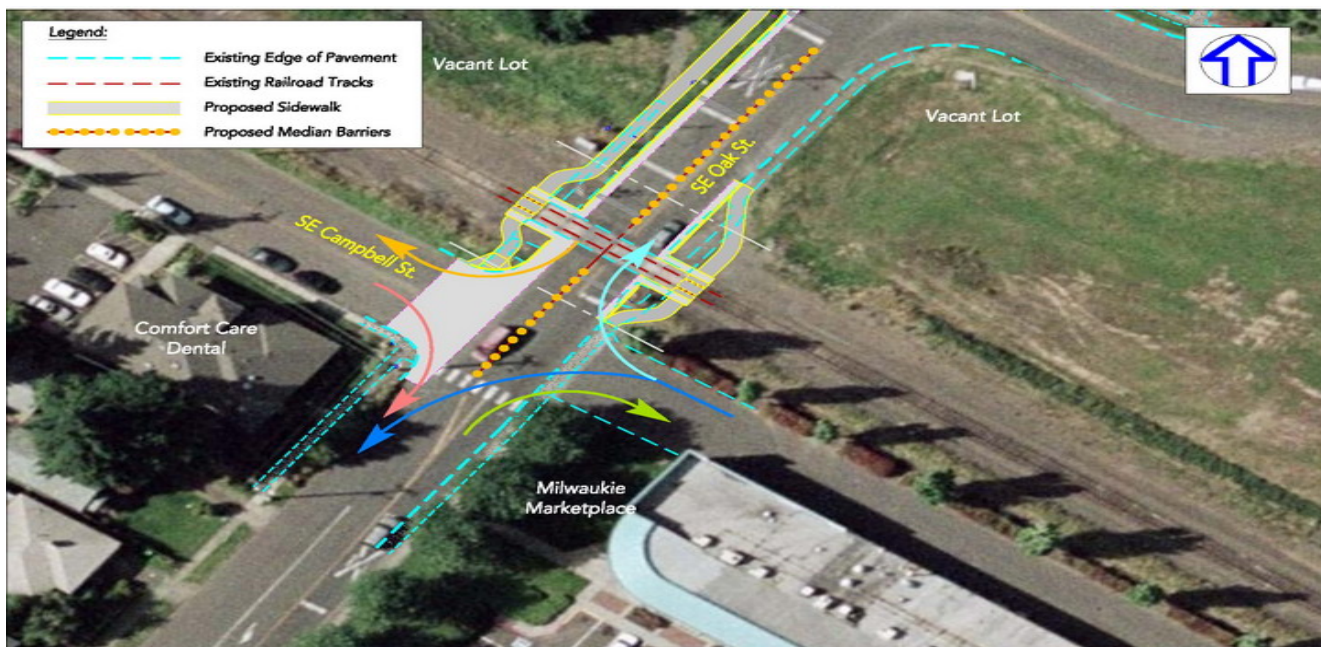
Oak Street Crossing

At Oak Street the project would construct median barriers on both sides of the rail crossing. The freight driveway accessing the Milwaukie Marketplace would be shifted slightly to the south in order to accommodate these changes while retaining freight turns from the driveway toward the 224 expressway. A short median barrier segment would be used to channel turning vehicles onto Campbell Street. The CDBG crossing safety project will construct sidewalks on both sides of Oak Street and move the crosswalk on the southwest side away from the intersection of Oak Street and Campbell Street.

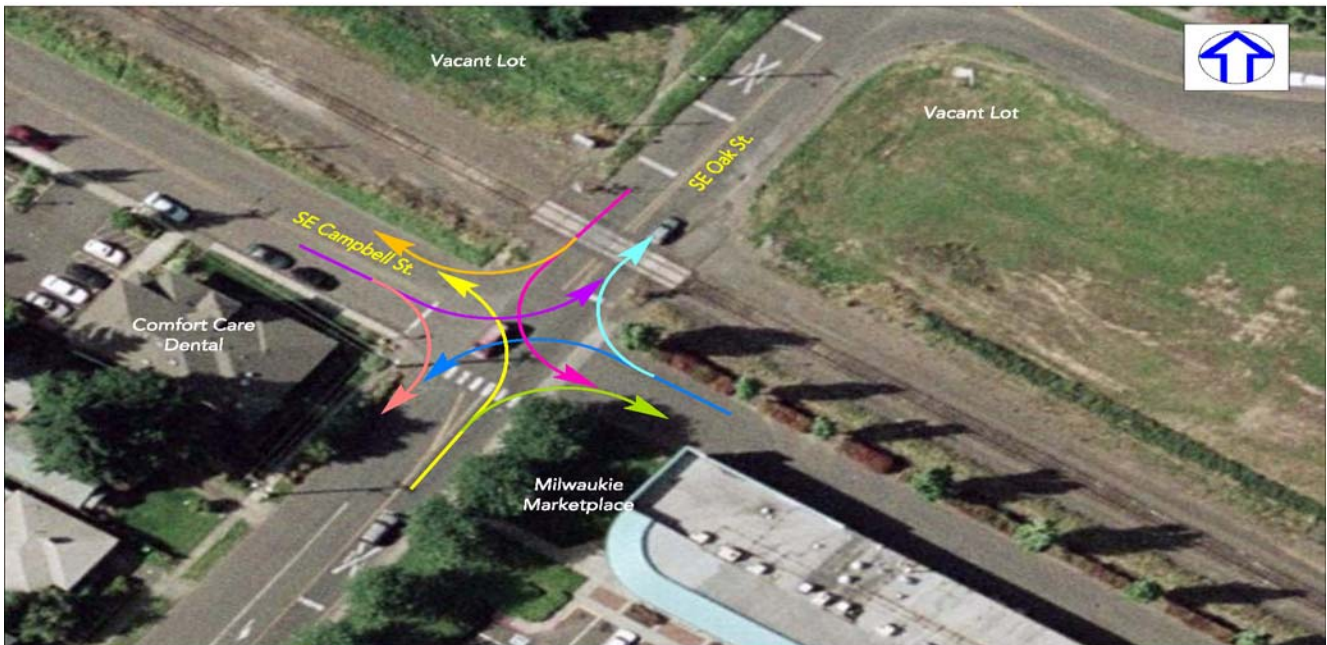
This configuration would:

- Prevent left turns from SE Campbell Street onto SE Oak Street.
- Prevent left turns from SE Oak Street into the Marketplace freight driveway.
- Completely prevent vehicles from crossing the rail line when gate arms are lowered.
- Improve pedestrian, bicycle and handicapped access to The Milwaukie Marketplace and Gramor development.
- Modify the driveway accessing the north side of the Milwaukie Marketplace, allowing a shallower approach for freight vehicles and preserving their access.

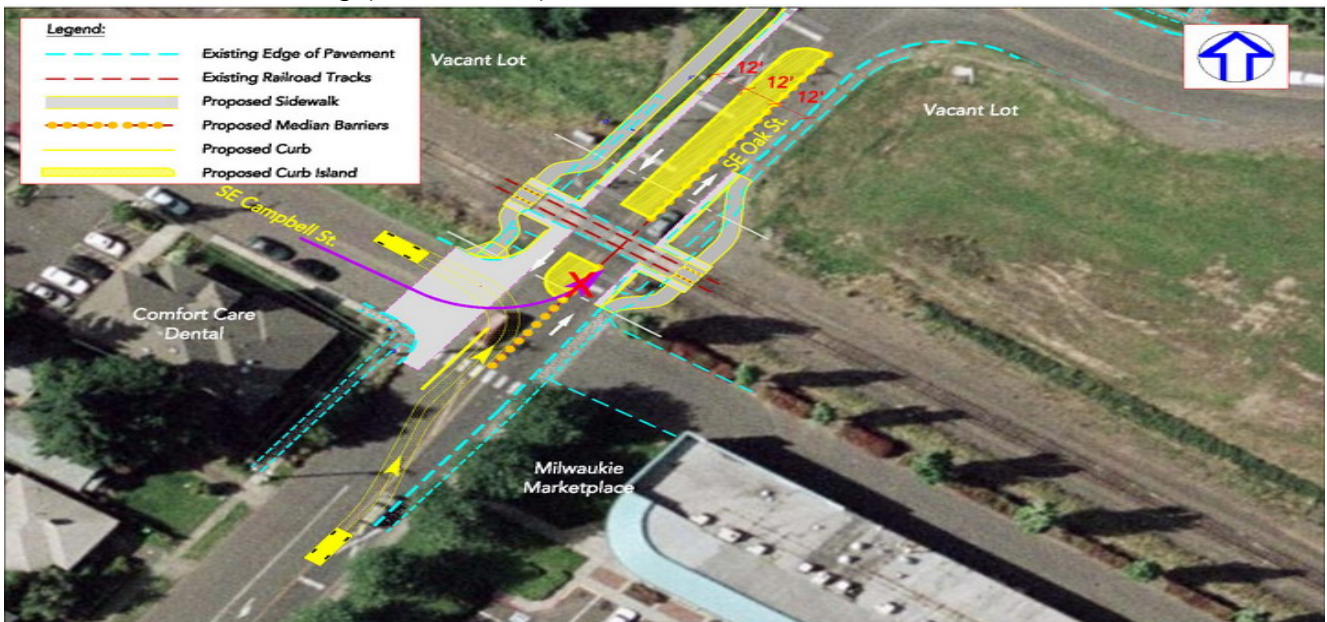
Oak Street Crossing (proposed improvements.)



Oak Street Crossing (existing conditions)



Oak Street Crossing (lost left turn)



Harrison Street Crossing

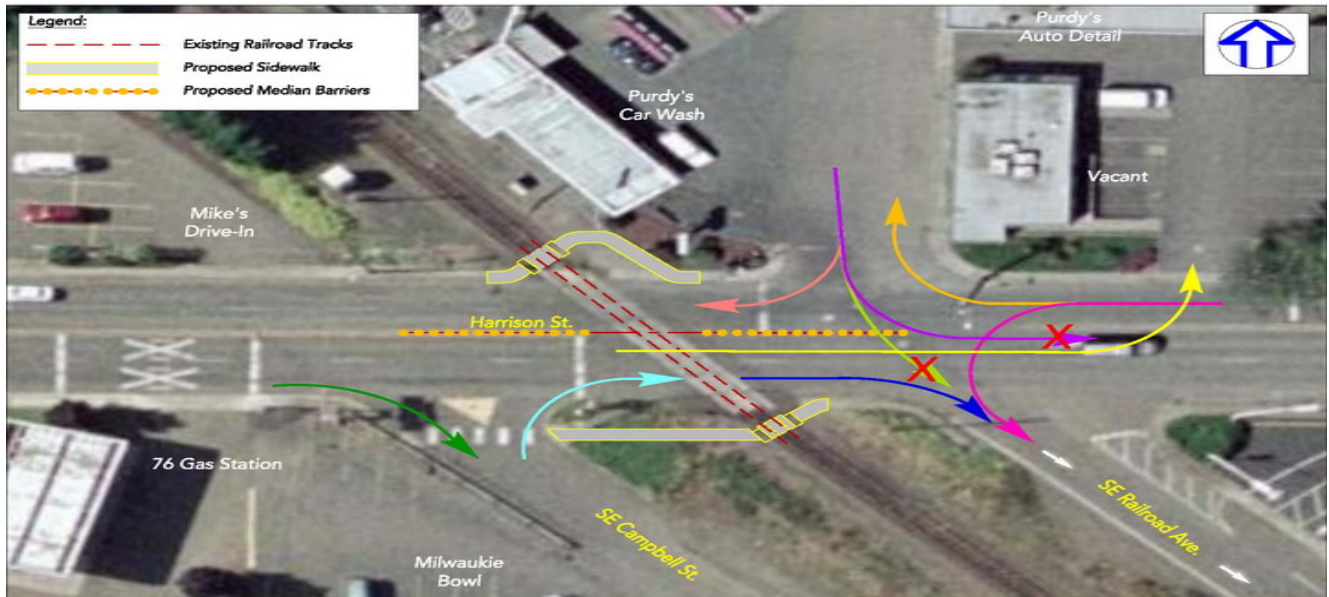
At Harrison Street the project would construct median barriers east and west of the rail line. The left turn from Harrison Street to 31st Avenue would be shifted east to accommodate median barriers. Up to two turns from 31st Avenue would be lost. As the CDBG project does not include improvements at Harrison Street the combined project

would construct sidewalks (including crossing panels) across the rail line on both sides of Harrison Street.

This configuration would:

- Impact Purdy's car wash by preventing left turns from the site and altering traffic flows internal to the site.
- Substantially improve crossing safety for motorists, bicyclists, and pedestrians.
- Completely prevent vehicles from crossing the rail line when gate arms are lowered.
- Allow pedestrian, bicycle, and handicapped access across the Harrison Street crossing not present today.
- Improve pedestrian, bicycle, and handicapped access to Providence Hospital and Downtown Milwaukee

Harrison Street Crossing (proposed improvements.)



Harrison Street Crossing (existing conditions.)



Recommendation: By making select improvements at the crossings, and building on the CDBG project, this project would make three key rail crossings substantially safer. The project has the added benefit of a Quiet Zone designation, which, in addition to improving neighborhood livability and the local business climate, has broad community support. The vast majority of those who expressed opinions to staff are in favor of the proposed Railroad Crossing Safety and Quiet Zone. Furthermore, this strategy seems to have the concurrence of the neighborhoods, of city staff, and of area businesses (with one notable exception). This is the most cost effective way to improve rail crossing safety and quiet train horns. Staff recommends Council proceed with consideration of a resolution to establish a Quiet Zone.

Concurrence:

Community:

- Of 189 persons who've expressed an opinion to Staff regarding the proposal, 165 are in favor, 7 are neutral, and 17 are opposed. A complete list of interested persons is included as Attachment 2 to this report.
- Staff met with representatives of all seven Milwaukie NDAs at their May 30th leadership meeting. A number of those present had concerns about the impacts of the project, particularly at two locations. At Oak Street, NDA leaders were concerned that two lost turns at the intersection with Campbell Street would limit cross town connectivity. At Harrison Street, leaders were concerned that the impacts to Purdy's Car Wash were enough to put them out of business.
- Staff met with representatives of all seven NDAs at their June/July meetings to present a revised proposal that retains one turn at Oak Street previously lost. Staff met individually with the leadership of the Lewelling and Ardenwald NDAs,

as they did not hold July meetings. The NDAs were supportive of the revised proposal. As of the submission of this report staff received favorable responses from 3 NDAs, neutral responses from 1 NDAs and responses in opposition from no NDAs.

Businesses/ Agencies:

- Mr. John Murphy, who owns various sites adjacent to the Harrison Street Crossing (including the land leased by Purdy's car wash), has indicated his strong opposition to the proposed improvements at that location. Mr. Murphy opposes the alteration of left turns to and from the site and Harrison Street, as well as the elimination of turns from the site onto Railroad Avenue. Additionally, Mr. Murphy opposes the use of a private driveway that would allow access to the site via another parcel he owns. This appears to be an option for retaining access, but would require his cooperation.
- Mr. Roger Shirley, who represents the Milwaukie Marketplace, is in favor of the proposed improvements to the 37th Avenue and Oak Street crossings. Mr. Shirley is particularly supportive of the proposed changes to his present freight access.
- Ms. Tonya Fellner, General Transportation Routing Specialist for the North Clackamas School district, indicated that three school bus routes currently pass through the intersection of 37th and Railroad Avenues. She has reviewed the proposed improvements and confirmed that school buses could easily be rerouted around the resulting conflicts.
- Dr. Kenneth Chung, who represents Comfort Care Dental, was primarily concerned with backup of southbound traffic across the rail line at Oak Street due to the proximity of the pedestrian crosswalk. He is supportive of the project but wants to ensure that drainage and pedestrian safety issue are well addressed.
- Mr. Bob Dant, who represents the owner of a parcel of land adjacent to the rail line, confirmed that train noise, including train whistles, poses an impediment to development (particularly residential development) at the site and expressed his opinion that a Railroad Crossing Safety and Quiet Zone could help encourage re-development of property near the rail line.
- Mr. Michael Hayes, and Mr. David Lanning of the Oregon Department of Transportation's Rail Division (ODOT-Rail) and Mr. John Trumbull of the Union Pacific Railroad (UPRR) support a City effort to establish a Railroad Crossing Safety and Quiet Zone.

Staff:

- Operations concurs that the livability and safety improvements associated with the Railroad Crossing Safety and Quiet Zone project make this a prudent expenditure.
- Economic Development agreed that quieter rail crossings would make the surrounding areas more attractive to prospective developers, particularly residential developers.
- Public Safety concurs that the proposed improvements will not impede their operations. Furthermore, Public Safety believes these changes would significantly benefit crossing safety along the rail line and would be welcome additions to the City.
- Street Engineering believes that the proposed improvements would make the intersection at 37th and Railroad Avenue safer by creating a more perpendicular approach, and improving sight distance, reaction time, and turning radius. Additionally Traffic Engineering believes the median barriers will improve safety by removing conflicts at intersections and preventing “head-on” collisions. Furthermore Traffic Engineering felt that the relocation of crosswalks away from the intersections (proposed in the project) would reduce automobile conflicts with pedestrians.
- Engineering was of the opinion that the access management study for any future redevelopment of the Murphy site would likely find the site has alternate access off of 32nd Avenue which would allow them to comply with Municipal Code 19:1413. Engineering noted that pursuant to 19.1413.2 Location of Driveway Access, in the case of properties with double frontage (such as the Murphy site,) “access shall be provided first from the street with the lowest classification,” and that the access spacing targets contained in part 1 of the same section indicate that 31st Avenue as it exists today is a non-conforming street stub which ultimately would not be relied upon for access.
- Planning concurs that any reduction in access to the Murphy site now would have an impact on the short-term use of the site, but can't be claimed to have a long-term impact. Furthermore planning believes the private driveway the project proposes utilizing should be the primary ingress to the Purdy's site. This configuration would better comply with the City's access spacing goals.

According to an access management strategy prepared by HHPR engineering access can be maintained by using the existing driveway to the east of 31st Ave. The study is included as attachment 3 to this report.

Fiscal Impact

The total cost of the combined project is \$480,000. The total cost of the CDBG portion of the combined project is \$195,000 and will be funded with a combination of the Community Development Block Grant (CDBG) the City received in 2006, SDC, and Gas Tax revenues.

The total cost of the Railroad Crossing Safety and Quiet Zone portion of the combined project is \$285,000 and will be funded with a combination of Fee In Lieu Of funds, Gas Tax, and Transportation SDCs.

City of Milwaukie - Railroad Pedestrian Crossing and Quiet Zone Project

<u>Crossing</u>	<u>Total Cost w/Eng</u>	<u>Total QZ cost</u>
37th Ave	<u>\$235,000</u>	<u>\$150,000</u>
Oak	<u>\$135,000</u>	<u>\$25,000</u>
Harrison	<u>\$110,000</u>	<u>\$110,000</u>
	<u>\$480,000</u>	<u>\$285,000</u>

CDBG project funding

<u>CDBG</u>	<u>FILO</u>	<u>Gas Tax</u>	<u>Trans SDC</u>	<u>Total</u>
<u>\$50,000</u>		<u>\$27,000</u>	<u>\$8,000</u>	<u>\$85,000</u>
<u>\$49,000</u>	<u>\$15,000</u>	<u>\$37,700</u>	<u>\$8,300</u>	<u>\$110,000</u>
<u>-</u>	<u>-</u>	<u>-</u>		<u>\$0</u>
<u>\$99,000</u>	<u>\$15,000</u>	<u>\$64,700</u>	<u>\$16,300</u>	<u>\$195,000</u>

Proposed funding for QZ

<u>CDBG</u>	<u>FILO</u>	<u>Gas Tax</u>	<u>Trans SDC</u>	<u>Total</u>
	<u>\$30,000</u>	<u>\$105,000</u>	<u>\$15,000</u>	<u>\$150,000</u>
		<u>\$17,500</u>	<u>\$7,500</u>	<u>\$25,000</u>
<u>-</u>	<u>\$60,000</u>	<u>\$35,000</u>	<u>\$15,000</u>	<u>\$110,000</u>
<u>\$0</u>	<u>\$60,000</u>	<u>\$157,500</u>	<u>\$37,500</u>	<u>\$285,000</u>

There are some timing issues with this project, CDBG funds for the pedestrian improvement are specified for expenditure by June 30, 2008.

A proposed construction schedule is included as Attachment 4 to this report.

Work Load Impacts

Staff from the Community Development and Engineering Departments have spent approximately 80 hours on this project to date, the project will be incorporated into existing work schedule without significant issue.

Alternatives

1. Two Crossing Expanded CDBG Project Alternative . Full improvements at 37th and Oak crossings, without Train Horn designation. Would improve crossing safety at these two crossings. No noise reductions. Would cost approximately \$100,000 less. Not recommended.
2. Wayside Horns Alternative. Wayside Horn Systems (WHS) replace the safety feature of horns mounted on trains by providing fixed horns at each crossing that use recordings of train horn signals and emit them in directionally concentrated signals along approaches to the crossing. They can be used in conjunction with SSMs to mitigate crossings in a Quiet Zone. The city may also equip all three crossing with wayside horns. While the later would not result in a Quiet Zone, it would reduce noise impacts at each of these crossings³.

Based on the experience of the city of Glendale, Ohio, staff's preliminary cost estimate for WHS in Milwaukie is at least \$90,000 to \$100,000 per crossing, not including the pedestrian improvements required by State law. The curvature of the rail line may also result in some additional expense, in the form of remote confirmation indicators.

Furthermore, staff has determined that cities can be held liable for accidents that can be clearly traced to the use of wayside horns. From conversations with ODOT-Rail concerning this issue and recent examples from cities in Texas, staff has determined that liability insurance for wayside horns may range as high as \$10 to \$25 million⁴. While this technology might be a good alternative in the absence of liability concerns, staff believes its use in this case would be premature. Not recommended.

Attachments

1. Area impacted by Train Horns. (Pdf)
2. Quiet Zone Interested Persons List.
3. Access Management Study for Purdy's Car Wash.
4. Construction Schedule.
5. Interim Approval for the Use of the Wayside Horn System.
6. City of Sugarland, Texas. Letter to the Union Pacific Railroad.
7. Quiet Zone Ppt Presentation.

³ See Attachment 5.

⁴ See Attachment 6.