

#19-55



County Board of Marshall County, Illinois

COUNTY COURTHOUSE • P.O. BOX 328 • LACON, ILLINOIS 61540-0328
PHONE (309) 246-6325 • FAX (309) 246-3667

July 16, 2019

Douglas C. Owens
Bureau Chief, Environmental Programs
Illinois Department of Agriculture
State Fairgrounds
PO Box 19281
Springfield, IL 62794-9281

Re: Buffalo Run Livestock Management Facility
County Rd 1400N
Henry, IL 61537
ID#LF1230090000
Marshall County

At the regularly scheduled Marshall County Board held on July 11, 2019, the board voted to send a letter to the Department of Agriculture regarding the Buffalo Run Livestock Management Facility (Resolution #19-55). Resolution # 19-56, recommending approval of the facility, was defeated by a vote of 2 yes and 9 no. Therefore, the Marshall County Board does not support construction of the Buffalo Run Livestock Management Facility, for a number of reasons, including the failure of the applicant to demonstrate compliance with the transportation system. Letters detailing the deficiencies are attached, including the Marshall County Highway Letter dated June 3, 2019, June 5, 2019 and the Illinois Department of Transportation Bureau of Bridges and Structures letter dated June 24, 2019.

Additionally, the transcripts from the public advisory hearing were not received until after our County Board Meeting.

Marshall County Board members have received numerous communications from people throughout the County expressing opposition to this livestock facility.

We appreciate the opportunity to present our views on the proposed Livestock Facility.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Kroeschen".

Gary R. Kroeschen
Chairman of Marshall County Board

Approved by the Marshall County, Illinois Board this 11th day of July, 2019

A handwritten signature in cursive script that reads "Jill M. Kenyon".

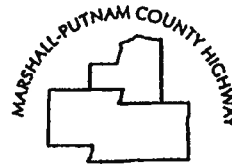
Jill M. Kenyon
Marshall County Clerk & Recorder

Marshall-Putnam County Highway

552 State Route 26
Lacon, IL 61540

Phone: (309) 246-6401
Fax: (309) 246-3446

website: www.marshallcountyillinois.com
email: psloan@marshallcountyillinois.com



June 3, 2019

Rosario Johnstone, Manager
Illinois Department of Agriculture
Bureau of Environmental Programs
John R. Block Building
801 E. Sangamon
P.O. Box 19281
Springfield, IL 62794-9281

Re: Buffalo Run
VMC Management
ID# LF12300090000

Ladies and Gentlemen:

This letter addresses the transportation issues related to the proposed Buffalo Run Sow Farm. The Department received a Notice of Intent to Construct on April 24, 2019. The County received an undated letter and flyer from Nicolas Rippel, Veterinary Medical Center, at the beginning of May 2019. In the flyer and in presentations by Mr. Rippel, he states that transportation plan for the proposed Buffalo Run Sow Farm is to use Western Road, 1.5 miles of La Prairie Road and 0.5 miles of 1400N.

The local road jurisdictions involved with the proposed transportation plan are Marshall County and Saratoga Road District. This letter presents the position of the jurisdictions responsible for the roads and bridges in this area.

The information presented below demonstrates that the existing roads are not capable of supporting the facility as proposed. Therefore, we request that the Department delay the registration of the facility until a satisfactory road use agreement is executed with both jurisdictions or modify the proposed transportation plan by placing a condition on the Buffalo Run registration.

Background

All users of the local road system have equal rights and treatment. The road system is a mixture of roads, by functional class and structural rating, which depends on their past history and how they fit into the multi-year program. The subject roads have the following characteristics:

- Western Road (County Highway 6) is a Class III Truck Route and is posted at 80,000 pounds year around. Its functional classification per the State network is Major Collector. The Average Daily Traffic (ADT) varies from 150 to 950 as one travels from west to east on this road.

- La Prairie Road (County Highway 13) has a weight limit of 72,000 pounds (4 or more axles), except between February 1 and May 1, when it is limited to 50,400 pounds (4 or more axles). This road also has a functional classification of Major Collector. The ADT north of Western Road is 400.
- 1400 N (Saratoga Road District TR 13) is classified under the functional system as a local road. It has the same weight limits as La Prairie Road. The ADT for this road is 25.

All users of these roads are required to comply with the weight limits unless they obtain permission from the appropriate authority, which is the County Engineer for Western and La Prairie Roads, and the Saratoga Road District Highway Commissioner for 1400N. A written overweight permit process exists for individual overweight loads. If ongoing overweight usage is desired, the highway authority will work with the potential user to develop a solution, if possible. A road use agreement between the authority and developer is the usual mechanism for implementing the solution.

Road Use Agreement

The principles of the road use agreement include:

- The upgrade of the road infrastructure is to be at the developer's cost to accommodate its planned development project. The agreement will account for the additional cost of improvements relative to the tax dollars being raised by the development;
- The road authority is required to protect the motoring public and therefore, all infrastructure improvements are to be in accordance with IDOT requirements and are subject to review and approval of the local government body having jurisdiction over the roads;
- The road authority is required to protect local taxpayers, and therefore,
 - the developer shall provide proof on insurance coverage, naming the affected local government bodies as additional insureds, if the developer pays directly for any infrastructure improvements;
 - the developer shall post financial security in the form of a letter of credit or cash escrow account to assure infrastructure improvements are completed properly and fully funded;
- The developer is to cover out of pocket costs incurred by the local taxing bodies, including engineering, legal and other professional fees, as the local taxpayers should not bear any financial burdens related to this developer's project.

County Road and Seasonal Weight Limits

The information from Buffalo Run indicates that they expect 4 loads of pigs and 6 loads of feed per week year around. This year-around regular use of the La Prairie Road and 1400N by overweight trucks (heavier than 50,400 pounds) during the seasonal weight limits season has not been addressed by the applicant, despite their being presented with the limitations of the existing road system.

Township Road

The Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation provides pavement design equations that can be used to evaluate the effect of traffic on a road (Chapter 46 – Pavement Rehabilitation). On a long-term / on-going basis the ADT of 1400N will increase by 252% and the Traffic Factor will increase by 290%. Construction traffic will be in addition to this increase. 1400N will not be capable of supporting this additional traffic.

Illinois Department of Agriculture Registration

The Illinois Department of Agriculture received a "Notice of Intent to Construct a Livestock Management Facility" from Buffalo Run on April 24, 2019. The Department is required to consider evidence on eight items from the public and County. Considering the information presented above, the facility fails to demonstrate consistency with 3, 7 and 8 of 8 IAC 900.405, namely, minimizing incompatibility with the surrounding area, minimizing the effect on existing traffic flows, and consistency with existing community growth and economic development.

At more basic level, the operator will not be able to legally access the site with normal truck loads during the seasonal weight limit period. It does not seem appropriate that the Department would authorize construction of the facility as presently submitted in that the existing road system does not have the structural capacity. We recommend that this issue be resolved by the Department and Applicant prior to allowing the facility to proceed with construction. Possible solutions are:

- Require that Buffalo Run negotiate and execute a Road Use Agreement with Marshall County and Saratoga Road District for the transportation plan that was submitted.
- Require the Buffalo Run change their transportation plan by solely using 400E, which is accessed from Western Road, a year-around 80,000# truck route. A road use agreement will be required with Saratoga Road District for crossing 1400N. Buffalo Run will be able to access their facility from 400E by building a longer entrance road. Saratoga Road District will allow Buffalo Run to utilize 400E in a "as-is" condition. A road use agreement could be developed that would allow Buffalo to perform whatever improvements and maintenance they deem necessary on this one mile section of 400E.
- Finally, if a suitable transportation plan cannot be presented in the Notice of Intent, or a condition is not placed by the Department, the Department will be required to find, "That, more likely than not, the provisions of the Livestock management Facility Act have not been met."

Please call or email if you have any questions,

Sincerely,



Patrick G. Sloan, PE
County Engineer

cc: Dennis Pyles, Saratoga Highway Commissioner

Marshall-Putnam County Highway

552 State Route 26
Lacon, IL 61540

Phone: (309) 246-6401
Fax: (309) 246-3446

website: www.marshallcountyillinois.com
email: psloan@marshallcountyillinois.com



June 5, 2019

Rosario Johnstone, Manager
Illinois Department of Agriculture
Bureau of Environmental Programs
John R. Block Building
801 E. Sangamon
P.O. Box 19281
Springfield, IL 62794-9281

Re: Buffalo Run
VMC Management
ID# LF12300090000

Ladies and Gentlemen:

I offered testimony at the Public Hearing on June 4, 2019 and submitted a letter dated June 3, 2019. At the hearing, the applicant submitted new information and I told you I would be presenting additional comments during my testimony:

Seasonal Weight Limits

A power point slide presented by the Gayle Baker listed existing ADT's and a projected ADT for 1400E, which I believe was 50-60 vehicles per day with the addition of Buffalo Run. The existing ADT is 25 vehicles per day. That slide stated that seasonal weight limits will be adhered to. Dr. Rippel also stated during his testimony that seasonal weight limits will be respected.

My independent estimate of the new ADT was provided in the June 3, 2010 letter, which is 63 vehicles per day (252% increase) based on the information Buffalo Run has provided in writing. Buffalo Run has stated that they will average six feed shipments per week. It is assumed that these will be fully loaded trucks. Obviously, if the loads are reduced to be less than the seasonal weight limit, the ADT will increase.

I researched the feed delivery trucks that Buffalo Run will likely used for deliveries of feed from the mill. These are five axle trucks with an empty weight of approximately 38,000 pounds. A truck loaded to 80,000 pounds will deliver 42,000 pounds of feed. During the seasonal weight limit period, the maximum weight that can be carried by a five axle truck is 50,400 pounds. The amount of feed that could be legally delivered during the posted period of February 1st to May 1st would be 12,400 pounds. At this rate, 20 loads of feed would be required per week, not six. Based on typical costs, this additional cost will amount to over \$60,000 per year for Buffalo Run. A simple return on investment calculation

Illinois Department of Agriculture
June 5, 2019
Page 2

indicates that improving the road is much more cost effective than on-going hauling on a seasonally posted road.

This discrepancy needs to be addressed by Buffalo Run prior to the Department of Agricultural being able to make a determination. I believe that the three alternatives in my June 3, 2019 letter are still valid, unless Buffalo Run can provide a transportation plan that explains these discrepancies.

Structure 062-4007

At this time I would like to provide you more information on this structure, for which an investigation was underway previously, but I had not received a report until this morning.

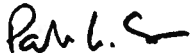
Structure 062-4007 is located on 1400N east of the intersection with La Prairie Road. It needs to be repaired in order to upgrade the road for the traffic projected by Buffalo Run. My previous estimates on the cost of upgrade to 1400N included the cost of this repair.

On June 4, the Local Bridge Unit of IDOT conducted an inspection and began a load rating analysis. Today, June 5th, I received an email from IDOT Bureau of Bridges and Structures (BB&S) Local Bridge Unit stating that they are in the process of conducting that analysis and, "Until that can be completed, this structure should be restricted to an Allowable Weight Limit Restriction of Weight Limit = 15 tons. This posting is due to the complete deterioration of the bottom slab and large open cracks in both walls." We have those signs being made and will install them as soon as we receive them.

Obviously this nullifies the transportation plan submitted by Buffalo Run, namely, Western Road to La Prairie Road to 1400E. All three alternatives I provided in my June 3rd letter remain valid and the Department can move along whichever path Buffalo Run chooses to proceed.

Please call or email if you have any questions,

Sincerely,



Patrick G. Sloan, PE
County Engineer

cc: Dennis Pyles, Saratoga Highway Commissioner



Illinois Department of Transportation

Office of Highways Project Implementation / Bureau of Bridges & Structures
2300 South Dirksen Parkway / Springfield, Illinois / 62764

June 24, 2019

Bridge Rating
Marshall County -- Saratoga Township

SN 062-4007

TR 13 over Creek

Mr. Patrick G. Sloan
County Engineer
Marshall County
552 State Route 26
Lacon, Illinois 61540

Dear Mr. Sloan:

In accordance with Section 15-317 of the Illinois Vehicle Code and the bridge rating policy as described in Structural Services Manual Section 4.4.2, we have completed the rating of the subject structure. The inspection was performed by Mr. Pat Rebbe and Mr. Jeff Wood of this office. The results are:

<u>GOVERNING MEMBER</u>	<u>INVENTORY RATING FACTOR</u>	<u>OPERATING RATING FACTOR</u>	<u>REQUIRED POSTING</u>	<u>METHOD OF ANALYSIS</u>
RC Culvert	0.39	0.65	WEIGHT LIMIT 15 TONS	Engineering Judgment

The bottom slab of the culvert has completely deteriorated, exposing the twisted square bar reinforcement. The sidewalls have open cracks near the north end with backfill spilling through.

As this structure is less than 20 feet, routine inspections are not required by the National Bridge Inspections Standards (NBIS). However, due to the posting, **Special Inspections** will be required at **24 month intervals** to monitor the condition of the structure. The Special Inspections should be equivalent to the Routine NBIS Inspections required for structures that are part of the National Bridge Inventory.

A structure number has been assigned. This structure must be entered into the Illinois Structure Information System (ISIS) database to allow monitoring of the posting. Please coordinate with your IDOT District office to provide sufficient information so that it may be entered and tracked in the ISIS.

The postings must be done as soon as possible to ensure the safety of the traveling public, and must be done in accordance with the 2009 Illinois Supplement to the National Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.

Mr. Patrick G. Sloan
SN 062-4007
Page 2
June 24, 2019

The 2009 Illinois Supplement is available on the DOT website – <https://idot.illinois.gov/Assets/uploads/files/Transportation-System/Manuals-Guides-&-Handbooks/Highways/Operations/2009%20ILMUTCD%20-%202014%20update.pdf>. Chapter 2B (Regulatory Signs) of the Illinois Supplement details the requirements for Weight Limit Signs R12-1 through R12-5 and Specific Weight Limit Sign R12-I100 or R12-I101. Additional information from the referenced National MUTCD is available on the FHWA website - <https://mutcd.fhwa.dot.gov/>.

Please notify the appropriate school district and emergency service agencies of all required load restrictions so that they may alter any bus service or emergency access procedures that are affected by a bridge posting. Special attention should be given to structures with posting of 18 Tons or less, since these structures have the greatest potential for affecting the use by school buses and emergency vehicles. Only buses or emergency vehicles with a gross weight equal to or less than the required posting level may safely utilize a structure at any time.

When the postings have been completed, please notify the IDOT District office in Peoria in writing within 30 days of the receipt of this letter. They will then enter the actual field postings in the ISIS and verify the accuracy of the bridge status codes. We have entered the Inventory and Operating Ratings and the required postings in the ISIS.

Special Inspections: After the SI has been completed, please fill in the appropriate information and submit to the IDOT District Office in Peoria so they can update the ISIS. Failure to perform any Special Inspection may result in reduced posting or closure of the structure.

Please forward the findings of this letter to the appropriate highway official. If it becomes apparent the highway official will not take the necessary action to satisfy the posting requirements mentioned herein, you must notify our office immediately.

The rating notes and photographs from our inspection including a Special Inspection Report form (BBS SI-1) for this structure are being forwarded to you via email for your files. Inquiries regarding this rating may be directed to Mr. Dave Thompson of the Local Bridge Unit at Dave.C.Thompson@illinois.gov.

Sincerely,



D. Carl Puzey
Engineer of Bridges and Structures

PER

cc- Kensil Garnett, District 4 / Attn: Tanios S. Sassine

7/16/2019

Marshall County Mail - Letter



County Clerk <coclerk@marshallcountyillinois.com>

Letter

2 messages

County Clerk <coclerk@marshallcountyillinois.com>

Tue, Jul 16, 2019 at 3:39 PM

To: "Johnstone, Rosario" <Rosario.Johnstone@illinois.gov>, Doug.Owens@illinois.gov

Doug Owens & Rosario Johnstone-

Please see the attached letter and information. I am also sending this letter certified in the mail.

Jill M. Kenyon

Marshall County Clerk & Recorder

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Office of the County Clerk

122 N. Prairie

P.O. Box 328

Lacon, IL 61540-0328

Phone: (309) 246-6325

Fax: (309) 246-3667

Livestock Letter.pdf
394K

Johnstone, Rosario <Rosario.Johnstone@illinois.gov>

Tue, Jul 16, 2019 at 3:50 PM

To: "coclerk@marshallcountyillinois.com" <coclerk@marshallcountyillinois.com>, "Owens, Doug" <Doug.Owens@illinois.gov>

Thank you

[Quoted text hidden]

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