



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, March 2, 2021

Meeting Began At 11:00 a.m.
Meeting Ended At: 12:26 pm
Members Present: Deb Schorr, Jane Raybould, Roy Christensen, Rick Vest, James Michael Bowers, Roma Amundson
Members Absent:
Others Present: Roger Figard, Mary Lowe, Ron Rohde, Bill Kutilek, Tony Jerina, Kris Humphrey, Ron Caldi, Larry Legg

Order No. 21-01: 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 that the RTSD agenda and all the materials being considered at meeting were posted on the RTSD website on February 23, 2021. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, on February 23, 2021, the Meeting Agenda was posted on the bulletin board located in City hall, first floor, 555 South 10th Street. Copies of the Meeting Agenda and all the materials being considered at the meeting are made available at the dais, and complete copies of the materials are on file and retained at the RTSD Office at 949 West Bond Street, Suite 200.

First item on the agenda is the approval of the minutes from the December 7, 2020 meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Amundson moved to approve the minutes from the December 7, 2020 meeting.
Schorr seconded the motion. Motion approved 6-0.

Order No. 21-02: Report of Statement of Financial Activity

Ron Rohde from the County Budget and Fiscal Office delivered the report of financial activity for the RTSD. Rohde reviewed the receipts and disbursements for the current fiscal year through February 19, 2021. Total receipts for the period were \$2,359,612, comprising of tax receipts in the amount of \$2,099,519; an unexpected transfer from Lincoln on The Move (LOTM) which is shown on the report as a Project cost reimbursements, misc. reimbursement” in the amount of \$151,766; and investment interest income for the period is shown in the amount of \$108,327. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$39,312; operating costs in the amount of \$26,536; and construction project costs in the total amount of \$676,529; for total disbursements of \$742,377. For the period, the ending cash balance was \$1,104,337, and the ending investment balance was \$11,378,431, for a total fund balance of \$12,482,768.

Christensen moved to accept the Statement of Financial Activity.
Schorr seconded the motion. Motion approved 6-0.

Order No. 21-03: Report of Current Budget

Figard presented the Proposed/Draft Budget that will be submitted for approval at the next regular meeting in June. The RTSD is currently on track with the current budget and there are no issues of concern, at this time. The draft Operating Budget for the next fiscal year includes proposals to increase the superintendent services by \$1,000 and an increase to the accounting and auditing budget by \$100, which matches the proposed HBE contract for the next fiscal year. For the crossing expenditures shown on the Capitol Improvement Budget (CIP) the RTSD has only spent \$47,000, but there are still several commitments to the railroad that will likely need to be addressed. Figard proposes to maintain budget line items for crossing expenditures in the amounts of \$250,000 for crossings located within the City limits and \$50,000 for crossings in the County. To date, the only other CIP expenditure is for the 33rd & Cornhusker project in the amount of \$645,552 and Figard expects another \$300,000 to \$400,000 to be spent on that project by the end of the fiscal year, as well as the \$15,000 for the Hickman Quiet Zone re-evaluation. Currently, the Lower Platte South NRD and the RTSD have an Interlocal Agreement for the Salt Creek Underpass in order to cost share in the expenses relating to the undercrossing west of J Street. The NRD would like to continue this agreement and Figard will invite representatives of the NRD to attend the June meeting to address the proposal.

Order No. 21- 04: Report of Draft Budget

Figard presented the 12-year proposed CIP Budget for the Cornhusker Project. The amounts shown on the report are not the actual project costs, but instead represent what the RTSD could be responsible for paying out in the identified fiscal years. The cash flow document shows available funds using the current levy of \$.014717 per one hundred dollars of actual property valuation, and then using a comparison levy of \$.026 per hundred dollars of actual property valuation to show that an increase in the levy and increase in annual cash flow are needed in order to keep the 33rd & Cornhusker project on track. In addition, Figard reports that State Legislation is currently being proposed which could further limit taxing entities' authority to increase levies.

At the regular meeting in June, Figard will present a final proposed budget for the Board to consider for approval. Once the budget is finalized and approved, a request will be delivered to the County for a levy that is sufficient to support the approved budget and the CIP. At the September meeting, the Board will reexamine its budget based on the County Board of Commissioners' determination of the RTSD's levy request.

Order No. 21-05: Consideration of Audit Budget Contract

Figard presented and recommended approval of HBE's proposed contract for annual Auditing and Budget preparation services for FY 2020/2021. Mr. Jerina acknowledged HBE's desire and willingness to serve the RTSD. The proposed contract represents a modest \$100 increase over the current year's expenses.

Amundson moved to approve the Audit and Budget Contract with HBE
Christensen seconded the motion. Motion approved 6-0.

Order No. 21-06: Consideration of Legal Contract

Figard presented and recommended approving a Crosby Guenzel Law Firm annual contract for FY 2020/2021. The rates in the proposed contract are the same as the rates for the current contract. Mr Kutilek acknowledged the firm's desire and appreciation to continue to serve as the legal counsel for the RTSD.

Amundson moved to approve the Legal Contract with Crosby Guenzel Law Firm
Schorr seconded the motion. Motion approved 6-0.

Order No. 21-07: Report of Project and Crossing Updates

Agenda Item 9.a: Humphrey reported on the 33rd & Cornhusker Hwy Project. Work continues with Olsson Associates on preparing plans for anticipated construction to begin in 2026, with a term of construction to take approximately two to three years to complete.

Agenda Item 9.b: Pursuant to Board Order 20-28, Figard reported that the Board President and Executive Director previously approved a \$12,000 agreement with the Engineering firm of FHU to perform re-evaluation work for the Hickman Quiet Zone, which work is required every five years. The re-certification work is expected to be completed by mid-March and no action is required by the Board at this time.

Agenda Item 9.c.1: Figard requested approval of an annual Invoice in the amount of \$300.00 to support the public safety activities of Operation Lifesaver.

Christensen moved to approve Operation Lifesaver Invoice
Amundson seconded the motion. Motion approved 6-0

Agenda Item 9.c.2: Figard requested approval of an invoice from the City of Lincoln in the amount of \$681.50 for additional barricading and signage required for the BNSF work of replacing the Pioneers Street at-grade crossing just west of Hwy 2.

Schorr Moved to approve the City of Lincoln Invoice
Raybould seconded the motion. Motion approved 6-0

Agenda Item 9.c.4: Larry Legg, Assistant County Engineer for Lancaster County, presented an Engineering agreement with FHU to review the County crossings and site obstructions at 134th Street and 190th Street, and to perform a site review of five other crossings, for a total expected cost in the amount of \$12,300. Figard recommended that the RTSD reimburse the County for the Engineering work to be performed under the agreement.

Schorr moved to approve the Crossing Study in Lancaster County with FHU for \$12,300
Christensen seconded the motion. Motion approved 6-0.

Agenda Item 9.c.3: Figard reviewed a letter received from Izaak Walton listing concerns for safety at 134th Street and OPPD railroad crossing. The letter also addressed upcoming events. Figard reported to the Board that he had been working with the City of Lincoln to place Variable Message Signs (VMS) at this crossing in advance of Lancaster County completing its Engineering review of 134th Street and requested the RTSD re-imburse the City \$500 per week for four weeks of the sign deployment to date, and Figard also requested that the RTSD Board consider paying the City \$300 per weekend for three weekend deployments of VMS signs for the upcoming Izaak Walton trap shoot meets scheduled for March 13th, April 3rd and 24th.

Christensen moved to accept the placement of VMS at 134th Street and pay the associated costs
Schorr seconded the motion. Motion approved 6-0.

Order No. 21-08: Communications/Correspondence (Placed on File)

Figard updated the Board on the Hwy 2 train traffic and presented the number of trains and the number of calls, emails or letters that were received. Figard reported that these communications with the public are being tracked and he has responded and will continue to do his best to respond to each communication. Figard noted that a few citizens have reported they do like hearing the train horns.

Figard stated that if the RTSD Board wishes to move forward with a Quiet Zone Study from the Calvert Street crossing to the Yankee Hill Road crossing, then he recommends that the study should be conducted at a very 'high' level in order to identify the minimum equipment necessary and the estimated costs to create the Quiet Zone through that corridor. Figard also recommends that the study include a map overlay of the noise contours in order to be able to visibly show the effects of the train horn noise on affective households/businesses. Figard estimates that this work can be performed for less than \$100,000.

Raybould moved to authorize a study of the proposed Quiet Zone and direct a study of the proposed Quiet Zone and direct the Board President and the Executive Director to conduct a Selection Process and select a Consultant, define the scope of work, and negotiate a contract for a fee that is not to exceed the amount of \$100,000.

Schorr seconded the motion. Motion approved 6-0

Order No 21-09: Non-Agenda Items/Public Comment - None

Amundson moved to adjourn. Raybould seconded the motion. Motion approved 6-0.

The next meeting is presently scheduled for Monday, June 7, 2021 at 11:00 a.m.

Meeting adjourned at 12:26 p.m.

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 03-02-21