

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works/Chelatchie Prairie Railroad

**DATE:** February 21, 2017

**REQUESTED ACTION:** Request authorization for Railroad Program to pay Cahill Inc. and the Department of Natural Resources for installation of federally mandated emergency notification signs at public road crossings at the Chelatchie Prairie Railroad not to exceed \$24,000

Consent       Hearing       County Manager

**PUBLIC WORKS GOALS:**

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

**BACKGROUND**

The federal government changed the Code of Federal Regulations (CFRs) to require the installation of Emergency Notification Signs (ENS). The requirement is described in CFR 234.311. These signs must be installed at each public road approach to a railroad crossing. In the latest annual inspection of the county railroad crossings by the Federal Rail Administration (FRA), the absence of ENS signage was noted. If the signs are not installed prior to the next FRA annual inspection, the FRA can levy fines against the county. The fine set by the federal government for not installing the signs is \$5,000 per missing sign for each violation. If the FRA considers the lack of signs a "willful violation" the fine becomes \$7,500 per missing sign. The Chelatchie Prairie Railroad includes 18 gated public crossings and 12 unsignalized public crossings. This request was originally approved in the 2016 Spring Supplemental. We did not start installation of ENS signs in 2016 as anticipated. The installation for these ENS signs will be completed in 2017.

**COUNCIL POLICY IMPLICATIONS**

This request has no council policy implications.

**ADMINISTRATIVE POLICY IMPLICATIONS**

This request has no administrative policy implications.

**COMMUNITY OUTREACH**

There is no community outreach associated with this request.

**BUDGET IMPLICATIONS**

YES	NO	
	X	Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within

PW17-020

*MEK*

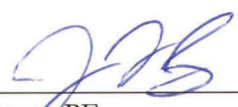
	existing appropriation
X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

**BUDGET DETAILS**

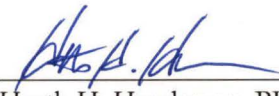
Local Fund Dollar Amount	\$24,000
Grant Fund Dollar Amount	\$0
Account	0001-413/Railroad Program
Company Name	Cahill, Inc.

**DISTRIBUTION:**

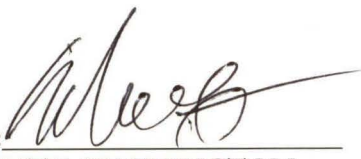
Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



\_\_\_\_\_  
 Jerry Barnett, PE  
 Program Manager/Railroad Coordinator  
 Public Works



\_\_\_\_\_  
 Heath H. Henderson, PE  
 Public Works Director/County Engineer



APPROVED: \_\_\_\_\_  
 CLARK COUNTY, WASHINGTON  
 BOARD OF COUNTY COUNCILORS

DATE: Feb. 21, 2017

SR# 041-17



APPROVED: \_\_\_\_\_  
 Mark McCauley, Acting County Manager

DATE: \_\_\_\_\_

# BUDGET IMPACT ATTACHMENT

## Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information.

Request authorization for the Railroad Program to pay for installation for federally mandated emergency notification signs at public road crossings at the Chelatchie Prairie Railroad.

## Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
0001/Railroad						
<b>Total</b>						

II. A – Describe the type of revenue (grant, fees, etc.)

There is no revenue associated with this request.

## Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
0001/Railroad		\$24,000	\$24,000				
<b>Total</b>		\$24,000	\$24,000				

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual	\$24,000	\$24,000				
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
<b>Total</b>	\$24,000	\$24,000				

*SP*

**BCC-01 Board of County Councilors Addition of two new Council positions**

In the fall of 2014, the voters of Clark County approved the Clark County Charter. The charter included the creation of two new positions to join the three-member Board of County Councilors. In addition to a new councilor position to represent one of the four council districts as called for in the charter, a chair of the board was also added. This package adds the headcount and budget for these two new positions to the Board of County Council's budget.

Fund	Fund Name	Request Type	2015-16 Rev	2015-16 Exp	2015-16 FB Chg	2017-18 Rev	2017-18 Exp	2017-18 FB Chg
0001	General Fund	Ongoing	\$ 0	\$ 166,218	(\$ 166,218)	\$ 0	\$ 346,253	(\$ 346,253)
Totals			\$ 0	\$ 166,218	(\$ 166,218)	\$ 0	\$ 346,253	(\$ 346,253)

**BCC-02 Railroad Federally mandated emergency notification signs at public road crossings at the Chelatchie Railroad.**

This package is submitted to request the approval of a revenue transfer of \$25,000 from General Fund to the Road Fund and spending authority for the Road Fund to pay for federally mandated emergency notification signs at public road crossings at the Chelatchie Railroad. The federal government has changed the Code of Federal Regulations (CFR) to require the installation of Emergency Notification Signs (ENS). This requirement is described in CFR §234.311. These signs must be installed on each public road approach to a railroad crossing. This new requirement became a requirement as of September 1, 2015. In the latest

annual inspection of the County Railroad crossings by the Federal Rail Administration (FRA), the FRA specifically noted that the ENS signs were missing from County railroad crossings. If the ENS signs are not installed prior to the next annual railroad inspection, the FRA will levy fines against the County for noncompliance. The lack of ENS signs was noted by the FRA inspector, and listed specifically on the annual inspection forms. The federal government has the civil penalty fines listed in the Appendix A of CFR §234. The fine set by the federal government for not installing the signs is \$5,000 per missing sign for each violation. If the FRA fines become "willful violations", then the fines increase to \$7,500 per missing sign. The Clark County Railroad includes eighteen gated crossings, plus another twelve unsignalized crossings. Sixty four ENS signs are needed to meet the requirements of CFR §234.311.

Fund	Fund Name	Request Type	2015-16 Rev	2015-16 Exp	2015-16 FB Chg	2017-18 Rev	2017-18 Exp	2017-18 FB Chg
0001	General Fund	One-time	\$ 0	\$ 25,000	(\$ 25,000)	\$ 0	\$ 0	\$ 0
1012	County Road Fund	One-time	\$ 25,000	\$ 25,000	\$ 0	\$ 0	\$ 0	\$ 0
Totals			\$ 25,000	\$ 50,000	(\$ 25,000)	\$ 0	\$ 0	\$ 0

**BCC-03 Railroad Federally mandated drafting of railroad as-built drawings as record drawings.**

This package is submitted to request the approval of a revenue transfer of \$60,000 from General Fund to the Road Fund and spending authority for the Road Fund to pay for federally mandated drafting of railroad as-built drawings as record drawings. The Federal Rail Administration (FRA) annually inspects rail crossings maintained by Clark County Public Works for the Clark County railroad. One recurring item on the FRA annual inspection form is that the plan sheets

Requesting Department: Public Works


Package number: PWK-01

Package Title: Request authorization to pay for installation of federally mandated emergency notification signs at public road crossings at the Chelatchie Prairie Railroad.

Contact: Lori Pearce, lori.pearce@clark.wa.gov ext.4461

Justification: The federal government changed the Code of Federal Regulations (CFRs) to require the installation of Emergency Notification Signs (ENS). The requirement is described in CFR 234.311. These signs must be installed at each public road approach to a railroad crossing. In the latest annual inspection of the county railroad crossings by the Federal Rail Administration (FRA), the absence of ENS signage was noted. If the signs are not installed prior to the next FRA annual inspection, the FRA can levy fines against the county. The fine set by the federal government for not installing the signs is \$5,000 per missing sign for each violation. If the FRA considers the lack of signs a "willful violation" the fine becomes \$7,500 per missing sign. The Chelatchie Prairie Railroad includes 18 gated public crossings and 12 un-signalized public crossings. This request was originally approved in the 2016 Spring Supplemental. We did not start installation of ENS signs in 2016 as anticipated. The installation for these ENS signs will be completed in 2017.

Package number	Fund	Prog	Dept	Basele	Obj	Categ	2017-18 EXP inc / REV dec (DR)	2017-18 EXP dec /REV inc (CR)	2019-2020 EXP inc / REV dec (DR)	2019-2020 EXP dec /REV inc (CR)	Type	Operating vs capital	Capital project code	Program code
PWK-01	0001	000	413	547100	410	000000	\$ 24,000.00	-	-	-	One-time	Operating		PPWK-0010

  
Budget Office  
 2-16-17