

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Work Session of Tuesday, August 27, 2024 at 6:00pm

Call to Order

The Mayor called the Huron City Council work session to order at 6:00pm.

Roll Call

The Mayor directed the Clerk to call the roll for the meeting. The following members of Council answered present: **William Biddlecombe, Sam Artino, Mark Claus, Monty Tapp, Joe Dike, and Matt Grieves.** Councilmember absent: **Joel Hagy.**

Motion by Mr. Artino to excuse Mr. Hagy's absence from the meeting.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion.

YEAS: Artino, Claus, Tapp, Grieves, Hagy, Biddlecombe (6)
NAYS: None (0)

There being more than a majority in favor, the motion passed and Mr. Dike's absence was excused.

New Business

Work Session on Possibility of Creating a Quiet Zone within the City of Huron

Mr. Hamilton explained that this was originally brought up in 2015, when the City carried out a study on the feasibility of creating a quiet zone within the City. This is something that has always been near and dear to a lot of the residents and Councilmembers, alike. Ever since he has been with the City, he has received regular calls about quiet zones, train noise, what we can do about it, if we can help residents out. There was enough momentum to go back and refresh that original study. You may ask, why refresh it as it is only 8 years old. In 8 years, regulations change, costs change, and everything to do with the study changes. They had to start from fresh and redo the study, a copy of which is attached hereto as Exhibit "A."

He wants to keep this very high-level, as there are a lot of nuances, calculations and other things that go into a quiet zone. According to the Federal Rail Administration, a quiet zone is an exemption to the rule that requires a train to sound a horn at crossings. The FRA quiet zone preempts any state or local laws; that is important to remember. Anytime you talk about a quiet zone, the FRA has total authority over it. They are the only ones who can approve it, and they are the only ones that can allow us to move forward. The regulation states that a locomotive has to blow its horn between 90-110 decibels and begin sounding at 15 to 20 seconds before they hit a crossing. This is important to some of the things they will talk about tonight. A quiet zone tells the trains that between two points, you don't need to do that because there are enough additional safety measures in place. To do a quiet zone, it has to be a minimum of a ½ mile in length, which the City complies with. As by Mr. Hagy if the quiet zone can't be ¼ mile long, Mr. Hamilton answered that it must be at least ½ mile long. With the amount of work that goes into it from their side, they wouldn't consider one that's any shorter than that. Mr. Claus said that you couldn't have a one-crossing quiet zone, ever, because it would have to be from one to another.

What a quiet zone is not – people think that suddenly and magically trains will stop making noises. They won't. The train engineers are told not to sound their horn between point X and point Y, unless he thinks he needs to use it. You are quieting them down; you are not saying they cannot make a noise. A couple of examples of when they could use their horn are: (1) if the warning devices at the crossings are down (if he is approaching and doesn't see the flashing lights, he can sound his horn; (2) if there are vehicles, pedestrians or animals on the tracks, they can still sound the horn; (3) if the safety measures put in by the City fall out of regulation with the FRA, they will just start blowing their horns again; and (4) the engineer, having sole discretion, can blow the horn whenever he wants, for whatever reason. There are no ramifications for sounding the horn in a quiet zone. It's not going to magically kill all noise – it is just going to make it better.

Creating a quiet zone is not a very complex process. It's a lot of collecting data, talking to people, spending some money and then telling the railroad to stop making their noise. To qualify for a Quiet Zone, you've got to add safety measures to those crossings for it to make sense for the trains to not blow their horns. The City would pay for those additional safety measures. Norfolk Southern will not pay for any of it. It is all of the municipality to pay for any safety updates for a quiet zone. The FRA is the only agency that can approve a quiet zone, and only the City can make the application for a quiet zone – residents cannot. It must be the municipality. The Ohio Rail Development Commission will not be involved in this process at all, unless the City makes a move to close a crossing. If they make a closure within Ohio, then they also get involved.

Mr. Hagy asked if there is any liability impact on the City. It sounds like the FRA and the railroads are saying it's the City's decision. Does that mean if something catastrophic does happen, the City would have liability? Mr. Hamilton answered that it doesn't change anything. The tracks are still owned by Norfolk Southern, and what they are doing by agreeing to our supplemental safety measures is saying the City has done enough. You get a score for every single supplemental safety measure and when you add those up, if the total number is less than the risk of blowing the horn, you are okay. We would technically be doing more than they would be doing by blowing the horn. Mr. Artino asked if anything installed by the City malfunctions, would the City be responsible for repairing that and if someone got hurt because one of our safety measures failed, would that be a problem? Mr. Hamilton answered that it is his understanding that if the City adds an active safety measure, that is within the railway's right-of-way. They don't install it or maintain it. The City would pay the railway to buy it, them to install it and them to maintain it. The only things the City would install would be located outside of the railway right-of-way. That way, there are no active things the City would install. Mr. Claus asked if, since the City would pay them to install it, is there an ongoing maintenance fee? Mr. Hamilton answered that they will bill the City annually for maintenance for the lifetime of the equipment. Mr. Lasko said they pay a similar maintenance fee to ODOT for highway maintenance. That fee is evaluated annually. Mr. Hagy asked if the City goes with the quiet zone and a driver knocks over a bollard in the middle of the road. Would the City call Norfolk Southern for that repair or does the City do it. Mr. Hamilton answered, no, if it is located outside the railway right-of-way, then the City is responsible. Mr. Hagy then asked if the City would be liable if those being knocked created a catastrophic incident. Mr. Hamilton answered that it would be no different than them driving down the middle of the road now, in between the gates. All we are doing by putting in the SSM is trying to add safety measures. If a driver decides to run in front of a train, it is the same as it is now. There is nothing they can do about that. Mayor Tapp said Vermilion has had their quiet zone for several years, and he guesses they are doing the same thing as far as paying the maintenance fee goes. Mr. Artino added

that not every gate is set up with bollards. Mr. Hamilton said the biggest complaint from Vermilion residents is the train sounding its horn when it has to. Mr. Artino said he has a relative that was the Chief in Vermilion and he said they were getting more calls after the quiet zone was instituted than before because everybody expected there to be no horns. They would have to make sure people understand that a quiet zone doesn't mean a train is never going to sound its horn again. Mr. Hagy said there's got to be some period of getting used to it for the train engineers, as well. They run the same road, so they are used to grabbing for it when they reach a certain stop. Mr. Hamilton said their grace period is 45 to 60 days.

The most common SSM's are:

Closing Crossings – Norfolk Southern loves this one. Anytime they can get rid of a crossing, it is less liability, less maintenance. A lot of time, what they will do is send a city an offer letter saying if you close this, we will give you \$XX and will pay for this. There is a negotiation you end up going through.

4-Quadrant Gates – They are the two gates on either side that overlap to stop people from cutting through the gates.

2-Quadrant Gates – With this option, a median would then be installed to stop people from sneaking through the gates to try and beat the train. The median can be a raised concrete curb or orange swinging bollards.

Change Roadway to One-Way – If the cars are only going one way, only one gate is needed.

Because the majority of crossings are 2-gate crossings, the concrete median is, by far, the most cost-effective and the most widely used SSM when you are doing a quiet zone.

Mr. Claus asked about the directional horns option. Mr. Hamilton answered that is an option, but not here in a city setting. In the middle of a town you are trying to do a quiet zone, which is in direct opposition to adding another horn. They are very expensive, as well, and must be tied to all Norfolk Southern signaling. The quiet zone would extend from Rye Beach to Berlin Road and would be just over 3.5 miles. Staff feels investing in a quiet zone crossing at Rye Beach Road doesn't really gain them a whole lot. It is out in an industrial park and would be spending money without really getting a whole lot for the money. If Rye Beach is removed, the quiet zone would be about 1.5 miles long. However, if you consider that they wouldn't blow the horn after Rye Beach and wouldn't blow the horn again until they got to Route 51, they will end up with an effective quiet zone of 4.5 miles. They would blow the horn at Rye Beach and would be quiet until they got to Route 61. Mr. Claus said there was some thought or discussion on the Rye Beach one of possibly getting them to work something into the Route 6 West project. Mr. Hamilton answered that the feedback on that hasn't been very positive to this point. The quiet zone could be extended in the future, if circumstances change.

Mr. Hamilton references a chart with 3 classifications for crossing options: preferred, optional and undesirable. For each crossing, it shows the crossing type and what Norfolk Southern would prefer based on traffic counts, accidents. For most, the preferred SSM is gates with medians as they are the most cost-effective and safe. They suggest doing a closure on Williams Street, which for all intents and purposes, would change Williams on both sides to a dead-end road. They would put barricades and fences up and take away all the right-of-way road and it would end up being a stone banking. There would be no way to

go over. For most the optional is the 4-quadrant gates. That is the fancy one at a cost of \$250,000 per crossing, plus \$15,000-\$20,000 per year, per crossing. There are a lot of options and a lot of dollars associates with them.

Mr. Hamilton then reviewed each of the crossings affected by the quiet zone, as follows:

Berlin Road

The preferred SSM is a non-traversable concrete median barriers. Because this one is angled where the track and road meet, while it is normally 100' feet for the concrete median, for this one they recommend 160' because you don't have the sightline as you are pulling up to the tracks. The difficulty with the medians is that there are private driveways within that median length at both the north sides of the tracks. The only two options are making those driveways right-in and right-out, or working for easements to take their driveways further north or south to get them outside of that construction area. On some of them, that would be tough. Mr. Hagy asked why not use the bollards. Mr. Hamilton answered that concrete is more permanent and harder to traverse. It is probably easier to maintain in the long run. Over the life, it may be a wash cost-wise, but if they manage to stop someone from driving across the middle of the road to beat the train, it's a good investment. These only have to be 5" high, but they are suggesting making them 7" high to make it even harder to go over for the trucks.

River Road

The preferred SSM is the non-traversable concrete medians 100' to the north and 60' to the south. The difficulties with one is that there is a private driveway to right south of the crossing. There is enough real estate to extend that driveway outside of the zone, or that would be a right-in, right-out. Mr. Claus asked if the 100' to the north takes them to Route 6.

There are a whole lot of calculations that go into this. An option is to install a non-SSM qualifying safety measure. You don't get points for it, but you can still put safety measures in place. It's all about hitting that magic number as you go through and add them all up.

Main Street

The preferred SSM is the non-traversable concrete medians 60' to the north and 75' to the south at 7" high. There are two commercial driveways north of the tracks, Main Street Tavern and Huron Cement. Huron Cement just cannot be restricted on the front apron of their building. We can either install certain safety measures and not take the point for them, or this is one that could be upgraded to a 4-quadrant gate. You would then get all of points for it, it's just more money.

Williams Street

The preferred SSM for this crossing is permanent closure. It is not a heavily used route and there is an underpass on one side and an overpass on the other side. There would be safety measures on both sides. This would be viewed as one crossing too many. These are the ones where you go to Norfolk Southern and ask how much they can give the City and negotiate a good enough deal to start paying off the other SSM's. Mayor Tapp said with the history at that crossing, they should give the City a lot of money. Mr. Claus asked if Huron Cement had any thoughts about Williams Street being closed. Mr. Hamilton answered that they were okay with it, because they felt they could come in on Main, cross Standard and go back over without interfering with the flow of traffic much. If their turning radius is maintained coming

off of Main and going onto Williams, they really don't see an issue and don't think it would affect their manufacturing flow at all. Williams would end up as two dead-end streets.

Rye Beach Road

The preferred SSM for this crossing is non-traversable concrete medians 100' on both sides. The difficulty with this one is justifying the investment. Spending the money out there to maintain a quiet zone may not make sense when there are not a whole lot of residents out there that it would help. Non-qualifying SSM's can always be installed, but that's the easiest one to install.

Mr. Hamilton then referred Council to page 15 of Exhibit A (Summary of Estimated Cost for Quiet Zone Safety Improvements). The main takeaway from this graph is that you don't need to understand all the options. If you see it in the \$30,000-\$80,000 range, that is going to the median install. That is keeping the 2-quadrant gates, doing the median install, and then we are done. Once you start getting up to some of the higher ones, you are starting to look at the 4-quadrant gates.

In the "Other Costs" column, those are the engineering, inspections, Norfolk Southern costs, etc. This chart supplies the cost for each one of the options outlined in the Report. Option A includes the median for River Road, Berlin Road and Main Street, closure of Williams Street, and SSM on Rye Beach. They would not pick up any points for Berlin Road because of the private driveways. If they didn't do Rye Beach and got some funds for closing Williams, the \$601,000 could be brought down to roughly \$400,000. Mr. Claus asked if the \$31,250 listed for Williams is the cost of the closure. If it is decided that they don't want to close Williams and don't want to install 4-quadrant gates, it would revert to the same kind of treatment as the other ones.

Mr. Hagy said he missed what the workaround was for the Main Street crossing, to not have Huron Cement must do right-in, right-out. Mr. Hamilton said the only option would be to put the 4-quadrant gates in. None of the options on the chart reflect that. Mr. Artino said that to do Main Street correctly, they would have to install the 4-quadrant gates at cost of \$756,000 for that one crossing. It would be \$10,000-\$20,000 in maintenance costs, per year. We are talking about over \$1 Million to do the three crossings. Mr. Hamilton reminded Council that they can do SSM's and not take the points. Mr. Claus asked if they could get enough points by doing something on Main Street. Mr. Hamilton said to get the SSM points, it must be qualified by Norfolk Southern. If the City installs a 60' SSM, that is a non-qualifying SSM, although it is still a supplemental safety measure because they are still trying to protect people. Your points have to come in under the train horn safety risk level for Norfolk Southern to allow the City to do a quiet zone. It is a total for the entire zone. It can be one point under their risk factor. Asked if 60' north of the tracks on Main Street would not affect Huron Cement, Mr. Hamilton answered that it would let them in and out on the north side (leaving their curb cut at 150' long). The only tight part would be when the semis drop something off. It all comes down to the math.

The steps to establish a quiet zone is to:

- (1) Select the crossings;
- (2) Reach out to Norfolk Southern and they tell you if it's a good place for a quiet zone;
- (3) You evaluate existing crossing, which was done with the study;
- (4) Go back and do traffic studies;
- (5) Submit a notice of intent to the FRA;

- (6) Go into development agreements with Norfolk Southern;
- (7) Make improvements within either their right-of-way or the City's right-of-way;
- (8) Develop bid documents and then proceed through the project as they normally would, except they would be doing it with Norfolk Southern.
- (9) Any work to be done in Norfolk Southern's right-of-way will be completed by them.

Mr. Hagy asked if there are any opportunities for grants. Mr. Hamilton answered that there are always opportunities for grants. They may put them out every 4 years – Mr. Fridrich checks all of the time for them to see if they have opened up again. There is always an option for grant money on these. When you get to the grant money, you must have your plan in place. If you go for the grant, they are going to be looking for plans, intent, what you want to do and how you want to do it. Norfolk Southern will have the final say of what the City does. During the discovery meeting, they will look at what we want to do, what we say we want to do, and then they will come back to inspect to see that we have done it the way we agreed to do it.

Mr. Artino said he would be in favor of exploring this with the three crossings, and seeing where the railroad would go with this. He would like to get some input from some residents, especially regarding closing Williams Street, and once they have the numbers in front of them they can make a decision. He thinks it is worth spending more time to look into it.

Mr. Biddlecombe heard about the quiet zone when he was running for his Council position. It still is a hot-button issue. He heard from somebody in Rye Beach that says the noise does shoot right down that street and they can hear it fairly well. The other thing he heard is that people who stay in the hotel complain about the noise from the trains, as well. His opinion would be to leave Rye Beach on the table. Regarding the median height, he could easily go over 7". He thinks you will get some complaints because looking back to when the bump-outs were done on Main Street. It is essentially going to be the same thing, plus almost all of the crossings are going to have impacts to driveways that are going to affect some residents. He would lean more toward doing the 4 gates, but it's a lot more costly at \$3 million. He would be responsible about it, but...

Mr. Hagy asked if there is any way to leverage the fact that that section of rail has an inordinate number of accidents – Main Street/Williams Street. Does that factor into any of the math? Mr. Hamilton says that does factor in, but that area is classed as a very low fatality rail line. That's one of the things that makes it easier for the City to do a quiet zone. We all remember the ones over the last 10 years, but if you compare that to somewhere in Chicago or Cleveland, it really isn't a lot. In FRA and Norfolk Southern terms, it is a low fatality line.

Mr. Lasko said assuming you could overcome the challenges with the median system with the driveways, are there more aesthetic bollard systems allowed. He has seen a couple of them that look like chintzy white or yellow plastic and while they are easy to fix, they are also easy to break. He is wondering if there is flexibility in coming up with some type of hybrid so long as it meets height requirements, and we are comfortable with the maintenance requirements. Mr. Hamilton said that if they put in something that restricts the ease of crossing those lanes in the middle, we can use them. It doesn't have to be a median.

Mr. Hagy said he is in agreement that we should take this to a logical conclusion, whether that's a go or no go. He appreciates the work staff has put in on this.

Regarding Rye Beach, Mr. Artino said they might be able to get a little assistance from businesses out there if they don't want the horns to blow. Mr. Hamilton said there are a lot of options as we dig into this, they just didn't want to dig in too deep if it's not the will of Council to go further.

Mayor Tapp said he is in agreement to proceed. Mr. Biddlecombe also agreed to move forward.

Adjournment

Motion by Mr. Biddlecombe to adjourn the work session.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Grieves, Hagy (6)
NAYS: None (0)

There being a majority in favor of the motion, the Council work session of August 27, 2024 was adjourned at 6:27pm.

Adopted: 28 JAN 2025


Terri S. Welkener, Clerk of Council