

## **Letter to the Editor**

### **13200 UTA Crossing – The Other Story**

In response to the letter from Laura and Ken Kelter in the March issue of the Draper Paper, the Kelters have chosen to write letters to the editor, seek television coverage and continue to make statements that are not totally true. This is either the result of not doing their homework, or they have just chosen to deal with the matter by ignoring the facts. Maybe it is both. I live in this neighborhood. I studied the issue and I understand the facts.

Over a period of four years, the UTA crossing issue has been before the Draper City Council four times as a Public Hearing item, and three times as an Action Item. Public Hearings were well advertised and open to the public for comment. These Public Hearings took place long before the homeowners on Ellerbeck Lane and Steeplechase purchased their homes. The Draper City Council has formally voted on this resolution twice and both times they determined, because of cost and safety reasons, not to proceed with building a new UTA railroad crossing at 13200 South. When all engineering requirements, some of which are federally mandated, are taken into consideration, the cost for an 'at grade' crossing is estimated at \$1.2 million and \$1.4 million dollars. A 'separated grade' crossing (bridge) would cost approximately \$6.2 million.

Subsequent to this decision, Laura and Ken Kelter appealed the Draper City Council decision to UDOT. The Draper City Council, UTA and now UDOT have all officially ruled that a new crossing should not be built at this location. The reasons are many, but primarily because of poor track alignment and geometry, thus vehicle and train safety at the crossing itself becomes critical. In addition, there is concern for pedestrian and children's safety at the Porter Rockwell Trail entrance and the high construction costs, to include land acquisition, construction of a box culvert to reopen the natural waterway, retaining walls on the west side, acquiring land for and moving two natural gas pipeline valve stations that are above ground and located in the street right-a-way and the general construction costs associated with building a crossing, i.e. paving, lights, signals, etc.

The Draper City Council has studied this crossing thoroughly, hired outside engineering consultants and considered the input of the City Engineering staff. They had a difficult decision to make. They stepped up to the plate and made the decision that was in the best interest of all the citizens of Draper. They did not make it in haste. It took them four years and many studies. Our City Council, yours and mine, work their tails off for the citizens of Draper. I regularly attend the City Council meetings. I do not agree with every decision our City Council makes and my criticisms are a matter of public record. However, I can tell you, without a doubt, our City Council's actions are generally well thought out and their dedication and discipline is always thinking long term and directed in doing the right thing for all the citizens of Draper. Our City Council does not deserve to be bullied over a matter that seriously lacks merit.

To put this matter in proper perspective, the temporary UTA crossing, which is now closed, was reviewed by the Draper City Council, UTA, UDOT and now will be reviewed by the PSC for a scheduled fifth Public Hearing. The matter is not one in which a public

thoroughfare is being closed to public traffic. What exists is a private drive and a private crossing that was permitted to be opened by the UTA and the City of Draper for temporary use during construction of the sub-divisions east of the track until the Highland Drive north and south entrances were completed. The temporary nature of this is underscored by the minimal maintenance that was given to the crossing.

The map provided by the City of Draper with a line showing a street, at 13200 South, crossing the UTA tracks does not constitute a dedicated public way or street. There must be findings based on law, either supported by case law or Utah Statute before a street or crossing is considered a public way. There is considerable case law that supports the fact that 13200 South east of the track is not a dedicated public street. If 13200 South east of the track is not a public street, then the UTA crossing was never a public crossing.

The occasional use by the public and the occasional use by persons under the mistaken idea that it was a through street does not change the use from private to public. According to Utah law, before the roadway becomes a public roadway the owners of the land, in this case the Ray Glad family and UTA must consent to the change in use. Obviously, no change in use or authority was ever given.

To clear the air regarding some of the facts presented by the Kelters. The Jordan Middle School is not going to be built in the near term and is not in the planning stage at present. This is per Dr. Newbold's response to our query. The property located at 13200 South and 1300 East, which the Kelter's stated was going to be developed as commercial businesses is news to the property owner, and is currently zoned for half acre lots. The matter of 13200 South being open and designated as a three lane all the way to Highland Drive is an outlandish fabrication. There is not a document or a professional engineer or City staff member who would support that assertion. Fortunately, none of these assertions, true or not, are germane to the matter before us or have any impact on building a new UTA crossing.

It was never the intent of the City of Draper to take 13200 South over the UTA track and create a public street east of the track. The subdivisions east of the UTA track were planned, designed and approved by the City of Draper based on the UTA private crossing being closed and the Highland Drive corridor serving as the main arterial for all neighborhoods east of the track. This is evidenced by the fact that Canyon Ridge sub-division does not connect to 13200 South at the north end.

There is a long list of transportation projects under consideration by the City Council that are critical and have a much higher priority than building a crossing that has limited value to only a few home owners and does not serve the mobility and transportation needs of the whole city. The City Council must consider what is in the best interest of all 33,000 citizens they represent, not just a few luxury homeowners.

To put the numbers in proper perspective, I will share with you some of the facts. The critical transportation projects identified and prioritized by the City Council total \$110.3 million dollars for all transportation projects. \$14.5 million is scheduled for construction in Years 0 – 5, with another \$52.3 million scheduled for Years 6 – 10. You can do your own math, the annual revenue available for unrestricted transportation project funding is

approximately \$2.2 million dollars annually and possibly another \$1.1 million dollars available annually from impact fees, which are restricted. Without considerable increases in funding, the City of Draper has a serious short fall in funding critical transportation projects throughout the city.

This entire matter has been raised as a result of concern on the part of Laura and Ken Kelter who live on Ellerbeck Lane. It is their perception added traffic will flow onto their street as a result of the crossing closure. This is the only issue they are concerned about. They have on numerous occasions stated they do not personally use the crossing at 13200 South. Their concern has never been the loss of the crossing for mobility reasons, but what the impact of closing the temporary crossing might do to add traffic onto their street. The reasoning, however, that the traffic will increase any measurable degree on Ellerbeck Lane is totally unfounded.

The entire appeal before the PSC is about winning an argument with the City of Draper, UTA, and now UDOT. This argument is nothing more than that. It has nothing to do with connectivity or mobility or critical planning or good utilization of scarce capital funds or even reasonable assumptions on the part of the parties affected. It is win at all costs to show them... Self-interests, lack of understanding of what took place before the appellants moved into the neighborhood, are driving this appeal.

I invite all interested Draper citizens to attend the PSC Public Hearing at 6:00 PM April 28<sup>th</sup>. in the Council Chambers, Draper City Hall. The many projects, which are currently waiting for funding, including the Performing Arts Amphitheater, the Cultural Arts Center, the Galena Park Recreation Center, and the many street and sewer projects, to include the upgrade of 1300 East and Pioneer Road (east end), can be seriously delayed or not funded at all if the wrong decision is made by the PSC. Please plan to attend and let the PSC staff member hear your concerns. Lets not let a small group of luxury homeowners hold the city hostage over a perceived traffic problem that does not exist.

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