



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903  
<http://www.doverkentmpo.org>

(302) 760-2713 FAX: (302) 739-6340

---

## DOVER/KENT COUNTY MPO PUBLIC ADVISORY COMMITTEE MINUTES OF FEBRUARY 26, 2008

### Public Advisory Committee Members & Alternates attending:

Horace Cook, Vice Chair  
Arley Cooper, Jr.  
Dwight Meyer  
William Saunders

James Brown  
Dr. Daniel Houghtaling  
Prameela Kaza  
Peter Schaeffer

### Members not attending:

James Webster  
Chandra Aleong

Diana Welch  
Richard Ornauer

### Non-members attending:

Mike Kirkpatrick, DelDOT Planning  
Kim Gomes, Wolf Block (w/NS)  
Mike Gumrot, AARP  
Tom Horn, Town of Clayton  
Michael Harrington, Clayton Town Council  
Juanita Wieczoreck, MPO Staff  
Catherine Samardza, MPO Staff

C. Scott Muir, Norfolk Southern  
Chip Golden, Norfolk Southern, Regional Manager  
William Oertly, Norfolk Southern, Hazmat  
Wayne Stover, Mayor, Town of Clayton  
William R. Carrow, Clayton Fire Company  
Josh Waltz, MPO Staff

The meeting was called to order at approximately 7:05 PM at the St. Joseph's at Providence Creek in the Drexel Center. Mr. Cook, Vice-Chair, presided over the meeting.

1. **Introduction of Members & Guests**
2. **Public Comments**
3. ***ACTION ITEM:* Approval of Agenda**

MOTION By Mr. Meyer to approve the agenda. Seconded by Dr. Houghtaling. Motion carried.

4. ***ACTION ITEM:* Approval of Minutes / December 11, 2007**

MOTION By Mr. Meyer to approve the minutes. Seconded by Mr. Cooper. Motion carried.

5. ***ACTION ITEM:* Elections: Chairman**

Ms. Wieczoreck reported that Mr. Ornauer had indicated that Mr. Brown was willing to serve as chair. Mr. Brown declined, citing his lack of experience with the committee. There was some discussion of deferring the elections. Dr. Houghtaling suggested that Mr. Cook serve as Chair and Mr. Brown would serve as Vice-Chair. Mr. Brown felt that this would enable to him to gain more experience with the PAC, and said that he would be willing to consider serving as chair next year, if nominated.

MOTION By Dr. Houghtaling nominating Mr. Cook as Chair and Mr. Brown as Vice-Chair. Seconded by Ms. Kaza. Motion carried.



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903  
<http://www.doverkentmpo.org>

(302) 760-2713 FAX: (302) 739-6340

Mr. Cook and Mr. Brown were elected by acclamation.

6. **DISCUSSION ITEM: Rail Line/Residential Conflicts – M. Kirkpatrick, DelDOT; C. Scott Muir , Chip Golden and William Oertly, Norfolk Southern; Kim Gomes, Wolf Block (governmental relations)**

Mr. Kirkpatrick gave a brief overview of the relationship between Norfolk Southern and DelDOT, noting that it was more in the nature of a public-private partnership than anything else. DelDOT has no jurisdiction over rail lines, and only participates with the lines on infrastructure development. Mr. Kirkpatrick reported that questions were being asked concerning rail lines in Cheswold, at New Burton Road in Dover, and in Harrington. Senator Still has asked for answers to these questions. Mr. Muir then introduced himself and the other representatives of NS and their consultant. He informed the committee that regulatory authority over the lines was in the hands of the Department of Homeland Security, the Transportation Security Administration (TSA) and the Federal Rail Administration, a subunit of US Department of Transportation (USDOT). Norfolk Southern is subject to federal laws concerning hazardous materials and laws initiated by DHS following 9/11.

Mr. Muir gave a brief history of the rail lines in Delaware, pointing out that the line has been in place since 1840, and the towns have developed around the railroad tracks.

Mr. Cook asked about West Street in Dover, particularly about right-of-way and possible changes to the intersection.

Mr. Kirkpatrick said he would have to look at the maps to determine right of way. Mr. Golden said that requests for any changes would be reviewed by Norfolk Southern. There were specific questions concerning what materials are in the tanker cars at New Burton Road. Mr. Muir declined to answer that in consideration of security issues.

Mr. Oertly noted that there are different levels of hazardous materials: TIH – toxic by inhalation; PIH – poisonous by inhalation; and those that are toxic or poisonous by touch.

Mr. Golden noted that a storage support yard is necessary to re-arrange the cars to go out with the next train heading for the appropriate destination. New Burton Road is the yard for the Delmarva Peninsula. He also reported that they are allowed a 48-hour turn-around on hazardous materials, although if a car comes in on Friday night or a holiday, the turn-around time begins on Monday morning or the next business day. However, they are usually moved within 24 hours. Mr. Golden also reviewed the process of inspection used to determine that the cars hold what they are listed as carrying and that there are no safety issues with the cars. It was also reported that NS expects regulations to become more stringent regarding hazardous materials.

It was also noted that there is a difference between the public siding owned by NS and the plant sidings owned by Kraft and Dow Reichold. NS does not have jurisdiction over the plant-owned sidings; it was noted that the Dow Reichold leak happened on plant property, not NS property.

Mr. Gumrot noted that there is a public perception that the cars do not move. Mr. Muir pointed out that they are not in business to store railroad cars; the shipper is charged fees for cars that stay at the yard longer than necessary.

Non-hazardous materials may take longer to move out, depending on where they are heading. Mr. Golden explained that cars carrying coal, steel or plastic could take a week to move out; it takes two days to re-arrange 30 cars. It was



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903  
<http://www.doverkentmpo.org>

(302) 760-2713 FAX: (302) 739-6340

also

noted that no inhalation poisons/toxins are carried below the canal. Mr. Gumrot asked if the most dangerous chemicals were at Dow Reichold, and Mr. Muir said yes.

Mr. Saunders asked how often NS tells the public that they are safe. Mr. Muir responded that NS does not reach out directly to the public; they work with the first responders (DEMA, fire, medical and police personnel).

NS was asked what they felt a "worst case scenario" would be. Mr. Muir responded that a high speed derailment is the kind of event that would cause the most damage to life and property. It was also noted that "high speed" is defined as over 40 MPH, and on Delmarva, the trains do not travel over that speed.

There was some discussion concerning passenger rail. Mr. Muir informed the committee that it is hard to fit high speed rail transit on freight lines. He also said that he believed passenger rail needs to be part of the puzzle in the future, but the State would need to look at that.

Subsequent discussion led to the suggestion that NS reach out to the communities surrounding the rail line; Mr. Gumrot made the suggestion that the industries using the rail line take the lead in this effort. Mr. Muir said that NS would be open to participating in such a meeting.

Mr. Kirkpatrick noted that NS has won 18 Harriman Awards, given yearly by the rail industry for safety.

The committee thanked Mr. Muir and his colleagues for attending the meeting and answering questions.

## **7. ACTION ITEM: Proposed Amendment to the FY 2006-2009 Transportation Improvement Program – J. Wieczoreck**

Ms. Wieczoreck reviewed the amendment for the committee.

MOTION By Mr. Brown to recommend Council adopt the amendment. Seconded by Ms. Kaza. Motion carried.

## **8. ACTION ITEM: Draft FY 2009 Unified Planning Work Program – J. Wieczoreck**

Ms. Wieczoreck reviewed the projects and funding for the FY09 UPWP.

MOTION By Mr. Meyer to recommend Council approve the UPWP for public comment. Seconded by Dr. Houghtaling. MOTION carried.

## **9. ACTION ITEM: Results of Public Advisory Committee Survey and Recommended Changes to Meetings – J. Wieczoreck and C. Samardza**

Ms. Samardza reviewed the responses to the survey. In view of the fact that there was no consensus to change the time or day of the PAC meeting, it was open for discussion. Consensus was that members would like the meeting to take less time.

MOTION By Mr. Saunders that the PAC meeting be held from 7-8:30 PM. Seconded by Mr. Schaeffer. Motion carried.

## **10. Project Updates –**



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903  
<http://www.doverkentmpo.org>

(302) 760-2713 FAX: (302) 739-6340

---

- 10.1 Regional Transportation Plan Update
  - 10.2 North Dover Study
  - 10.3 DE 8 Concept Plan and Operations Study
  - 10.4 TIP Bus Tour
- 
- 11. *STAFF REPORTS* – Juanita Wieczorek
    - 11.1 Financial Reports (enclosure)
    - 11.2 Correspondence & Publications/Reports – MPO Newsletter
- 
- 12. *DISCUSSION ITEMS* - Next Meeting: April 22, 2008