

La Follette Avenue High-Speed Rail Corridor Group

Report from October 21, 2010, meeting with Wisconsin Department of Transportation officials and consultants

4-5 p.m. Goodman Community Center, 149 Waubesa Street

30 residents and Representative Joe Parisi were present.

Present to represent the Wisconsin Department of Transportation (DOT): Manfred R. Enburg, Principal / Vice President, TranSmart Technologies Inc.; Jeff Francis, engineer, (?)TerraTec?; Chuck Wade, public involvement consultant TranSmart; Caron Closer, public involvement consultant, HNTB (all part of the consultant team); and Kjirstin Roberts, engineer, DOT.

Karen FASTER of the La Follette Avenue High-Speed Rail Corridor Group welcomed everyone who attended, noted the agenda and ground rules, and started asking questions. Additional questions were taken from the floor. Meeting broke up about 5:15. Individuals had some time to talk individually with DOT staff and consultants.

Communications and Transparency

One of the difficulties involved for residents to give input to the corridor management plan is that no one knows what decisions have been made so far, nor do people understand what is negotiable or what laws, rules, policies are requiring certain decisions. We strongly urge a postal mailing and a web page that outlines every decision made thus far and makes the timeline clear and then urge a follow-up postal mailing once final decisions have been made.

1. What final decisions specific to the corridor between Anziger Court and Winnebago Street and Waubesa Street have been made so far?

No final decisions have been made.

2. How are decisions, plans and timelines going to be communicated to people living in the neighborhoods near or owning property adjacent to the railroad corridor?

Residents are welcome to attend the corridor management plan meetings (as observers) to learn more. The corridor management plan process is in place so that the neighborhood can be involved in giving input to the DOT.

For example, preliminary fencing locations are to be presented at the November corridor management plan focus group. How can people living in the neighborhoods near or owning property adjacent to the railroad corridor get accurate, current information so they can make recommendations to the corridor management plan focus group so their recommendations can be taken into account at the November meeting?

Public involvement consultant Chuck Wade suggested that perhaps the City of Madison could help get the word out about this meeting. Chuck agreed to talk to the city about coordinating this.

This neighborhood group requested that a postal mailing go out to both property owners and renters on the rail corridor.

3. How can property owners who are unable to attend a spring 2011 public information meeting two to four weeks prior to construction going to be able to find out about the anticipated physical impact on their property? How can people who do not use the internet or have email find out information now and in the future? When will construction information be posted online? What is the web address?

Residents unable to attend the meeting, or who do not have access to the internet should contact DOT consultant Caron Closer (414-975-2030, ckloser@hntb.com.) by phone or email to ask questions about their individual situations.

DOT engineer Kjirstin Roberts (414-220-5479, kjirstin.roberts@dot.wi.gov.) reiterated that they are willing to meet with individual landowners on the rail corridor to look at individual situations.

The web address to find info about this project is Wisconsinrail.gov.

The DOT will send out postcards to let property owners know about the April 2011 public information meeting.

4. How can we get answers to additional questions in a timely fashion?

Contact DOT consultant Caron Closer (414-975-2030, ckloser@hntb.com.).

5. Will a new Environmental Assessment be conducted? When? When will it be released to the public?

No

Speed

6. How fast will the train be going between Winnebago and Waubesa streets? In the beginning of the operation and ultimately? Our understanding is that the ultimate goal for the westbound passenger train coming into Madison is for it to travel 40 to 45 miles an hour in the city once it crosses Milwaukee Street and then Junction A at Wirth Court Park. Is that true?

The train will slow to 30 mph at the Wirth Court Park curve, and then accelerate through neighborhood to 40 mph. Freight trains will likely increase speed to 30 mph due to the improved tracks.

Legal and policy issues

Individual property owners along the tracks are extremely concerned about their quality of life and property values.

7. Our understanding now is that property owners will not have their homes seized or condemned. Is there a possibility that some owners will have *parts* of their property taken by the government? If so, how will they be notified? How much advance warning will they have?

The intent is to stay within railway corridor. No portions of property will be taken. This may change the feel of what people have been using as their yards, but it will only impact land technically owned by the railroad. The DOT will look at individual cases, may make some exceptions through conditional-use permits with individual owners. People concerned about their property, should contact the DOT (or consultant Caron Closer, 414-975-2030, ckloser@hntb.com) to ask about specific situations.

8. Which decisions are dictated by laws, policies, regulations, administrative rules, etc., and which decisions are discretionary?

For example our understanding now is that a fence is NOT required by federal or state regulations and thus is a discretionary decision.

This is accurate.

9. What other decisions are discretionary? Who is making these discretionary decisions? How are they being made? How can citizens share their concerns and recommendations?

DOT officials are making the decisions. Residents can give input to their neighborhood representative on the corridor management plan focus group or give input at Wisconsinrail.gov.

10. How is the corridor management plan process going to help lessen possible reductions in property values?

By allowing residents to give input that will be considered in the design of the corridor.

11. Is the Environmental Assessment mentioned below the one dated June 2001?

Yes

October 20 answer to question "What will happen to property values, especially for homeowners adjacent to the corridor?":

"The Environmental Assessment reviews potential effects on property values. At that time, the EA noted that existing studies indicated property values of homes within one thousand feet of an existing railroad track are lower compared to homes with similar characteristics in similar neighborhoods. Thus, it would be expected that the current value of homes in the project corridor reflect their proximity to the existing tracks. Previous studies do not account for the effect of increased activity in low-activity corridors.

“The effect on property values will likely vary depending on local market conditions and conditions of individual properties. Some decline may occur during construction and initial operation, and due to uncertainties about project impacts. As noted in the EA, residents adapt to rail operations, as demonstrated in the eastern portion of the project corridor where the CP Rail mainline corridor travels through communities. Over time, it could be expected that real estate values will stabilize and that rail operations on an existing track have little impact on values beyond the existing proximity impacts.

“As a result of this potential impact, WisDOT committed to the corridor management plan process to help mitigate potential impacts to adjacent properties.”

The DOT does NOT compensate for proximity impacts on property values.

Wisconsin’s corridor management plan is unique to RR corridors. DOT committed to do this because of the impact on property owners. This is why they are gathering input on crossings, fencing, maintenance agreements. Can’t necessarily compensate for property values, but see this process/plan as a way of compensating property owners for these changes.

Noise

We appreciate that the crossings will be designed to standards that will allow the city of Madison to request quiet zone status from the Federal Rail Administration and that the road bed and welded rail will reduce the sounds of shifting cars and eliminate the clicking sounds now heard as each train wheel passes over a rail joint.

12. Are street crossings with gates required to clang? For the entire time the gates are down?

Legitimate question, but don’t know the answer. They will look into whether alarms are required.

13. Do plans include putting gates at pedestrian-bicycle crossings? Would those crossings need to clang?

Yes, gates would likely be installed at ped-bike crossings. Again, don’t know about the clanging. Will look into it.

14. The question was asked about whether horn-blowing would be required if there is no fence.

A: Fencing is not an issue for horns, grade crossings are. City can petition for a quiet-zone because the corridor will be designed so that this will be appropriate. Horn is only blown at known public crossings.

Fence/barrier

15. Apparently a fence is NOT required federal or state law, policy, regulation or administrative rule. Our understanding now is that the train's speed DOES NOT dictate whether a fence is needed or required. Is that true?

This is true.

16. Is it true that fencing may not be required continuously along the corridor within the city of Madison to achieve safety limits?

This is also true. DOT stated that fencing may not be required continuously throughout the city of Madison, but it is its intention to place it in areas where it is most concerned about trespassing.

17. Have policymakers and engineers already made their decisions about fencing locations?

No, no final decisions have been made.

18. If not, what is the decision-making process? What entity makes recommendations to install fencing? How can residents and property owners make recommendations? The DOT team is still working on a diagnostic review of the corridor to determine where fencing should go based on sight lines, grade, curves, amount of trespassing, etc.

Residents and property owners can make recommendations to the corridor management focus group (Dan Melton is the representative in this neighborhood).

The DOT will consider this public input in their final decision-making. DOT officials will make the final decisions about where the fence will be placed, where the openings will be, etc.

19. If fencing is installed anywhere along the corridor, how are policymakers taking into account de facto pedestrian and bicycle movement in determining where crossings will be located? Can official pedestrian-bicycle crossings be added?

DOT consultant Caron Closer stated that the assumption going into the design of the high-speed-rail corridor has been that the existing ped/bike crossings will be considered. Informal crossings will not be considered, although Madison could petition to add another crossing. City would petition the Office of the Commissioner of Railroads. A consultant or DOT official also said something about contacting the DOT's Bureau of Transit, Local Roads, Rails and Harbors to seek a state recommendation that a pedestrian-bicycle crossing.

It was noted that Todd McGrath (the original Union Corners developer) requested an additional crossing at Jackson Street and the request was denied, probably by the Wisconsin Office of the Railroad Commissioner.

DOT consultant Manfred Engburg advised that adding an official rail crossing usually requires removing another crossing. The Federal Rail Administration and Wisconsin Department of Transportation are seeking to eliminate crossings, not add new ones.

From the Federal Rail Administration and Wisconsin Department of Transportation perspective (according to Kjustin Roberts, a DOT engineer), safety is the most important consideration and they would prefer to have no crossings at all.

20. Would bridges be considered?

DOT can't answer that right now. People interested in bridges can give their input to the corridor management plan focus group.

21. Would it be better for us to focus our efforts on getting the city to petition moving the Division Street crossing to Jackson Street (for better) access to Union Corners and connecting the 2 sides of the tracks better?

If this would accommodate safety better and serve the needs of the neighborhood better, they might consider it. This idea should go to the corridor management plan focus group and would be considered part of this process.

22. Is there a cost to the city to petition for this?

Yes, there is a cost. The amount depends on a number of different factors including how much study would be required, property acquisition, the type of engineering, etc.

To give a sense of the cost involved in adding a crossing, DOT engineer gave an estimate of \$200,000-300,000 for flashers and arms only (no construction accounted for).

DOT has a set amount of money to cover all expenses involved in the project from Madison to Milwaukee including fencing, tracks, etc. They can't definitively say how much will be left over for crossings at this point. The city could be responsible for crossing expenses.

23. Are Wisconsin DOT officials and the consultants open to recommending to the city of Madison, the Wisconsin Office of the Railroad Commissioner and the Federal Rail Administration that an official, legal crossing be added, especially if Corry Street is closed, leaving us with no way of crossing the corridor for eight blocks if it is fenced? If so, how do we facilitate getting such a recommendation made?

The DOT and its consultants were non-committal about whether they could or would make this request on behalf of residents.

24. If fencing is installed anywhere along the corridor, would it be on both sides of the tracks? Is that a discretionary decision?

This would be decided on a case-by-case basis. They may only fence on one side, depending on how much trespassing they expect to happen in a particular location. For example, at Thompson Drive and Lien Road there are apartments on one side of the tracks and businesses on the other. They would probably only put a fence on the side of the tracks where the apartments are to prevent residents from trespassing across the RR to get to businesses.

It's premature to say that they will put fences on both sides of the fence in this neighborhood.

25. If policymakers decide to require fencing anywhere along the corridor, what is the recommended minimum distance between legal crossings for vehicular AND pedestrian traffic? How is distance between crossings determined for an urban walking neighborhood?

Don't know. Would have to get back to us on this answer.

26. Why would a fence be necessary with high-speed rail and not freight trains? What are the safety fears? Why is trespassing a larger worry with high-speed rail than with freight trains?

According to DOT consultant Caron Closer there are no speed regulations that determine when a fence is necessary. This corridor is currently in poor enough shape that freight trains are going slowly. If freight trains were going to increase to 50mph they would probably fence also. Corridor diagnostic process would have to outline how they came to this decision, they can't explain it simply now.

DOT consultant Manfred Enburg added that current freight train traffic is loud and slow. New trains will be quieter and faster. Fencing is important for safety for this reason. Have to balance safety and convenience for getting across the tracks. Like any property owner the DOT and the railroad are trying to make a balanced decision on safety and liability.

27. If fencing is installed anywhere along the corridor, can residents and property owners request a barrier that provides maximum noise mitigation instead of a simple fence? Our understanding is that the community center has requested a noise-mitigation barrier on a portion of the railroad corridor.

Yes, property owners can request noise barriers. They would have to look at each individual situation and there is no guarantee that requests would be granted.

28. We understand that the DOT and its consultants are working with various companies to locate and relocate utility lines.

Yes, the DOT is working very closely with utility companies. Individual property owners can contact the DOT with their concerns.

Other fencing comments

DOT public involvement consultant Chuck Wade said that they have heard our concerns about a fence in this neighborhood "loud and clear" and will consider them in their decision-making.

While the DOT hopes to have final plans completed by April (at which time they'll go to contractors for bids), fencing is probably one of the last things that will go up. They expect the train to be operational by 2013, so it will likely be 2 years before the fence is put up.

Green space

For years, neighbors of the corridor have maintained the corridor to the extent that the corridor is maintained, except for the railroad's periodic spraying of herbicide five feet on either side of the tracks and periodic tree trimming.

29. How will the maintenance agreement DOT plans develop with Wisconsin and Southern Railroad to address maintenance problems be any different from the current situation? Concerns include mowing, picking up trash, removing graffiti, removing brush all along the corridor. If any portion of the corridor is to be fenced, these concerns pertain to spaces inside and outside the fence?

One of the things that maintenance agreements will clarify is who is responsible for various maintenance activities. Likely DOT or WSOR. Not sure what that's going to look like yet.

30. Who is responsible now?

Not sure.

31. If the corridor is fenced, will the area inside be maintained?

Yes.

32. What entity will be responsible for maintaining the entire corridor? Who can people call to complain about poor maintenance and stewardship?

Not sure yet. The DOT will look at this issue and let us know in April.

33. Where will the pull-off for freight trains be located so they do not impede the passenger trains?

Double tracks will begin at Baldwin Street and extend all the way to the Monona Terrace. There will only be one set of tracks until Baldwin Street.

Additional questions and comments

34. Corry St is on the table to be closed (as stated in the 2001 Environmental Assessment).

The DOT welcomes input on this issue.

35. Residents asked if the DOT is assessing more recent traffic patterns (pedestrian, bike and vehicle).

DOT consultant said a team of people is looking at this now.

36. Another resident asked whether Waubesa Street could be closed instead of Corry Street?

The DOT absolutely wants to know if the community has a preference for one street over another.

37. But what if we want to keep both streets open? There have been times when one street is closed and the other street becomes really congested. Would prefer to keep both open for a variety of reasons.

The DOT has heard loud and clear from residents that every crossing in the city of Madison is important. They will consider this in their decision-making.

38. How much advance warning will there be for the gates to drop?

The train speed will be limited throughout the entire Milwaukee-to-Madison corridor to 110 mph, once positive train control is installed. Positive train control will include a GPS tracking system where this will all be communicated automatically. This won't happen in 2013 though. Initially gates will be on a timed system, with maybe 30 seconds advance warning of the train before the gate goes down.

Ultimate goal is for the gates to only be down for approximately 90 seconds. Corry and Waubesa streets may be closed at the same time.

There will not be fewer freight trains, but they may be able to run faster.

Several residents who live north of the tracks commented that they live in this neighborhood because they want to be able to get to the businesses on Atwood Avenue and a fence may make them want to move. A hand count was taken and 11

people (9 households) raised their hands to say that they would move if a fence were built.

A resident who lives south of the track and regularly takes the bus commented that fencing would prevent her from getting to the bus stop on Milwaukee Street. Buses run more frequently on Milwaukee Street than on Atwood (where they're only every hour). This may force her to have to drive to work rather than bus.

39. How long is the train?

700 ft (14 cars, 50 ft each in length). The road closing at crossings will be approximately equivalent to the time stopped at a stoplight.

40. What about the strip of asphalt/concrete between the RR and the bike path at Union Corners? Will that be removed/cleaned up?

Don't know. Will look into it.