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MINUTES

**SANGAMON COUNTY BOARD
SPECIAL SESSION**

SEPTEMBER 16, 2009

The Sangamon County Board met in Special Session on September 16, 2009 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:05 p.m. Mr. Smith gave the Invocation and Mrs. Long led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 27 Present – 2 Absent. Mr. Davsko and Mr. Moss were excused.

CORRESPONDENCE

A motion was made by Mrs. Long, seconded by Mrs. Turner, to place the correspondence on file with the County Clerk. A voice vote was unanimous. There was no correspondence to file.

RESOLUTION 1

1. Resolution authorizing and directing the County Board Chairman to file a Lawsuit or take other appropriate action to oppose the IDOT and Union Pacific plans for expanded use of the 3rd Street Rail Corridor and to require consideration of and consolidation on the 10th Street Corridor.

A motion was made by Mrs. Long, seconded by Mrs. Turner, to place Resolution 1 on the floor.

Chairman VanMeter stated that the County has retained Mr. Ed Gower to represent them in this matter.

Mr. Gower is the former Chief Legal Counsel for the Illinois Department of Transportation, and is now in private practice with Hinshaw and Culbertson. The Springfield Mass Transit District has contributed to paying Mr. Gower's fee up to this point, and they may still have some of those funds left. He is available here tonight to help address any questions the Board may have.

Mr. Moore stated that he represents the center part of Springfield. He asked if there has been any change or any definite statement made by the City on where they are going to be on potential litigation that may arise from this situation. Chairman VanMeter stated that it is probably not appropriate for him to speak for the Mayor or City Council, but he can say he has worked with the Mayor on a piece that states both the County and City stand ready to take legal action if IDOT is unsuccessful in coming up with some creative solution to the current situation.

Mr. Stumpf stated that the momentum is building for the 10th Street corridor to be used, especially in light of everyone seeing the six or nine proposed overpasses for the 3rd Street corridor. He asked if the County Board would have jurisdiction to come in and have some authority if the City softens on this. Mr. Gower clarified that the County has standing to challenge IDOT's ability to proceed. You can be a plaintiff in a lawsuit challenging an environmental impact statement and proposed actions based on the environmental impact statement as long as your interests fall within the zone of interests protected by the statutes. As long as the County has interests in environmental affairs, air quality issues, cultural issues, aesthetics, socio-economic concerns, they are entitled to bring action to protect those concerns. They have taken a pretty hard look at the County's rights, and he believes they can bring a case that is pretty well grounded and is supported by a fair amount of case law. Any time you are suing a governmental body, the courts give discretion to decisions made by governmental entities, so you have to counter that in a court room.

Chairman VanMeter gave a brief synopsis of the meeting that Senator Durbin and Secretary Hannig were able to convene last Friday. In that room were all of the players who have any stake in this issue. Senator Durbin was successful in getting the Union Pacific Railroad to state on the record that they did not particularly care where their railroad ran as long as they had as good a facility as they would have on 3rd Street. He was also successful in obtaining a pledge from Norfolk & Southern to take an open-minded look at the proposal to revitalize the 10th Street corridor. Those were pretty significant statements from the two railroads to move them in a positive direction. He explained that he and Mayor Davlin were successful in pressing upon all the players in the room that the 3rd Street corridor has an enormous number of challenges to it.

There may have been some skepticism going into that meeting on how seriously they took the initial proposals about 3rd Street.

He stated that he thinks they were successful in convincing the people present that even with the proposal by Union Pacific and the possibility of no high speed rail and no additional freight associated with that, there would still be additional freight brought through this town on the 3rd Street corridor. They take those facts very seriously, and have spent the last ten weeks working intensively on this issue. There has been a team that has met weekly, and neither he nor the Mayor has missed any of those meetings. They have had the entire senior staff of Regional Planning at those meetings. That office has dropped everything they handle and have focused exclusively on this issue. They have spent \$50,000 on a traffic study to understand the effects the changes on the 3rd Street corridor have on the community. They have engaged a vibration study, which is just in its initial stages. When you look at the proposed plan for 3rd Street, you find there are just enormous problems with it even if you re-arrange some of the elements of the proposal.

The proposal from Union Pacific would cost around \$80 million to implement. The next least expensive option would be to elevate the rails on a mound of earth, and that has an advantage in that you would not have to drop the roads so much to get them under the highway. The cost of that would be around \$400 million. The next possible alternative would be to dig a trench through the center of town, and that would enable all the streets to continue to cross at grade level. The cost of building that trench would be almost \$700 million. The next best alternative after that would be to build a tunnel at a cost of about \$1 billion. After that they would start talking about moving all of the tracks to the east of the whole community on I-55. That cost would be well in excess of \$1 billion. They would not be able to dig under 3rd Street because the water table is extremely high there, and the sewer runs through sections of that 3rd Street corridor.

At the meeting in Chicago, the Union Pacific Railroad stated that they were aware of those water table and sewer issue problems. They did acknowledge there were serious engineering difficulties.

Every time they examine this and the alternatives, it leads them back to 10th Street. When they examine these numbers, they can speak with a good deal of confidence and say these numbers are correct. When you start to look at 10th Street, you find that with no expansion of that corridor, they can fit three tracks there and be operational in the time it takes to build the tracks. Three tracks would necessitate that Union Pacific and Norfolk & Southern share that corridor. Getting railroads to share things is possible but can be very difficult, and it is not something that is very appealing to them. They have also looked at the possibility of getting the two railroads a better situation than what either of them currently has. By expanding the 10th Street corridor by about 26 feet, they can get the Union Pacific Railroad two tracks, just like they would have on 3rd Street, plus a side rail where the passenger rail cars could be pulled off of the main lines while they are parked at the station. They could also get Norfolk & Southern two rail lines on that 10th Street corridor. They could also move their rail yard that currently starts at South Grand and runs to Ash. This would be a big benefit to them because they would like to have a rail yard where they could build longer trains.

This would also end their practice of running up and down those tracks while they build the trains.

For the community, they could improve the underpasses that exist now on 10th Street, and build three new ones that would be located at Jefferson, Madison, and Ash Streets. There would also be an overpass at North Grand Avenue. That will improve the connections between the east side and west side of the community. Right now the east side community cannot access the west side of the community when a train is running on the tracks. They would be completely shut off from medical services unless they go through the two underpasses they have now. They also should be able to achieve a silent corridor, which means they would no longer have horns sounding in the corridor. They should be able to build buffer zones, and they would be able to obtain the rail station and bus terminal on the east side of the community. The most amazing thing is that all of this could be done for the same or probably less cost than the \$180 to \$200 million proposed for 3rd Street.

The problem now is that the application the State has made is based on an environmental impact study done some years ago to include the 3rd Street rail. They tried to convince the people at the meeting to carve out just that four mile stretch that runs through 3rd Street out of the whole 200 to 300 mile corridor, and create the option of moving to 10th Street. During the meeting, nobody could figure out how to do that. The plan is there, and the railroads are willing. The key here is for IDOT to figure out how to include the 10th Street corridor option in the application. If they can't do that, they have to be ready to protect the communities' interest by opposing the entire high speed rail plan. They are meeting tonight because the application is due October 2, 2009, and they do not know what the most effective thing is to do. They want to be able to act quickly, if needed, to maximize the communities' leverage in defense of their interest.

Mr. Goleman stated he represents rural communities and one might ask why he cares where the corridor is. He stated that the answer is very simple in that everyone in Sangamon County will be affected by this decision. They have many residents who live in the rural communities and the unincorporated areas who are very involved and work in the City of Springfield. A lot of them work in the medical district, and will be affected by this. Sangamon County has demonstrated leadership on issues they believe are in the best interest of their community, and their job is to try to better improve the community if possible. This issue demands leadership, and they need to represent their community. He stated that he believes that is what they are doing with this Resolution tonight. He expressed that the needs of the many outweigh the needs of the few in this case.

Mr. Bunch stated that he was told by IDOT the 3rd Street corridor would be for passenger trains only, and the freight trains would be on the 10th Street and 9th Street corridors. When he brought up the idea of using the 10th Street corridor, they told him there was a great possibility they would remove the 19th Street railroad tracks if they put it on 10th Street to make it a lot safer for the east side of town. He stated that he wants to see this on paper, because he feels this would make it a lot safer for the children. He explained that he will support this, but feels it needs to be looked at strongly.

Chairman VanMeter stated that at the meeting Union Pacific and IDOT offered to do a study about moving the freight traffic from 3rd Street to 10th Street and leaving the passenger traffic on 3rd Street. In some ways that is a very significant offer, but the trouble is that it is only an offer to study that and is not a promise it will happen. It leaves them with the difficult question of what to do with the 3rd Street tracks. Do they plan for them to have only passenger rails? If they do not follow through on the study they end up with freight rail over there, and they have not changed anything to deal with freight and passenger. They do not want to dismiss the offer as silly, but their offer is not something that would be in the best interest of the community.

Mr. Bunch stated that he finds it very hard to support the idea they will load the track up with freight trains and not have any underpasses. This would create more problems on the east side.

Mr. Schweska stated that he knows there have been plenty of offers on the table, but the one thing he does know is concrete is that they will be turning this application in on October 2, 2009. He stated that he has been to rallies for the 3rd Street corridor and to the east side meeting at Union Baptist Church. The most important thing to remember is this is not about a rail running through the City, but is about a decision made without asking anyone in this County what they thought of it. Illinois politics needs to involve Central Illinois, and this would be a good start for them to stand up. They should not let others make their decisions for them, and that is why they are there for their constituents. He stated that he is proud to have his name on this.

Mr. Montalbano asked if they are the first to do something like this. Chairman VanMeter stated the high speed rail initiative is relatively fast tracked right now because of an appropriation as part of the stimulus funds that were approved back in February. Mr. Gower stated that the only precedent that comes to mind involved passenger and freight traffic that was going to create very similar problems for Rochester and Mayo Clinic.

Mrs. Long stated that she thinks the State Journal-Register's editorial today really summed this up. It said "if ever there was a battle with this community fighting in court, in the media, and whatever form is available, this is it". She stated that she supports this Resolution and thinks they need to protect their community. This proposed plan could set them back centuries.

Mrs. Turner stated that she thinks this calls for leadership with integrity, and that is what this Board does. When they have an issue, they study it and act on it in a manner that will be a benefit to their constituents. In this situation, it is not about 3rd Street versus 10th Street, but is about the community benefiting from money that is coming into Springfield. It is also about the community receiving improvements they would not otherwise receive.

Mrs. Turner explained that she represents part of the east side of Springfield as well as part of the County. You do not need to venture far into the east side and see that when it comes to infrastructure improvements and services for the County, they are always on the short end of the stick. Right now the City is in a budget crisis and those infrastructure needs are not going to be met because they do not have the money. Even when they do have the money, they still do not get the infrastructure needs met like they should. This is an opportunity where those needs have to be met because it will ensure success of the project. This is a subject that has received a lot of pros and cons as it relates to the east side of Springfield. A lot of it has to do with individuals not having all the information and not being presented with the facts. If the people have the opportunity to sit down and get a clear picture of this, they will see how having the consolidated rails lines on 10th Street would benefit their community.

She stated that she has not gone to any of the meetings on 3rd Street, but did attend the meeting at the Union Baptist Church where there was a lot of vocal opposition. A lot of that vocal opposition had more to do with infrastructure concerns people had that was not addressed. These are concerns that would need to be addressed if this is going to be successful. After that meeting, about 70% of the people in that room came and said they now believe this would be the right way to go. She stated that she will be voting in favor of this.

Mr. Hall stated that he has struggled with this. He asked if the City owns property required for this project. He also wanted to know if the hospitals and other businesses are also going to ante up.

Chairman VanMeter stated that the communities' response to this issue is amazing. There has been a lot of volunteer help. People are coming from all walks of life offering to contact people they know that could bear on this decision. He stated that leadership from both hospitals has contacted him and said they do stand ready to contribute to the legal effort. He stated that he is confident they are contributing to this effort. There have also been other members of the community who have expressed interest in doing this. They are going to be contacting the Chamber of Commerce's Q5 Initiative to ask them to serve as a collection office for those entities who want to contribute to the effort.

Mr. Gower explained that he has been told the City owns property that would be required for expansion of the 3rd Street property. In particular, they will need City property for the relocation of signals. If the City does own property required for this project, the project can't go forward without the City voluntarily making that property available through sale or transfer. While railroads in this State have the power to go to the Illinois Commerce Commission and request condemnation authority, it is only for private property. The railroad or IDOT does not have the power to condemn public property. You could not put Union Pacific and the growth in high speed rail traffic on one line going through this City.

There is an American Association of Railroad study that said the maximum capacity on a single line with combined use of freight and passenger traffic is 30 trains. The projection for the Union Pacific lines on the 3rd Street corridor is 40 trains and possibly more. They could not efficiently or effectively go through with the project without obtaining City property. If the City decides they will sell the property to them, it is their decision to make. It has absolutely no affect on the Counties legal position with respect to this project.

Mr. Hall asked if Mr. Gower is paid on an hourly or salary basis and if they are out of money yet. Mr. Gower stated that he is paid on an hourly basis, and he is quite sure they are not out of money right now.

Chairman VanMeter stated that they should keep in mind he has been through too many lawsuits, and the moment you enter into one there is this rush of excitement. A lawsuit can become a very long and difficult struggle and should not be entered into lightly. In voting for this, they need to vote for it with the determination that if they enter into it they will see it through and spare no effort to defend this community. They have the opportunity, in the next 16 days, for the professionals at IDOT to find a solution so they can legitimately and appropriately include the 10th Street corridor as part of a successful application for high speed rail. If they are not successful in that effort, they have to let Mr. Gower do what he believes is best to defend the interests of this community.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 1. Upon the roll call vote, there were 25 Yeas – 1 Nay. Mrs. Douglas Williams voted nay. Mr. Bunch explained that he agrees with Mrs. Turner, and thinks this is going to give the people on the east and west side of town the opportunity to understand more thoroughly what is going on.

MOTION CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

There were no appointments.

**REPORTS OF COUNTY OFFICIALS, SPECIAL COMMITTEES, STANDING
COMMITTEES**

There were no committee reports.

COMMITTEE REPORT ON CLAIMS

A motion was made by Mrs. Long, seconded by Mrs. Turner, to place the Committee Report on Claims on file with the County Clerk. A voice vote was unanimous.

MOTION CARRIED
REPORT FILED

RECESS

A motion was made by Mrs. Turner, seconded by Mrs. Long, to recess the meeting at the call of the Chairman or until the regularly scheduled meeting on October 13, 2009 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED