

**LYON COUNTY COMMISSION MINUTES
ROAD VIEWING OF RAILROAD CROSSING
ROAD 150 EAST OF NEOSHO RAPIDS**

April 28, 2010

Those attending the railroad crossing were:

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| Commissioner Briggs | Commissioner Walters |
| Commissioner Martin | Tammy Vopat, Lyon County Clerk |
| Marc Goodman, County Counselor | Warren Chip Woods, County Engineer |
| Representatives from KDOT | Representatives from BNSF |
| Don Pearson | Calvin Gunkle |
| Robert Wellnitz | John Dill |
| Dustin Slead | Dave Slead |
| Bob Schaefer | Chuck Samples, KVOE Reporter |
| Brandy Nance, Gazette Reporter | |

Chip Woods discussed the railroad crossing position and angle of the road, adding that this would be a good crossing to close due to the liability issue. The approach is the safety issue.

John Dill explained that he had high centered farm equipment on the crossing and expressed the danger involved.

Commissioner Briggs stated that this issue needs to be resolved, estimates have been done and surveys have been completed and it needs to be taken care of.

John Dill offered to bring in the dirt to build the grade to a safe level and asked only for shared fuel costs.

Kevin Wellnitz said the railroad is avoiding the issue.

Dave Slead stated the crossing is used a lot, especially when the derailment happened at the highway in Neosho Rapids.

BNSF, Kami Minor stated that money is available for closure of the crossing.

Marc Goodman stated that BNSF is out of compliance with the regulations.

Mr. Slead offered his opinion that crossing signals need to be installed.

Kami Minor said the money would have to come from the maintenance department.

Commissioner Briggs explained to BNSF that an area of ditch had been plugged by the railroad and the result is a flooding issue due to the change of flow from the plugged ditch.

Kami Minor gave the Commission the name of the road master to contact, that he would be able to answer questions about the drain plug.

Tim Lyon, Emporia
341-7250 or 913-515-8008

Chuck Samples asked: "Where does it go from here?"

KDOT Rep. responded, will proceed with the signal project on this location and the approach issues.

Kami Minor said the county would have to work with the railroad and that she would relay the information to the road master indicating that there has been no change in this issue.

KDOT Rep said that \$7,500.00 would be allowed for the closing of the crossing along with money from BNSF.

Commissioner Briggs stated the County could not put a price on a life with safety issues the way they are and that access needs to be given back to the landowners for field entrances. He added that this needs to continue until it is resolved.

Kevin Wellnitz suggested that the railroad use the existing gravel on the low side of the slope along the rail to help fill in when building a safe approach to the crossing.

Discussion followed referring to two other crossings on Road U and Road V. The viewing was moved to each site and discussed.

Commissioner Briggs thanked everyone for attending.

Recorder
Tammy Vopat
Lyon County Clerk