

Bismarck City Administration

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MAY 05 2010

May 5, 2010

PUBLIC SERVICE COMMISSION

Public Service Commission
State of North Dakota
600 East Boulevard Avenue
Department 408
Bismarck, North Dakota
58505-0480

Dear Public Service Commissioners:

Thank you for your letter of April 8, 2010 inquiring whether or not the City of Bismarck intends to restrict access to the unnamed two lane asphalt trail that is an extension of Schafer Street. You indicated that a restriction on the access to this trail may allow the Commission to revise its tentative decision to find the Fraine Barracks crossing of the Burlington Northern Santa Fe Railroad to be a public crossing.

At its meeting of April 27, 2010 the City of Bismarck Board of City Commissioners discussed a restriction of the access to this crossing. They adopted a plan that will significantly lessen the traffic at that crossing and make it easier to monitor compliance with safety procedures in place at this location.

The North Dakota National Guard uses this crossing and their north gate as secondary access to their Fraine Barracks facility. This access point is essential to their operation from a logistics, security and practical viewpoint. This proposal will ensure that anyone using the Fraine Barracks crossing will be National Guard personnel who have an established safety protocol for the crossing and an electronic surveillance system to monitor violations.

At present casual observation leads us to conclude that there are persons who use this crossing with other destinations in mind. Under the proposed plan they would soon find themselves unable to go outside the fenced area on either side of the Fraine Barracks entrance. The other southbound movements that presently occur would be eliminated. Those who access the present crossing from the south would not be able to pass between the new fence and the rail under this plan.

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Letter regarding Fraine Barracks crossing access
restriction

City of Bismarck

W.C. Wocken, City Administrator

The specific detail of the City's proposal is as follows:

1. Post a sign on Schafer Street at the south entrance to the NECE building stating that no public access is allowed south of that point. The actual wording will be provided by the city Traffic Engineer.
2. Post a sign north of the crossing on this trail that says Railroad Crossing; All traffic must stop. The number of tracks is also normally listed. The wording will be provided by the city Traffic Engineer.
3. Upgrade the size of stop signs on the north approach to the crossing and post on both sides of the trail.
4. Focus a security camera in Fraine Barracks on the crossing to record drivers who do not stop at the crossing.
5. Adjutant General will discipline non-compliant drivers by eliminating their gate privileges.
6. Fence the area between the railroad and the existing National Guard fence to insure no access south of the tracks except into Fraine Barracks. A gate will be installed in these new fences north and south of the access road to allow railroad maintenance of the right-of-way.
7. National Guard will continue to perform sanding and snow maintenance on the road north and south of the crossing to promote driver safety.
8. The brush and trees that presently exist near the Fraine Barracks fenceline will be removed or pruned in such a way as to not constitute a sight distance impairment for drivers.
9. If the trees and brush on the north side of the railroad track west of the crossing are determined to be a sight distance impediment they should be ordered removed or pruned. If assistance with the removal or pruning is needed the City of Bismarck will attempt to assist.

Several maps are attached to more clearly illustrate this plan.

This proposal to limit access to the Fraine Barracks crossing is offered with the full agreement of the North Dakota National Guard.

Please feel free to contact me should you have any questions or concerns regarding this proposal to limit the access to the Fraine Barracks crossing.

Sincerely,



W. C. Wocken
City Administrator

Fraine Barracks Rail Crossing



0 50 100 200 Feet

April 2010



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Fraine Barracks Rail Crossing



New 6' Fence with Gate

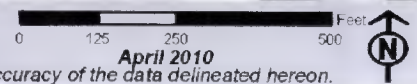
Trim/Remove Trees & Shrubs

Security Camera Location

No Public Access Sign

Railroad Caution Sign

Upgraded Stop Signs



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