

# Attachment B

**Michael Obergfell** <obergfell@usiconsultants.com>

Thu, Jul 20, 2017 at 5:03 PM

To: Logan Day <daylj2010@gmail.com>, "apindexter@apwlawyer.com" <apindexter@apwlawyer.com>

Cc: Mark Heirbrandt <mark.heirbrandt@hamiltoncounty.in.gov>, Rhonda Klopfenstein <rhondask@frontier.com>, "stevencdillinger@aol.com" <stevencdillinger@aol.com>, Christine Altman <christine.altman@hamiltoncounty.in.gov>

Mr. Day,

We are working on the email addresses and phone contact information for the HHPA Board members and they will be on the website as soon as possible.

As far as the error in the redactions, that's my fault. I already had redacted the items noted in your proposal before Rhonda got the extra redactions from you, and I just forgot to make the additional financial redactions. I've done so just now and sent the new file to the county for upload to the website and removal of the one there now. I can't change that it's been up for a couple of days, but my apologies for the oversight.

Our counsel will respond to your third item as she sees fit.

**Michael J. Obergfell, PE | President**

**Hoosier Heritage Port Authority**

33 N 9th Street, Suite 215  
Noblesville, IN 46060

Cell: 317 965-9167

[Redacted content]

[Redacted content]

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moving **INFRASTRUCTURE** forward >>

USI Consultants		E-07-0019	206th St. Expansion - Hague Rd. to S.R. 19	383,300\$	56,631\$
E-12-0006	209th St. & Hague Rd. Intersection Improvement		236,450\$		41,995\$
E-13-0016	SS 31008 (226th St. / Jay Ditch) & SS 31069 (Six Points Rd. / Jay Ditch) - Replacement Plan		177,505\$		3,323\$
E-14-0013	Allisonville Rd. & Cumberland Rd. Roundabout Intersection - Design Engineering		263,310\$		11,926\$
E-15-0003	209th St & Hague Rd. Roundabout Project - Construction Inspection		124,500\$		60\$
E-15-0004	SS 31008 (BR 301) - 226th St. over Jay Ditch - Construction Inspection		25,000\$		1,149\$
E-15-0005	SS 31069 (BR 302) - Six Points Rd. / Jay Ditch - Construction Inspection		25,000\$		4,399\$
Allisonville Rd. & Cumberland Rd. Roundabout Intersection - Construction Inspection			120,000\$		120,000\$
E-07-0013	*** West 146th St. Expansion - County Line Rd. to Towne Rd. ***		312,900\$		113,392\$
<b>USI Constultants Total</b>			<b>1,667,965\$</b>		<b>352,875</b>

----- Forwarded message -----

From: "Mark Heirbrandt"

To: "Tim A. Knapp"

Cc: "Christine Altman", "Steve Dillinger", "Dan Stevens", "Bradley J. Davis", "Joel B. Thurman", <howardma@aol.com>

Bcc:

Date: Thu, 30 Mar 2017 08:39:57 -0400

Subject: Re: 19th & Pleasant Street City of Noblesville

Thank you Tim!

Sent from my iPhone

> On Mar 30, 2017, at 8:37 AM, Tim A. Knapp

<Tim.Knapp@hamiltoncounty.in.gov> wrote:

>

> All:

>

> Please find the information that I was provided by the City of Noblesville and their consultant USI regarding the 19th/Pleasant Project.

>

> In discussing the value of the area they need from Hamilton County; we were provided what the neighboring properties appraised for per acre.

>

> The average of the 2 other properties is \$92,500/acre, if we use that figure we would get the following for the value of our property:

>

> Fee simple: .172 acre @ \$92,500/acre = \$

15,910.00

> Temporary R/W .034 acre =

\$ 860.00

>

> Total

\$16,770.00

>

> I will bring the information to the executive meeting on April 10th for discussion and execution in open meeting.

>

> Let me know if you have any questions.

>

> Thanks.

>

> Tim

> <19th Pleasant Offer Packet.pdf>

> <19th Pleasant Plan Sheet.pdf>

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### 3 attachments

 **noname.eml**  
3K

 **170331 Consultant selections.pdf**  
247K

 **cons selections.pdf**  
247K

# Attachment E

On Aug 2, 2016, at 8:12 PM, Michael Obergfell <[obergfell@usiconsultants.com](mailto:obergfell@usiconsultants.com)> wrote:

Dear HHPA Board Members & Owners,

As noted in my previous email last Wednesday that is copied below, ITM was informed that HHPA required the information highlighted/bolded as listed. The following is an update as of today on those items in the order listed in my previous email:

- 1) HHPA has not received any of the medical, vision, or hearing certifications of their Engineers or Conductors as required by the CFR's listed in our Revised Policy of Use.
- 2) HHPA has not received notification that check rides of these same individuals are up to date or in progress.
- 3) HHPA has not been provided access to any drug or alcohol test results on their personnel or ITM's program in general.
- 4) HHPA did receive a track inspection report from ITM's inspector (PDF Attached), it listed two items, some trees that needed trimmed and some ties that need replaced in the area near the fairgrounds. ITM reported that they have installed 80 new ties in that area, and were working down there today. I will report more on track condition from Fishers to the Fair Grounds later in this report. It is worth noting that ITM's track inspector certifications have not been received by HHPA, thus we cannot rely on this current inspection report as we have no proof that the inspectors certifications are up to date in accordance with CFR requirements. Track inspection information in the past has never been reported to HHPA, after years of asking for such information. In the past, we have been told that ITM's inspectors don't put anything in writing, it's all in their inspectors head, which is unacceptable. I learned today that to be a certified track inspector, there are FRA courses that need to be taken and tests they have to pass. None of this documentation has been provided to HHPA.
- 5) HHPA has received a draft On Track Safety Program from ITM. However, since this is a draft, they apparently have not had a safety program to date, and I'm sure this means their personnel are not up to speed on what it contains. They did provide us with a draft at least, which is a start. (I've attached for your information)
- 6) HHPA did receive an updated Timetable from ITM (attached for your information). The Timetable is a document that every railroad maintains that lists all their personnel in charge, speeds on all sections of the track, areas where slower speeds are required, etc. However, the only thing ITM changed from previous Timetable provided was the cover page with a new date and the second page of updated contacts/personnel. The DSLE's ITM listed are Engineers that either no personnel file was provided to HHPA to review at our inspection of their personnel files by HHPA's Executive Director and Consultant, so we have no records of their qualifications. Their DSLE that was at the file inspection review meeting was moved from the DSLE category in the timetable because we informed them that he did not have current certifications to show us. The other DSLE that ITM listed in their updated Timetable we have been told that he was no longer going to volunteer. So basically we have no records to verify any of their DSLE's are certified to the CFR regulations. The DSLE is probably the most important person with any railroad, as they oversee the training of all Engineers and Conductors. This alone, in my opinion, should be reason to maintain our suspension of ITM until a properly certified DSLE is presented to HHPA with all required documentation.
- 7) Cleaning of culverts and bridges. ITM's president sent an email that stated the following: "The abutments on the Fall Creek bridge have been cleaned off and other bridges will have the same done this week as our volunteers can get to them. A thorough cleaning of the Fall Creek, Allisonville Road, and State Road 19 bridge bearing areas and an assessment of each must wait until a contractor can be hired to do the work according to the 5-year Bridge Maintenance Plan. Specialty equipment, reclamation of debris, and traffic control will be required for this work. Our plan will be to complete this in the spring of 2017." I have been unable to verify the cleaning of the Fall Creek bridge as of today, but as of Friday when I inspected the Fall Creek bridge, no work had been completed, and there is some serious rusting issues of the lower chord of the truss that needs to be addressed soon.
- 8) ITM provided HHPA with a copy of the FRA equipment inspection report on the remaining coach cars that were not inspected previously by the FRA (PDF Attached). As with all the other FRA reports since we issued the Revised Policy of Use, nothing was listed except that no violations/exceptions were noted. This is a main concern of mine and our consultants. We do not feel the FRA wants to

get in the middle of this issue and has thus issued no violations. It is my understanding from our Executive Director that the inspections could not have been very thorough, as the inspector was there for a very short time on a recent Sunday. Since the ITM is considered a tourist railroad at this time, they really are not subject to FRA inspection requirements like a freight or passenger railroad would be held to. I personally think that the HHPA should take no comfort in these reports, especially after what I was educated on today during a hi-rail inspection with our consultant and a railroad contractor that I will brief you on later in this email. I also believe that ITM's operations need to be held to a higher standard than a normal tourist operation, since they want to operate at speeds up to 25 MPH and due to the fact that all the crossings from Noblesville to the Fairgrounds cross very heavily traveled roads, and are loaded with passengers, so no safety issues should be compromised. From the education I've received recently, most, if not all tourist operations run at Class I railroad speeds of 10 MPH or less.

- 9) HHPA did receive a maintenance plan from ITM for the remainder of 2016 (PDF Attached). I find it to be woefully inadequate, but you can form your own opinion. My opinion is based on the recent report they provided to us that noted they netted almost \$290,000 (after expenses) on the Polar Bear Express this past winter. Only proposing \$145,000 of maintenance is well short of the \$300k we were told they would be working towards, especially considering the revenue they reported on the Polar Bear Express, and the lack of maintenance over the past several years.

Today, I went on a hi-rail trip with a contractor from the Louisville area that our railroad consultant Ms. Hale secured to come give me an education on what inspectors look for and give us their "off the record" opinion of the current conditions. Both gentlemen that came are FRA Certified Inspectors. Although they said the track was in fairly good condition for a tourist railroad, they showed me several areas that should not have passed an FRA inspection or the inspections of ITM's track inspectors. It is worth noting that the contractor said they would not recommend any speeds over 10 MPH, which is the limit for Class I rails, and what most tourist railroads run at or below, thus the opinion that they were in fairly good condition for a tourist railroad. At one point, I asked them to get up to 25 MPH, which is the limit for Class II rails, and the ride was very bad, which they explained was due to the age of the rail and the fact that the ties were not in good condition overall. As ties weaken/rot, the track shifts more and deflections occur that after time are permanently engrained in the rails. These permanent deflections cause trains to oscillate at higher speeds, which is typically the underlying cause of most derailments. In addition, they found numerous defects for even Class I rails, such as inadequate satisfactory ties at several locations where old abandoned spurs or turnouts and switches are located on the mainline. These areas has no good ties within the turnout limits, which is a Class I defect. This means that no operations at any speeds should occur until a Class I defect is repaired. I was informed by one of the inspectors that previously worked for the company that did our federal aid tie replacement project a couple of years ago, that these ties in the switch and turnout areas were not touched due to the fact that they are longer ties and such ties were not provided as part of the tie replacement project. We also stopped at several spots to inspect the areas on foot, and at two of the handful of spots that we stopped at we found one of the rail splice bars we inspected at each location had a crack in it, which is also a Class I defect. We did not have time to inspect the whole track on foot, and since the contractor donated their time today, I wasn't about to ask them to do so. That said, I'm sure we didn't luck out and find the only two cracked bars on the 11 miles of track from Fishers to the Fairgrounds. How many of these splice bars are cracked is unknown, but finding two at the handful of stops that we made has me very worried as to the overall state of these important splice locations on the rail.

The other major issue is the sight distance at most of the crossing in Marion County. Since brush cutting has not taken place, sight distance is very limited at most crossings. This is a very dangerous situation even though stop signs are present at these streets. At 25 MPH a train comes at you pretty quick if not paying attention, and with the infrequent use our tracks see, this is a serious safety issue in my opinion as most frequent users of these roadways are not used to encountering trains.

A full listing of the items we found are as follows:

Class I defects found (cannot operate even at 10MPH or less):

- Switch ties are bad and loose joints at the switch south of 96<sup>th</sup> Street

- A center break compound bolt, 3 ½ x 6 on 115 lb side and 2 1/5 x 5 on 90 lb side just north of Masters Road
- Need new Head Block ties at switch south of 82<sup>nd</sup> Street

Class II defects found:

- Quarter Break Point Bar, 9AR, south of Kessler

Additional Repairs needed before train movements:

- Clean out crossing depression next to rail at Kessler Blvd
- Replace ties North of Fall Creek and in the area of Citizens Energy water treatment plant, Class I due to condition of tie

Additional Requirements to run as Class I:

- Slow order at all crossings and curves
- Site obstruction at Graham Rd due to brush
- Bent Rail south of 71<sup>st</sup> Street, slow order

What is needed for Class II Service throughout (up to 25MPH max speed):

- Ties and surfacing
- Rail Splice Bolts Tightened
- Brushing cutting at crossing, site obstruction
- Take out turns

With all of this said, I see no way that I can recommend to the Board and Owners that HHPA lift the suspension of ITM's operations and allow the Fair Train to run starting this Friday. I want your feedback before I present this to ITM tomorrow. I see no way ITM can come into compliance that quickly, and these issues are not issues that should be rushed through just for the sake of the Fair Train. The liability is too high to waive our requirements in my opinion. I value your feedback and want to ensure we are all united on this front, so please respond with any concerns or input you have as soon as possible. I would like to know if each and every one of you are in agreement with our findings and direction.

I apologize for the length of these correspondences, but these issues require such. Running a railroad is serious business, lives are at stake each and every time the train runs.

If you would like to discuss any concerns/issues you may have, please feel free to call me on my cell.

If everyone is in agreement, I will put together a press release for all communities to review/comment on, and then utilize so our message is consistent and clear when we go public.

Sincerely,

**Michael J. Oberfell, PE | President**

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