



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Monday, December 7, 2020

Meeting Began At 11:00 a.m.
Meeting Ended At: 12:42 p.m.
Members Present: Deb Schorr, Jane Raybould, Roy Christensen, Rick Vest, Roma Amundson
Members Absent: James Michael Bowers
Others Present: Roger Figard, Mary Lowe, Bill Kutilek, Tony Jerinia, Kris Humphrey, Ron Caldi, Ron Rhode, Sara Hartzell, Liz Elliott, Richard Schmeling

Order No. 20-40: Call Meeting to Order; Approval of Previous Minutes

Rick Vest called the meeting to order. Vest stated that the RTSD is subject to and adheres to the Nebraska Open Meetings Act and indicated that a copy of the Act is posted and available for inspection at the entrance of the meeting room.

Vest stated on November 30, 2020, notice of the meeting and agenda were posted on the bulletin boards at City Hall, first floor, 555 South 10th Street. Notice of the meeting and attachments were posted on the RTSD website on November 25, 2020, which may be linked to from both the City of Lincoln and Lancaster County official government websites. The notice, agenda, and materials being considered at the meeting were also made available for inspection at the RTSD Offices, 949 West Bond Street, Suite 200.

First item on the agenda is the approval of the minutes from the September 21, 2020 meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Schorr moved to approve the minutes from the September 21, 2020 meeting.
Christensen seconded the motion. Motion approved 4-0, 1 absent, 1 abstained.

Order No. 20-41: Report of Financial Activity

Ron Rhode from the Lancaster County Budget Fiscal Office presented the Statement of Financial Activity through November 20, 2020.

Total receipts for the period were \$1,660,141, comprising of tax receipts in the amount of \$1,566,561, and investment interest income in the amount of \$93,580. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$30,855; operating costs in the amount of \$19,442; and construction project costs in the total amount of \$621,822; for total disbursements of \$672,118. For the period, the ending cash balance was \$535,215, and the ending investment balance was \$11,371,107, for a total fund balance of \$11,906,322

Amundson moved to approve the Financial Report.
Schorr seconded the motion. Motion approved 5-0, 1 absent.

Order No. 20-42: Current Budget Status

Figard reported the current status of the budget, which was previously posted on the website. Figard reported an error on the line for Total Operating & Construction which should be 89% (instead of 100%). In the operating portion of the budget, Figard reported that expenditures for most of the auditing and legal services have been paid. In the railroad crossing improvements portion of the budget, nothing has currently been paid, but the RTSD is committed with respect to signed agreements for the 56th Street & Old Cheney Road crossing and the 18th Street & Y Street crossing, that represent a combined commitment of \$164,500. In addition, \$574,563 has been paid to the consultant (Olsson) for the 33rd Street & Cornhusker Project for the continued engineering and NEPA process currently under way.

Order No. 20-43: Consideration of BNSF Old Cheney Road Crossing Interlocal

Figard outlined the need for completing a section of sidewalk along Old Cheney Road from the nearby park to Hunts Drive. This is an Interlocal Agreement between the City of Lincoln and the RTSD whereby the RTSD provides the funding to the City for the costs of installing the sidewalk and railroad crossing panels on the BNSF right-of-way (ROW). Historically, the RTSD has consistently maintained an annual budget line item in the amount of \$100,000 for emergency projects such as this one. Figard recommended approving this cost-sharing agreement

Sara Hartzel, Parks & Recreation, Trails Coordinator testified in support of this project. She serves on the Complete Streets Committee which is a group that looks for gaps in the trail system. Hartzel reported that, presently, the Quiet Zone median on Old Cheney Road requires pedestrians and cyclists to encroach into the street or walk through gravel and then lift and carry their bikes over the railroad tracks. Hartzel indicated the Completes Street Committee approved paying for the sidewalk costs outside of the railroad ROW. Therefore, the City would be a partner with the RTSD on this project.

Figard stated that if this Interlocal Agreement is approved, the RTSD would be obligated to reimburse the City of Lincoln for: (a) the actual costs incurred by BNSF to place new sidewalk crossing panels on the railroad ROW at an estimated cost of \$34,276; (b) for a \$2,000 permit fee to work in the railroad ROW; and (c) the costs incurred by the City to construct the sidewalk and driveway on the BNSF ROW estimated to be \$20,000; for a total estimated cost for the RTSD of \$56,477.

Christensen moved to approve of the BNSF Old Cheney Road Crossing Interlocal.

Schorr seconded the motion. Motion approved 5-0, 1 absent.

Order No. 20-44: Highway 2 Quiet Zone Discussion

Figard gave an update on the trains that would start running along Highway 2 from Lincoln to Nebraska City on and after January 1, 2021. He showed the public city streets, county roads, and driveways that the trains would cross from Calvert Street in Lincoln east to 190th Street at the east edge of Lancaster County. Figard also described current safety measures in place, street configurations involving the existing crossings, and the extensive track work and upgrades completed to date by BNSF and OPPD. BNSF, OPPD, Operation Lifesaver, Lancaster County, Lincoln, and the RTSD have undertaken a significant Public Education/Publicity program to raise awareness of the trains starting to operate again along Highway 2 after an absence of over 17 years.

Figard reported that the public has voiced ongoing concerns relating to safety, traffic congestion and train noise. Discussions are on-going with emergency services. The City has prepared a traffic analysis document to be shared with BNSF so it might use the data to help relieve safety concerns and deal with traffic congestion when the trains are blocking street crossings.

Figard reviewed with the Board the issues and requirements in creating a Quiet Zone in which the train horns are not regularly required or allowed to blow their horns. He shared the Highway 2 corridor has a number of challenging issues and a number of crossings which would require the installation of revised or additional safety measures in order to create a Quiet Zone. The anticipated costs of those measures could make it much more expensive than the SW Lincoln Quiet Zone which the Board had previously been put on hold due to the high estimated costs. Figard also stated that the Highway 2 corridor only has two trains a day proposed, while the SW Lincoln corridor has more than twenty trains, and the Cornhusker Highway corridor has 50 to 70 trains a day. For these reasons, and the fact that BNSF indicates freight trains do not have a regular schedule, Figard suggested to the Board that it was premature to commence a Quiet Zone Study. He recommended deferring and revisiting the issue at the next meeting.

Amundson moved to place the Highway 2 Quiet Zone on Hold.

Schorr seconded the motion. Motion approved 4-1, 1 absent

Order No. 20-45: Tort Claim Update

Kutilek provided a update to the claim received by the RTSD regarding an alleged accident at NW 12th Street & Kingbird Road from a bicyclist, the claim has not been withdrawn. Kutilek reported that the City of Lincoln received a similar claim which is now in litigation.

Order No. 20-46: Project and Crossing Updates

Humphrey stated that BNSF's consultant will begin reviewing the 33rd & Cornhusker bridge plans. Humphrey also stated the Subarea Plan was approved by Planning Commission and is scheduled to be introduced to Council at their next meeting, followed by action and public hearing.

The 44th Street at-grade crossing has been previously discussed and alternatives to have a pedestrian overpass, underpass, or alternative route have been analyzed. After engineering reviews and discussions with community leaders and the advisory group, the decision has been made to leave the crossing functioning as it currently does today and the Fremont Street Connector between 44th Street to 48th Street will not be constructed. Although no improvements will be completed at this crossing with the 33rd & Cornhusker project, the crossing will remain as a future project for consideration to uphold the RTSD's mission of improving safety at rail crossings.

The 33rd & Cornhusker project also continues to coordinate with the Deadman's Run project. The Deadman's Run project is a federal project study being led by the Corp of Engineers, and they are finalizing the hydraulics followed by moving forward with plan preparation. The structure at 33rd Street is being reviewed to determine what type of structure is best suited for this location.

The public hearing for the draft environmental document is anticipated to be held fall of 2021.

Figard gave an update on the 18th Street & Y Street crossing work being performed by the Omaha, Lincoln & Beatrice Railway Company (OL&B), in which it has completed the majority of its work with only the sidewalks remaining.

Order No. 20-47: Schedule of 2021 RTSD Meetings

Currently scheduled meetings are March 2, 2021, June 7, 2021, September 7, 2021 and December 6, 2020

Kutilek gave an update on the Open Meetings Act which does allow some political subdivisions to meet remotely in the normal course of operations. However, due to the present extraordinary circumstances, the Governor has issued executive orders which provide flexibility in how meetings are attended and conducted.

Order No. 20-48: Non-Agenda Items/Public Comment

Richard Schmeling (2601 So. 58th Street, Apt 17) stated that the railroad has installed new #18 turnout switches along the Highway 2 corridor, and the higher number of the turnout switches allows for a faster moving train. The speed that the trains will traverse the Highway 2 corridor will be higher, and the crossing work that was recently made will also allow for a faster speed limit in order to increase the transit time. Schmeling has questioned the yard limits at 56th Street because when trains are operating within a yard limit, they must operate within a limit whereby they can stop more quickly. If the railroad would move the yard limit further to the west, it could increase the speed of trains to the east. Finally, Schmeling reported that there are at least two commercial businesses in Syracuse that could potentially use the line, thereby further increasing train traffic through the Highway 2 corridor. Schmeling concluded that it would be a gross misallocation of tax money on a Quiet Zone in the south part of Lincoln.

Christensen moved to adjourn. Amundson seconded the motion. Motion approved 5-0, 1 absent.

The next meeting is presently scheduled for Tuesday, March 2, 2020 at 11:00 a.m.

Meeting adjourned at 12:42 p.m.

Prepared by: Mary Lowe, Transportation and Utilities Dept

Minutes 12-07-2020