

Date..... January 28, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 3, 2013, its members considered a motion to recommend approval of a request from Union Pacific Railroad (owner) to vacate the following four segments of street right-of-way where the railroad right-of-way intersects:

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

Subject to the following:

1. Reservation of any necessary easements for all utilities in place, including the water lines, until such time that they are abandoned or relocated.
2. Construction of the following improvements:
 - a) Installation of a flashing notification signal on Guthrie Avenue at the Dixon Street intersection.
 - b) Lengthening of the East Euclid Avenue turning lane and installation of a left turn light at the Dixon Street intersection.
 - c) Enlargement of the Dixon Street and Hull Avenue intersection to accommodate semi truck turning movements.
 - d) Construction of turning lane and traffic light improvements at the Dean Avenue and East 30th Street intersection.
 - e) Construction of a permanent SE 38th Street crossing.
 - f) Paving of Laurel Hill Road with an overlay surface.
 - g) Construction of an emergency access road along the south perimeter of the tracks that would connect SE 34th Street to the proposed SE 38th Street crossing.

-CONTINUE-

Date January 28, 2013

WHEREAS, the motion failed by a vote of 5-8 and no further motions were made.

NOW THEREFORE, BE IT RESOLVED that the City Council desires to receive and file the City Planning Commission communication and directs staff to meet with the Union Pacific railroad to determine if additional options and improvements can be considered to mitigate the proposed closures.

MOVED by _____ to receive and file.

FORM APPROVED:

(Council Communication No. 13-040)


 Michael F. Kelley
 Assistant City Attorney

(11-2012-1.22, 11-2012-1.23, 11-2012-1.21, 11-2012-1.24)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Date _____

Agenda Item 54

Roll Call # _____

January 9, 2013

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 3, 2013, the following action was taken regarding a request from Union Pacific Railroad (owner) for vacation of four segments of street right-of-way where the railroad right-of-way intersects.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 5-8 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley		X		
Tim Fitzgerald		X		
Dann Flaherty		X		
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page		X		
Christine Pardee		X		
Mike Simonson		X		
CJ Stephens		X		
Vicki Stogdill		X		

The MOTION to approve the requested vacations listed below FAILED:

- A) Hull Avenue between Delaware Avenue and Dixon Street. (11-2012-1.22)
- B) Scott Avenue between Southeast 20th Street and Southeast 22nd Street. (11-2012-1.23)
- C) Southeast 34th Street between Scott Avenue and East Court Avenue. (11-2012-1.21)
- D) Southeast 36th Street at a point north of Scott Avenue. (11-2012-1.24)

No further motions were made.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations subject to the following:

1. Reservation of any necessary easements for all utilities in place, including the water lines, until such time that they are abandoned or relocated.
2. Construction of the following improvements:
 - a) Installation of a flashing notification signal on Guthrie Avenue at the Dixon Street intersection.
 - b) Lengthening of the East Euclid Avenue turning lane and installation of a left turn light at the Dixon Street intersection.
 - c) Enlargement of the Dixon Street and Hull Avenue intersection to accommodate semi truck turning movements.
 - d) Construction of turning lane and traffic light improvements at the Dean Avenue and East 30th Street intersection.
 - e) Construction of a permanent SE 38th Street crossing.
 - f) Paving of Laurel Hill Road with an overlay surface.
 - g) Construction of an emergency access road along the south perimeter of the tracks that would connect SE 34th Street to the proposed SE 38th Street crossing.

Written Responses

6 In Favor

47 In Opposition + petitions

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** Union Pacific Railroad is proposing the permanent closure of these crossings. This would improve train movement through Des Moines and reduce vehicle backups at the crossings at Hubbell Avenue, East Grand Avenue, East Walnut Street and Dean Avenue. It also would create rail capacity to serve expanding operations at the ADM facility and would increase capacity in the Union Pacific Short Line Yard to serve future local and regional needs.
2. **Existing Zoning and Land Uses:** The Hull Avenue and Scott Avenue areas contain a mix of industrial and commercial uses. The properties in these areas are zoned a mix of "M-1" Light Industrial District and "M-2" Heavy Industrial District zoning. The SE 34th Street and SE 36th Street area contains a mix of single-family dwellings and light industrial uses. The area consists of a mix of "R1-60" One-Family Low-Density Residential District, "R1-70" One-Family Low-Density Residential District, "R-2" One- and Two-Family Residential District and "M-1" Light Industrial District zoning.

3. **Applicable Recognized Neighborhood(s):** The Hull Avenue right-of-way is not located within the boundaries of a recognized neighborhood association. However, the Fairmont Park, Highland Park and the Union Park Neighborhoods are in the vicinity. The Scott Avenue right-of-way is not located in or near a recognized neighborhood. The SE 34th Street and SE 36th Street area is located in the Laurel Hill Neighborhood. The Capitol East and Fairground Neighborhoods are also in the vicinity.

These neighborhood associations were notified of the Commission meeting by mailing of the Preliminary Agenda on November 30, 2012. Additionally, on December 10, 2012, separate notifications of the hearing were mailed to the neighborhood association contacts. A Final Agenda was mailed to the neighborhood associations on December 14, 2012. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.

The Fairmont Park Neighborhood Association notices were mailed to Steve Walter, 3114 East 24th Street, Des Moines, IA 50317. The Highland Park Neighborhood Association notices were mailed to Trudy McCormick, 1226 East Oak Park Avenue, Des Moines, IA 50316-1236. The Union Park Neighborhood Association notices were mailed to Marsha Steele, P.O. Box 16113, Des Moines, IA 50316. The Laurel Hill Neighborhood Association notices were mailed to Cynde Rayman, 404 SE 36th Street, Des Moines, IA 50317. The Capitol East Neighborhood Association notices were mailed to Peggy Ingram, 1441 Capitol Avenue #10, Des Moines, IA 50316. The Fairground Neighborhood Association notices were mailed to Sharon Cooper, P.O. Box 8057, Des Moines, IA 50301.

Additional notice and neighborhood meetings are discussed in Section II of this report.

4. **Relevant Zoning History:** None.
5. **2020 Community Character Land Use Plan Designation:** All four locations are designated "General Industrial" on the Future Land Use Map.
6. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Easements must be provided for all existing utilities until such time they are relocated at the applicant's expense. Staff is aware of water lines in the Hull Avenue and SE 34th Street right-of-ways that would require easements.

2. Emergency Response Access: The proposed vacations have been reviewed by the Fire Department and Police Department for impacts on emergency response services. The Fire Department has requested the installation of a flashing notification signal on Guthrie Avenue at the intersection of Dixon Street and Guthrie Avenue. This signal will face toward Guthrie and would be visible to east and west bound emergency vehicles. The signal will be wired to flash when the railroad crossing at Dixon Street between Hull Avenue and Guthrie Avenue is occupied by a train and blocking traffic. This will alert emergency responders to continue on Guthrie Avenue in the event they were coming from the east to respond to an emergency in the Hull Avenue area west of Delaware Avenue. The areas east of the Hull Avenue railroad closure would not be impacted by the fire department since it is accessible by Euclid Avenue and Guthrie Avenue.

The SE 34th Street and SE 36th Street railroad crossing closures will not impact the ability of the fire department to provide emergency services. It was stated by homeowners during the public forums that flooding on Scott Avenue would not allow the fire department vehicles to access that area due to high water. The fire department vehicles have a higher clearance than automobiles, but depending on the severity of the flooding, emergency vehicle access could be delayed.

3. Traffic: The Traffic and Transportation Division has evaluated the impact the vacations would have on traffic and the street system. As part of their review they obtained the following traffic counts for the subject streets and other impacted streets.

	AVG WEEKDAY TRIPS
East Euclid Avenue	19,000
Hull Avenue	2,800
Guthrie Avenue	10,600
Hubbell Avenue	10,000
East Grand Avenue	3,125
East Walnut Street	1,760
Dean Avenue	4,340
SE 34 th Street	420 (2,300)*
SE 36 th Street	150 (135)*

* Traffic counts taken during the 2012 State Fair.

Traffic counts were not obtained for Scott Avenue as the right-of-way west of the railroad crossing was previously vacated and is blocked off. A barricade was installed on the east side of the tracks by the Public Works Department to keep vehicles from entering the crossing area for safety purposes. Vacation of this crossing would make the current situation permanent.

Hull Avenue, SE 34th Street and SE 36th Street carry minimal levels of traffic. The surrounding street network has the capacity to accommodate any increases the vacations may cause. The closures would facilitate the installation of automatic track switches. The current track switches are done manually, which requires trains to make multiple stops to allow a crew member to climb off and on the train to manually operate each switch. The closures in conjunction with these switch improvements would reduce the train delay experienced at Hubbell Avenue, East Grand Avenue, East Walnut Street and Dean Avenue by as much as 30% according to Union Pacific's calculations. These four streets carry a combined average of 19,225 vehicle trips a weekday. Roadway improvements that would be constructed as part of this project to address impacts are discussed in Section II(5) of this report.

4. **Neighborhood Meetings:** On July 11, 2012, a meeting focused on the SE 34th Street and SE 36th Street crossings was held at the Chesterfield Community Center. Meeting invitations were sent to those owning property within the area generally bound by Dean Avenue to the north, Laurel Hill Cemetery to the east, Scott Avenue to the south and the 7th Ward Ditch to the west. On July 24, 2012, a meeting focused on the Hull Avenue crossing was held at the ADM facility. Meeting invitations were sent to those owning property within the area generally bounded by 3230 Dixon Street at the north, the railroad tracks just west of Delaware Avenue at the east, East Sheridan Avenue at the south, and the railroad tracks just west of Dixon Street at the west. The Des Moines Register published articles regarding these meetings before and after they were held.

On November 1, 2012, a follow up meeting with impacted Hull Avenue business owners was held at the ADM facility. On November 8, 2012 a follow up meeting was held for the Hull Avenue and SE 34th/SE 36th Street areas at the Des Moines Botanical Center. Meeting invitations were sent to those that received them for the July meetings and to anyone that signed in at the July meetings.

5. **Impacts and Proposed Improvements:** The primary concerns that were raised during the initial Hull Avenue meeting was the flow of truck traffic in the area and turning movements at the Hull Avenue and Dixon Street intersection. To address truck traffic concerns the westbound left turn lane on East Euclid Avenue is proposed to be increased from 200 lineal feet to 400 lineal feet. A left turn arrow would also be added to the traffic lights at this intersection. The Dixon Street and Hull Avenue intersection would also be enlarged to better accommodate turning semi truck movement. The Des Moines Public School District has indicated that the closure of Hull Avenue would not impact their ability to provide school bus service in the area.

Concerns raised in the SE 34th Street and SE 36th Street area focused on State Fair traffic and access during flood events that block Scott Avenue to the west of SE 34th Street and to the east of SE 36th Street at the same time. To address these concerns turning lane and traffic light improvements are proposed for the Dean Avenue and East 30th Street intersection. A new permanent crossing with lights and safety arms is proposed at SE 38th Street. This would provide a north/south connection from Laurel Hill Road to Scott Avenue. Laurel Hill Road currently consists of a gravel surface. If this project moves forward a 3-inch overlay surface would be applied to Laurel Hill Road.

An emergency access road is proposed along the south perimeter of the tracks that would connect SE 34th Street to the proposed SE 38th Street crossing. The road would be fenced off and opened by the Public Works Department as needed during flood events. The road would be constructed with a granular surface and would be capable of supporting truck traffic. The Public Works Department would be responsible for maintaining the road.

Pedestrian and bicycle connectivity would be impacted in the Hull Avenue and SE 34th/SE 36th Street areas. There is also a business on SE 34th Street south of the tracks uses SE 34th Street to access the fairgrounds during the State Fair to deliver supplies to food vendor. The closures would require business to utilize SE 30th Street or the proposed SE 38th Street crossing to access the fairgrounds.

SUMMARY OF DISCUSSION

Jason Van Essen introduced the representative for Union Pacific Railroad.

Brenda Mainwaring, Director of Public Affairs, IA NE Union Pacific Railroad, 1400 Douglas Street, Omaha, NE stated three years ago the City Council asked Union Pacific Railroad to address the public's concern in regards to traffic delays on the east side corridors. They were instructed to find a way to make vehicle traffic flow better on the east side. About 100 locally based customers ship using Union Pacific, about 12 trains daily arrive in short line yard. There are an additional 5 to 10 that pass through Des Moines. She explained that there are four primary reasons for the delays on the east side due to the rail traffic:

1. The sharp curve limits the speed that trains can travel
2. Local industries on the line that have to be served which requires stop and go service.
3. Hand thrown switches which consist of the conductor climb off the train, manually move the switch so the train can go on the track that it needs to be on.
4. Limited space between road crossings requires Union Pacific to put a train both in the yard and outside of the yard. There is no place to put a standard length train where they do not block a street crossing.

Union Pacific is willing to invest \$759,000 to install power switches that would be controlled onboard of the locomotive. The issue of yard capacity is not solely due to the number of cars on the train or number of cars in the yard. Equally important is the length of track that they have to accommodate those inbound and outbound trains. The train length is determined by the customer's need across the country. After they determined what the issues were they took a look at the area. In order to add capacity there are two things they needed, space within the yard and space outside of the yard where they could put a train

without blocking a city street. Within the yard the only place to gain any capacity is on the east end around SE 34th and SE 36th. There is no comparable option on the west end because of the curve and because of the layout of the receiving tracks for the yard. Without those closures they do not have space in the yard to bring in a train efficiently. Even if they add power switches, they do not have any place to move the train into the yard because they do not have enough space from one end to the other to park a train.

The proposal is to close SE 34th and SE 36th and install a new crossing at SE 38th because of the flooding issues Union Pacific heard about at the neighborhood meetings. Union Pacific would make available to the City of Des Moines a roadway along their right-of-way that would be used for emergencies during flooding. They would also pay for the improvements at Dean Avenue to put in an improved turning lane so that the traffic that is traveling on Dean would be able to clear that crossing a little bit better. Union Pacific does not receive trains from the east. On the south side they have sufficient space, they can sit south of Maury Avenue and hold the train until they have space. Most of the trains that are north bound do not go into the yard. It is the trains coming from the north that causes the biggest problem. They do not have enough space to put a train any place where they do not block a crossing.

In order to have sufficient space to build that train they are looking for closure of Hull Avenue. By creating space for them to hold a train, and by installing the power switches to improve east side rail crossings, it also creates space for some ADM improvements that are planned. ADM will be needing rail capacity in order to expand in the future and Union Pacific will need the space to serve future business.

Until Scott Street is officially vacated Union Pacific is obligated by federal law to maintain the crossing even though it is no longer accessible to traffic. Union Pacific will also do some real time emergency notification for first responders so they will know if there is a train blocking Dixon south of Easton or any of the other roads.

The City of Des Moines did some traffic counts and the data shows there are about 3,370 vehicles on a daily basis that would have to find an alternate route and about 19,225 vehicles on a daily basis that will benefit from the improvements. Their proposal is in response to the City of Des Moines' request to reduce traffic delays on the east side. It will also improve their operations. Because of this Union Pacific is willing to invest more than 2 million dollars in the project. It also allows them to meet the need of their current customers. In order for Des Moines to compete for future economic development it must have good rail service. The Department of Transportation, MPO, Bridgestone and ADM all are in favor of this request. Without these improvements Union Pacific cannot do what the City has asked them to do which is to improve the flow of traffic on the east side and they cannot meet the continued needs of their current customers and they cannot meet any new capacity needs that might come into the City. They are requesting that the Commission approve the vacation of these right-of-ways.

Will Page expressed concern about the capacity and ADM's needs and questioned if trains would actually block E. Euclid Avenue.

Brenda Mainwaring stated that the E. Euclid crossing is grade separated.

Will Page asked for clarification regarding Dixon needing a flashing light to warn first responders to use a different route.

Tom Patava, City of Des Moines Fire Marshall stated that their concern as if they could not use Delaware if they were coming from Station No. 3 to get to the northeast they wanted to be able to use Dixon. But if there was a train crossing at Dixon they did not want to turn north on Dixon and get to the crossing and find out that there was a train. Therefore, they asked for some type of signal at Guthrie so they know if there was a train across Dixon they would continue east on Guthrie to E. 14th and then come in from that direction. Union Pacific has indicated that they could install the flashing light at Guthrie signaling there is a train on Dixon. With that the Fire Department has no concern about responding to that area.

CJ Stephens asked if Union Pacific considered acquiring more land to park trains.

Brenda Mainwaring clarified when she says park she is talking about holding the train while it waits to go into the yard. They are occupying their track but there are road crossings that go across their track. They do not have any place where there is sufficient space to hold the train while they are waiting to get into the yard without blocking a street crossing.

CJ Stephens asked how long are the trains.

Brenda Mainwaring stated typical length is about 7,500 feet.

CJ Stephens asked if anything has changed about the flood plain area.

Jason Van Essen stated at the neighborhood meetings in July there were concerns raised that at certain times the Four Mile Creek to the east and the 7th ward ditch to the west are flooded onto Scott Avenue at the same time. It was reviewed with stormwater engineering staff and the problems at those two points are independent of each other so they do not always flood at the same time but there are times when they both do. Union Pacific has proposed to supply an emergency access road that Public Works would have the keys to access and maintain.

CJ Stephens asked if the railroad is going to build it and the City is going to maintain it.

Jason Van Essen stated if this project moves forward and the City Council ultimately supports the closures. The City will develop an agreement with the railroad to include the list of improvements to be made and responsibilities for maintenance.

CJ Stephens expressed concern that other neighborhoods do not have paved streets and the City is not maintaining them and if the City says they are going to maintain some more she believes that this will stretch an already constrained budget.

Jason Van Essen went through staff recommendation that reflects the improvements.

Mike Simonson asked how confident is staff that the issues can be resolved. Such as the property owner on the corner where it appears the turn lane would have to encroach quite a bit on their parking lot.

Jennifer Bohac, City Traffic Engineer stated they looked at the turning radius at this intersection and this is their ultimate scenario. They have been in discussion with property owners along Hull Avenue in general about this project. They have not had specific discussions about right-of-way needs and right-of-way purchases. They do have more land on the west and on the north sides of the intersection. If they cannot get land on the southeast then maybe they can widen to the northwest.

Will Page asked if the alternate route for emergency responders has been discussed with property owners so they know that Dixon Street might not be available for emergency vehicles at times.

Jennifer Bohac stated that they do understand that a lot of the traffic will have to use Dixon and it has been explained to them how emergency vehicles would have to reroute in this area, especially those that are east of Dixon along Hull. It has been communicated to them.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of the applicant's request.

James Pirolli employed with ADM located 1935 E. Euclid Avenue. Read ADM's letter of support. (Attached) He also told of a time when he received a call from an ADM employee that there was a tractor trailer stuck on the railroad tracks at Hull Avenue. They immediately contacted Union Pacific manager on duty who had also just heard of the situation moments before and was in the process of sending out a special agent. Several tense minutes had passed before it was reported that the truck was able to move off and clear of the tracks. This is an extremely dangerous crossing due to the number and frequency of times it is crossed by trains everyday and the number of tracks a vehicle has to cross to clear the intersection. Because of this they have suggested that commercial vehicles use a route which will allow them to arrive from the west on Hull Avenue when delivering or leaving ADM. Infrastructure improvements are extremely expensive. This is an opportunity for the community and local residents to benefit from private investment through improved roads and intersections coupled with less wait times. Union Pacific is offering several million dollars to make improvements to road signals and intersections that are otherwise not required and the improvements will not be made if they are to be paid for by public funding. The total of private investment related to the success of this project and road closure amounts to more than 20 million dollars. A significant portion of this amount is related to labor, design, and construction of railroad track and local improvements in industry. If this project receives City Council approval and investments are made revenue will stay in the Des Moines area.

Ted Irvine asked if the improvements and closures increase the amount of rail traffic out of or into the ADM plant, what will it do to the ratio of truck to rail shipments.

James Pirolli stated the ratio would remain the same. The majority of the raw materials arrive by truck and the majority of the outbound materials leave by rail.

Todd Ashby, Executive Director of MPO stated they support the applicant's request. This project supports many of the MPO's goals and long range transportation plan improvements to rail infrastructure. It reduces impediments to rail traffic. Rail transportation is critical to the success of the transportation system in the region as well as to the economy. Submitted a letter supporting the request.

The following spoke in opposition of the applicant's request:

Cherie Mortice 2904 E. 22nd Street representing the neighborhood "Keep Hull Opened Campaign" stated that they have been involved in a petition drive for the last two months and have accumulated over 400 signatures. Included in that count are 60 signatures from the owners and employees of small businesses in the community. These businesses are located up and down Delaware business corridor north and south of Hull Avenue. Small businesses on Hull Avenue, in the neighborhood and along the E. 14th Street corridor. The general consensus among these businesses is the request would cause a loss of direct access for their customers to get to their businesses. This closure will also cut the small business owners off from quick routes to access supplies and services that they require to conduct daily business. The businesses she has talked with along the Delaware Corridor, east of the railroad tracks are concerned they will be cut off from the Hull Avenue UPS service center on the west side of the track which many of them use on a daily basis. She believes that it is important to be reminded that all of the small businesses employ more people than the 170 people reportedly employed by the railroad. ADM is not offering to add jobs with the expanded capacity that they would be allowed through this project. When small businesses are not properly protected and supported it has a negative impact on the neighborhoods they reside in. As the small businesses go, so goes the neighborhood. These people eat at their restaurants, buy gasoline, grocery shop and buy merchandise at their retail outlets. The impact on the residential neighborhoods is equally destructive by allowing big business to build barricades that create unsightly dead end neighborhoods, which lowers their property values and threatens their viability and sustainability as a community.

Mike McHenry 1947 Hull Avenue stated he and his brother have occupied this property since 1964. In the meetings that Union Pacific held the question regarding fire and rescue did not come up if there is a train blocking Dixon. What happens if the train is occupying both Dixon and Hull Avenue and fire and rescue responders are unaware. This is a great concern. The design for widening Dixon and Hull is not enough for what that area produces. Due to the price of soy beans being up there is more traffic than that area can handle. Part of ADM's solution is they added another lane into their area for the trucks that are coming in. That area has been opened and they still have trucks parked on Hull Avenue waiting to get into the plant. The moving time is quicker than what it used to be but there are still vehicles parked there. By blocking Hull Avenue instead of getting traffic from two directions it will all be congested into one direction which would also create a big problem for rescue responders.

It has been suggested to possibly try out the blockage of Hull Avenue for 30 to 60 days and see what happens. If it does not work then it is not worth blocking permanently. Why can't they park their trains in the country and not the city until there is room to put it in their short yard.

Frank Coll 125 E. 35th Court stated his concern is the same as everyone else in Laurel Hill. They keep getting promises that flooding issues at 30th & Dean will be fixed. Now they are asking for paving to be put in on the north side of the track to run from 34th down to 38th which will take away their escape routes during the flooding and during the State Fair. The railroad and the City of Des Moines have yet to offer any compensation for their loss of property values.

Jason Merkley 409 SE 35th Street stated his concerns are with the security of the neighborhood, the dead end streets, the dumping that happens on dead end streets and near the ball field. He is also concerned about the flooding between Four Mile Creek and the 7th Ward Ditch and the emergency roadway that would be at the 38th Street area. Finally he is concerned with how the first responders would reach their destination in that area.

Dow Current 2912 Dean Avenue asked why the railroad has not already put in the automatic switches if it will speed the trains up. The only thing he has heard is how the changes will be good for the railroad. He has heard nothing about how the changes will be good for the people who live in the area. Will the railroad compensate the neighborhood as residential property values will be lowered for the railroad's gain.

Cynde Rayman 416 SE 36th Street, representing Laurel Hill Neighborhood Association asked that the copy of a petition with 270 plus signatures of people who are in opposition of the applicant's request be received and filed. The financial contribution that the railroad speaks of does not appear to be sufficient for the changes they propose. She is also a member of the Good Neighbor Task Force. It is a city task force that has neighborhoods represented that are either encompassed in or bordering the enterprise zones. This includes the SE 34th & SE 36th Street area. Any improvements in that area whether it is expansion, or a new building, should go before the Good Neighbor Task Force. This was not done. The Good Neighbor Task Force polices are:

1. Ensure that new development does not have an odor
2. Demonstrate new development or expansion will not only protect but enhance the environment.
3. Maintain a safe and secure site.
4. Minimize negative traffic impact on surrounding areas.
5. Best faith efforts to hire established residents.
6. Utilize local contractors.

She believes that the changes proposed will ruin her neighborhood by cutting it in half.

Christine Pardee asked if signatures on the petition represented citizens from her the Laurel Hill Neighborhood Association or general residents.

Cynde Rayman stated that the petition was drawn up for the first meeting of just the neighborhood and anyone who uses the road and is effected by the changes is able to sign if they wish.

Christine Pardee asked if the neighborhood association had taken a formal stand on this proposal.

Cynde Rayman stated she believes they oppose the request. They are in the process of reorganizing but she believes that would not make the opinion of the people in the neighborhood any less.

Suzette Jensen 3127 Thompson Avenue, President of Northeast Neighbors which is a coalition of neighborhood groups on the northeast side of Des Moines has voted to support the neighborhoods and their efforts to keep their intersections open. Everyone knows that the east side has issues with trains and they have issues with the rain. If it is a little bit icy no one wants to go over the Guthrie overpass, it is extremely steep, scary and very slick. She believes we might be selling out our communities in our neighborhoods for economic development. Quality of life, access for businesses, and access for community is involved. The park will not be readily accessible for some of their children. Safety and security of these neighborhoods are also a concern should these intersections close. There is also a question about whether funding that has been talked about will be enough for the improvements that are being proposed.

Marty Mauk 2701 Arthur asked for the show of hands of the people who are opposed to the applicant's request to give the Commission an idea of how many people are present to try and protect the neighborhoods they are living in. He believes there is a lack of planning for this entire proposal. There has been mention of three closings of intersections but there has not been any mention of the other future closings that may be happening at these railroads. He has asked at the beginning for a complete composite picture of what is going to happen in the future with all of the crossings in these areas. He has heard from a couple of people that there are two more closings that may have to happen for the railroad to get the results they desire. He believes that the entire process has been done in a piece meal matter to divide and conquer the opposition. He urges the Commission to go back to the drawing board to find out what it is going to take for all these railroads, tracks, and crossings in the future. Eastsiders are not against advancement but they are against the fact that it is being done in a divide and conquer manner that does not make any sense from a planning perspective. He also believes that this proposal has been poorly negotiated by staff. To think that a couple of million dollars is paying for the economic impact of the eastsiders is ridiculous. What needs to happen in the long term is some consideration of some viaducts to keep this city tied together in a way that will allow for traffic flow. The only requirement by law for railroads is to pay 5% of a viaduct. Viaducts to keep these areas open would cost approximately 15 to 20 million dollars. The benefits that the railroad is claiming are bogus. They claim that 19,000 people will benefit from the closing. There may be a gain of five or ten minutes at some of these crossings but when they were asked if they could guarantee no more than a ten minute blockage if they close these areas they said they could not guarantee that. He is asking that the Commission send this back to the City Council and refuse to recommend the closing of these intersections until better planning is done. We must know the impact of the City long term and they can begin planning to benefit the citizens who are severely being handicapped as a result of this process.

Christine Pardee asked if the Des Moines Neighbors had taken a formal position on this matter.

Marty Mauk stated the Des Moines Neighbors deferred to Northeast Neighbors who did take a formal position opposing this request.

Tim Fitzgerald asked if there was any give and take at the meetings.

Marty Mauk stated there was very little give and take with the railroad. The railroad has so much power under federal law to do what they want. The neighbors expectation is when city staff is sitting at the table they will negotiate the best deal possible on behalf of the City.

Tim Fitzgerald asked if the neighbors suggested any ideas at these meetings.

Marty Mauk stated no they did not. He went to the meetings but there was no discussion about anything, just the railroad saying they must have this.

CJ Stephens asked if the street closures in that area could be reopened that would help with this. She is really concerned about dead ending these neighborhoods because that creates impact on neighborhoods and the value of their homes.

Marty Mauk stated that he knows of no street closings that could be reopened. Staff may have the answer.

John "Jack" Hilmes asked what are the alternatives.

Marty Mauk stated he believes that there are always compromises that could be made. The viaduct would be the best for both sides. If the expectation is that railroads are only putting up 5% of something that will benefit them, and not the citizens around them, then there should be a reconsideration of negotiating. Maybe talk about the 5% being increased to 50%, or a guarantee from the railroad that says when a major intersection is closed it should not be closed more than 10 minutes.

John "Jack" Hilmes reiterated the solutions that Mr. Mauk supports, are to wait and study this further.

Marty Mauk agreed.

Valerie Madison 2716 Sampson stated her concern is the school. There are a lot of kids in the immediate neighborhood that attend Garton Elementary. Right now all their parents have to do is drive across Hull Avenue. Across Delaware their kids are at school. There will be a big mess if these changes are made. She also agreed that the Guthrie overpass gets very icy and scary. She attended meetings and she did ask about the time they counted cars. She believes it was during Spring Break and it did not show the true count of the people who would be affected.

