

**AGENDA FOR COMMITTEE OF THE WHOLE MEETING  
SUPERIOR, WISCONSIN  
Tuesday – October 15, 2013  
Immediately following the 6:30 p.m. Regular Council Meeting  
Government Center, Board Room 201**

**ROLL CALL**

1. **WITH POWER TO ACT:** Public Works Director Goetzman requested discussion on railroad quiet zones in Superior. (*ref'd from the October 1, 2013 Reg. Council mtg*)
  - 1.a Assistant Public Works Director Janigo requesting the Council consider which, if any or all, of the 62 crossing locations should receive Supplemental Safety Measurers in order to establish new Quiet Zones and allocate the funding necessary in order to construct the improvements.
  
2. **WITH POWER TO ACT:** City Forester Mary Morgan and Assistant Public Works Director Todd Janigo presenting response scenarios to the Emerald Ash Borer (EAB) infestation for Mayor & Council review and consideration. (*ref'd from the October 1, 2013 Reg. Council mtg*)
  - 2.a City Forester Morgan recommending the Council formally chose Response 2: Take and Replace (2014-2020 at a cost of \$70,000).
  
3. **WITH POWER TO ACT:** Councilors Olson and Bender recommending the Mayor be a standing member of all labor/management meetings.

If you would like to speak before the Council, please sign your name on the sign-up sheet prior to the Council meeting. Due to requirements of the Wisconsin Open Meetings laws, only matters placed on this agenda may be approved by the Council at this meeting, however, citizens may address the Council regarding items which require no action. No personal attacks on individuals will be allowed and all comments by members of the public shall be limited to three (3) minutes in length.

Citizens should contact the Mayor, a Councilor, or the City Clerk to have a matter placed on future Council agenda for consideration.

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*Pursuant to the Americans with Disabilities Act of 1990, if you are in need of an accommodation to participate in the public meeting process, please contact the City Clerk's Office at (715) 3957200 prior to the scheduled meeting. The City will attempt to accommodate any request depending on the amount of notice received. TDD (715) 3957521.*  
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In compliance with Wisconsin Open Meetings Law, this agenda was  
Posted: Government Center, Court House, & Public Library  
Faxed to: Daily Telegram, Public Library, October 10, 2013

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# SUPERIOR

WISCONSIN

Living up to our name.

## Public Works Department

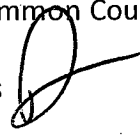
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Date: October 8, 2013

Committee of the Whole Agenda Date: October 15, 2013

### MEMORANDUM

TO: Mayor Bruce C. Hagen and Members of the Common Council  
FROM: Todd Janigo, Assistant Director of Public Works   
RE: Railroad Quiet Zones

1. Introduction – The City of Superior contains approximately 94 miles of privately held railroad tracks within its boundary. Those tracks cross City streets 173 times at 80 different locations, of which 18 are currently quiet zones. Based on the Wisconsin Department of Transportation Crossing Inventory Data, trains sound an advance warning prior to entering a crossing 575 times per day within the City.
2. Background – On April 27, 2005 the Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings was published in the Federal Register in response to a legislative mandate. This final rule requires that locomotive horns be sounded as a warning to highway users at public highway-rail crossings and provide an opportunity to mitigate the effects of train horn noise by establishing quiet zones.

Prior to this rule going taking effect, the City of Superior filed a Notice of Quiet Zone Continuation with the FRA which extended existing horn sounding restrictions beyond the effective date of the rule. The City also filed Notice of Quiet Zone Establishment documentation to automatically approve certain Pre-Rule Quiet Zones meeting the required criteria. On June 24, 2008, horns began sounding at crossings not meeting the required criteria for automatic approval while those crossings which qualified for automatic approval remained quiet.

Crossings that qualified for automatic approval have their Risk Index compared periodically to the Nationwide Significant Risk Threshold (NSRT) and those found to be above the NSRT are removed from Pre-Rule Quiet Zone status unless additional safety measures are installed.

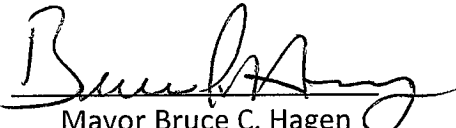
3. Analysis/Discussion –

***Under the FRA Rule, a municipality wishing to implement a Quiet Zone needs to:***

- Define the group of crossings to be included in the Quiet Zone. The crossings must be adjacent, and at least a ½ mile segment of railroad must be included.
- Review and evaluate existing conditions at the crossings within the segment. This includes updating the FRA's grade crossing inventory for each crossing.
- All crossings within the Quiet Zone must be improved to certain baseline criteria, generally including flashing lights and gates; power out indicators; constant warning time circuitry; and audible warning for pedestrians.
- Based on the existing condition evaluation and implementation of the baseline requirements, a Risk Index is calculated, both with and without the train horns at the crossings.
- The municipality must then develop an enhancement plan that improves the Risk Index without train horns back to the level of the Risk Index with train horns.
  - The FRA has defined a group of improvements that can be used to improve the Risk Index called Supplemental Safety Measures (SSMs). SSMs include four-quadrant gate systems, medians or channelization devices, one-way streets with gates and permanent crossing closures. If these are used to reach the Risk Index with train horns, the application can be submitted and the Quiet Zone can be established (assuming FRA approval).
  - If the community does not wish to use SSMs, Alternate Safety Measures (ASM) are available, which also improve the Risk Index. ASMs include geometric improvements, programmed enforcement, photo enforcement, education, etc.) A community can also propose modified SSMs to help improve the Risk Index. If ASMs or modified SSMs are specified in the Quiet Zone application, any resulting approval will be conditional. A Quiet Zone resulting from this process will be subject to annual FRA review.
- Once FRA approval of the Quiet Zone has been obtained, the community must implement the identified safety measures before the Quiet Zone can be put into place. There is currently no Federal funding for Quiet Zone improvements, so communities must be ready to pay for their safety measures in order to obtain a Quiet Zone. Costs for quiet zone improvements vary widely depending on the measures used and existing conditions at the crossings. Typical improvements can cost between \$300,000 and \$500,000 per crossing.
- The FRA reserves the right to remove the Quiet Zone if safety conditions deteriorate after installation.

A spreadsheet is attached with the estimated cost for improvements at each non-quiet zone crossing within the City. The total cost to make all crossings quiet within the City of Superior is estimated to be \$19,060,000.00.

4. Budget Source – Currently, no funds are allocated in the General Fund or CIP. Therefore any and all crossing improvements would have to be completed thru the issuance of debt.
  
5. Conclusion – Establishing Quiet Zones at crossings where train whistles are currently sounding will require a commitment of resources. After speaking with representatives from the Federal Railroad Administration, Wisconsin Department of Transportation, US Senator Tammy Baldwin’s Office, US Representative Sean Duffy’s Office and Wisconsin Senator Bob Jauch’s Office, there is currently no funding available for these projects.  
I am requesting the Council consider which, if any or all, of the 62 crossing locations should receive Supplemental Safety Measures in order to establish new Quiet Zones and allocate the funding necessary in order to construct the improvements. Improvements may take up to a year once Council Approval is reached.

Approved   
Mayor Bruce C. Hagen

Enclosure

Estimated Improvement Cost for Each Non-Quiet Zone Crossing Within the City of Superior

Xing_ID	Xing_Type	Rd_St_Name	AdvWarning	Signage	XBucks	QZStats	Xing_Owner	Gates	FLPairs	CWT	Track Count	Minimum Improvements Needed	Daily Train Volumes	Comparative Estimate
061459A	Public at grade	28th St N	Y	RR Cross, No TH	4		BNSF	0	12	1	5	Gates	22	\$460,000.00
061458T	Public at grade	58th St N	N	Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	22	\$347,200.00
082635D	Public at grade	58th St N	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	21	\$310,000.00
082639F	Public at grade	Corning Ave	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	21	\$310,000.00
852770V	Public at grade	5th St N	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	20	\$310,000.00
852772M	Public at grade	Fiber St	N	4 Tracks, Stop, Yield	2		BNSF	0	0	0	4	Gates , Lights , CWT	20	\$421,600.00
852773U	Public at grade	Cement Plant Rd	N	3 Tracks, Yield	2		BNSF	0	0	0	3	Gates , Lights , CWT	20	\$384,400.00
852844N	Public at grade	Banks Ave	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	20	\$310,000.00
852845V	Public at grade	Tower Ave	N	2 Tracks, Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	20	\$347,200.00
852851Y	Public at grade	Hughitt Ave	N		2		BNSF	0	0	0	1	Gates , Lights , CWT	20	\$310,000.00
852855B	Public at grade	Cummings Ave	N	2 Tracks, Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	20	\$347,200.00
852856H	Public at grade	John Ave	N	2 Tracks, Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	20	\$347,200.00
852857P	Public at grade	Ogden Ave	N	Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	20	\$347,200.00
852860X	Public at grade	Grand Ave	N	2 Tracks, Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	20	\$347,200.00
186129S	Public at grade	48th Ave E	N	Yield	2		UP	0	0	0	3	Gates , Lights , CWT	12	\$384,400.00
082643V	Public at grade	Standard Oil Rd	N	2 Tracks, Yield	2		BNSF	0	0	0	2	Gates , Lights , CWT	10	\$347,200.00
085931A	Public at grade	Winter St	N		2		BNSF	0	4	0	1	Gates , CWT	10	\$310,000.00
186132A	Public at grade	Railroad Ave	N		2		UP	0	0	0	1	Gates , Lights , CWT	10	\$310,000.00
186139X	Public at grade	24th Ave E	N		2		UP	0	4	0	1	Gates , CWT	10	\$310,000.00
186144U	Public at grade	18th Ave E	N		2		UP	0	8	0	1	Gates , CWT	10	\$310,000.00
186148W	Public at grade	21st St	N		2		UP	0	5	0	1	Gates , CWT	10	\$310,000.00
852848R	Public at grade	1st St N	N	2 Tracks	2		BNSF	0	0	0	2	Gates , Lights , CWT	10	\$347,200.00
186133G	Public at grade	39th Ave E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	8	\$310,000.00
186134N	Public at grade	31st Ave E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	8	\$310,000.00
691646W	Public at grade	61st St N	N	Yield	2		CP	0	0	0	1	Gates , Lights , CWT	8	\$310,000.00
691649S	Public at grade	Hammond Ave	0	RR Cross, Yield	2		CP	0	0	0	1	Gates , Lights , CWT	8	\$310,000.00
852846C	Public at grade	1st St N	N	Stop	1		BNSF	0	0	0	1	Gates , Lights , CWT	8	\$310,000.00
852850S	Public at grade	Hughitt Ave	N	2 Tracks, Stop	2		BNSF	0	0	0	2	Gates , Lights , CWT	8	\$347,200.00
082637S	Public at grade	Corning Ave	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	7	\$310,000.00
075943S	Public at grade	21st St E	Y	RR Cross, No TH	2		BNSF	0	4	0	1	Gates , CWT	6	\$310,000.00
075944Y	Public at grade	11th St E	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
075945F	Public at grade	7th St E	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
075946M	Public at grade	6th St E	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
075948B	Public at grade	4th St E	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
075950C	Public at grade	Osaugie Trail	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
075954E	Public at grade	21st Ave E	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
082856F	Public at grade	Oakes Ave	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
082858U	Public at grade	61st St N	N	Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
082859B	Public at grade	John Ave	Y	RR Cross	2		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
082861C	Public at grade	Hammond Ave		Yield	0		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
086575K	Public at grade	Stinson Ave	Y	RR Cross	2		BNSF	0	4	0	1	Gates , CWT	6	\$310,000.00
186126W	Public at grade	E City Limits Rd	Y	RR Cross, 3 Tracks, Stop	2		UP	0	0	0	3	Gates , Lights , CWT	6	\$384,400.00
186146H	Public at grade	15th Ave E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
186149D	Public at grade	7th St E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
186150X	Public at grade	10th Ave E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
186151E	Public at grade	8th Ave E	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
186164F	Public at grade	Elm Ave	N	Yield	2		UP	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
852774B	Public at grade	E Ave	N	Yield	1		BNSF	0	0	0	1	Gates , Lights , CWT	6	\$310,000.00
186158C	Public at grade	5th St E	N	2 Tracks, Yield	2		UP	0	0	0	2	Gates , Lights , CWT	4	\$347,200.00
075941D	Public at grade	Stinson Ave	Y	RR Cross, No TH, Yield	2		BNSF	0	0	0	1	Gates , Lights , CWT	0	\$310,000.00
075942K	Public at grade	Bardon Ave	N	3 Tracks, Yield	2		BNSF	0	0	0	3	Gates , Lights , CWT	0	\$384,400.00
186159J	Public at grade	Winter St	N		2		UP	0	6	0	1	Gates , CWT	0	\$310,000.00
691670X	Public at grade	5th St N		Yield	2		CP	0	0	0	5	Gates , Lights , CWT	0	\$458,800.00
691678C	Public at grade	22nd Ave E	N	2 Tracks, Yield	2		UP	0	0	0	2	Gates , Lights , CWT	0	\$347,200.00
691680D	Public at grade	19th Ave E	N	Yield	2		CP	0	0	0	1	Gates , Lights , CWT	0	\$310,000.00
691681K	Public at grade	10th St E	N	Yield	2		CP	0	0	0	1	Gates , Lights , CWT	0	\$310,000.00
691683Y	Public at grade	Hill Ave	Y	RR Cross, Exempt	2		CP	0	0	0	1	Gates , Lights , CWT	0	\$310,000.00
No ID	Public at grade	Hill Ave	N	Yield	0		UP	0	0	0		Gates , Lights , CWT	0	\$272,800.00

**\$19,060,000.00**



# SUPERIOR

WISCONSIN

Living up to our name.

## Parks & Recreation

1316 North 14th Street, 2nd Floor  
 Superior, WI 54880  
 Web site: [www.ci.superior.wi.us](http://www.ci.superior.wi.us)

Phone: (715) 395-7270  
 Fax: (715) 395-7346  
 TTY: (715) 395-7521

Council Committee of the Whole Agenda: October 15, 2013

To: Mayor Bruce Hagen & Members of the Common Council  
 From: Mary Morgan, *Mari* City Forester  
 Date: October 2, 2013  
 Re: Emerald Ash Borer Response (EAB): Formal Decision

You have previewed several potential responses to the infestation of EAB in Superior. At this time, I am recommending that you formally choose **Response 2: Take and Replace (2014-2020 at a cost of \$70,000)**. If we do not get started even in 2013 taking the ash trees, I fear we will find ourselves with a significant public safety issue with hazard trees in the public right-of-way in approximately two years. This means I am recommending we systematically take the ash neighborhood by neighborhood whether they look healthy or troubled.

I would also like you to choose one of the next two options:

**Option A:** use \$20,000 from the non-lapsing tree fund to treat the estimated 186 ash trees along the Tower Ave. corridor (N. 28<sup>th</sup> St. to N 54<sup>th</sup> St.) and the estimated 75 ash trees along the E. 2<sup>nd</sup> St. corridor (Blatnik Bridge to Moccasin Mike Rd.).

Rationale: these trees grace two entrances to our City and one of the main business corridors. While the treatment may not ultimately save the trees, it will protect them and the value they provide to the community for the next three years. The funds are available in the non-lapsing tree fund without reallocating any other dollars.

OR

**Option B:** use the funds from the non-lapsing tree fund to supplement the tree planting budget, increasing it from \$5000 to \$10,000 for five of the next six years. Each year, \$5000 is allocated to the tree fund. Over time, we have had some generous donations from the private sector for our Tribute Tree program so the tree fund has increased from its regular allocation to approximately \$25,000.

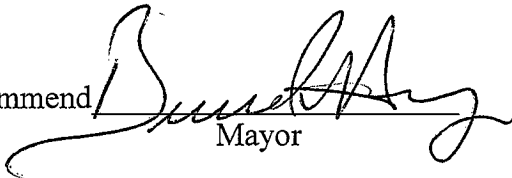
Rationale: EAB Response 2 calls for spending \$10,000 each year to plant 200 trees and only \$5000 is currently allocated. Again, the funds are available in the tree fund without reallocating any other dollars.

Please know that I will continue to take the following steps with assistance from the Superior Tree Board:

- Encourage citizens to plant a tree on the boulevard at their own expense with a free tree permit issued by me.
- Encourage citizens to donate trees through the Tribute Tree Program.
- Encourage the private sector to help us replace the ash trees through the Tribute Tree Program.
- Apply for tree planting grants that are available to municipalities.

Again, I cannot emphasize strongly enough that whether we treat the trees or take them or some combination, I am urging you to act this evening so that we can proceed with an aggressive and efficient process.

Recommend

  
Mayor

Date

10/9/13

Enclosure

To: Mayor Hagen and Members of the Common Council

From: Councilors Olson and Bender

**RE: Recommendation as to Labor/Management Committee Members  
Refer to Committee of the Whole with Power to Act**

It has been recent practice to not have the Mayor as a representative of, or be a member of labor management committees or in attendance in labor/management union meetings. This practice of participation by the Mayor has further restrictions in not providing for the Mayor's participation in any negotiations with labor.

I/we recommend that the Mayor, as the Chief Executive officer of the city, be a standing member of all labor/management meetings, be provided advance notice of such, be provided all materials related to commonly held meetings, special and impromptu meetings and all materials provided subsequent to such meetings.