Vineyard

THE TOWN OF

January 20, 2009

Attn: Eric Cheng
Chief Railroad Engineer
Utah Department of Transportation
4501 S. 2700 W.
P.O. Box 143200
Salt Lake City, UT 84114-3200

Dear Mr. Cheng,

We recently became aware of UTA's apparent proposal to eliminate an at-grade crossing at 400 North in the Town of Vineyard along the UP main-line track as part of the larger FrontRunner South Commuter rail line project.

The Town of Vineyard vigorously opposes any attempt to close this public crossing that has existed for at least 100 years. It is the only crossing along a nearly 3 mile stretch of rail, and is an important access now for a large property owner in our Town. It is currently shown on our approved transportation master plan as a primary through road and crossing that the Town will rely on for the future development of Vineyard.

We were very surprised to find out about this proposal, as your original notification on this project that you provided pursuant to Administrative Rule R930-5-14 in October and November of 2008, does not indicate that this crossing is affected at all. The only crossings identified within the Town of Vineyard to be affected are Geneva Road and 4000 North. It appears that perhaps your notice is in error, as we know of no 4000 North crossing (or street for that matter) located in the Town of Vineyard. Perhaps the Notice was prepared in error, if so, than it is defective and cannot be considered to have provided legal notice and due process to Vineyard or any other affected party.

In addition, the Notice that was provided for the FrontRunner South Commuter Rail line stated that the changes to any of the 41 crossings considered were "new track, minor grade changes and adding safety upgrades including construction of raised medians (60 to 100 feet in length) and active warning devices at each applicable crossing". No mention is made of any proposal to close any crossings, including 400 North.

Also in the Notice it states that "(a) Surveillance Review Team that included representatives from each local jurisdiction, Utah Department of Transportation (UDOT),

UPRR and UTA, has evaluated each of the 41 crossings affected by construction of the project to ensure that final design meets all applicable safety requirements". The Town of Vineyard is not aware of any appointment made by Vineyard to the Surveillance Review Team. R930-5-7 (2)(c) of the Utah Administrative Code indicates that the team member from Vineyard Town would typically be from the Town Engineer or Public Works department. Don Overson is the Town of Vineyard Engineer and is responsible for public works as well. He was not aware or involved in any Surveillance Review Team involving any of the railroad crossings involving the FrontRunner South Commuter Rail project.

We would formally request a determination by UDOT that it is not appropriate for any closure of the 400 North crossing. Notice regarding this closure is defective, and the procedures required under the Utah Administrative Code involving the Diagnostic/Surveillance Team were apparently not followed.

As you are aware, Section 72-3-104 (4) of the Utah Code specifies that the municipal governing body exercises sole jurisdiction and control of the city streets within the municipality. 400 North, including the crossing, is a city street. Section 9, Article XI of the Constitution of the State of Utah further supports the jurisdiction of the municipality relating to railroads located on city streets. The Town of Vineyard has not currently given UTA any permissions or required permits to modify the 400 North crossing in any way, including removal of safety and crossing structures.

In order to vacate any portion of 400 North as a public highway and street, an extensive notice and hearing process is required under Utah Code 10-9a-208 and 10-9a-609.5. None of the required actions have been taken to legally vacate the road, so closing of the 400 North crossing would not be in conformance with State required procedures.

We would appreciate a timely response.

Sincerely,

Mayor Randy Farnworth
Town of Vineyard