



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, September 7, 2021

Meeting Began At 11:03 a.m.

Meeting Ended At: 12:34 pm

Members Present: Deb Schorr, Jane Raybould, Rick Vest, James Michael Bowers

Members Absent:

Others Present: Roger Figard, Mary Lowe, Bill Kutilek, Ron Rhode, Tony Jerina, Kris Humphrey, Dennis Meyers, Mark Meisinger

Call Meeting to Order;

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 this meeting were posted on the RTSD website on August 31, 2021. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, copies of the Meeting Agenda and all the materials being considered at the meeting are 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.

Finally in accordance with Nebraska Law, notice of the location and time of this meeting, together with a summary of the proposed budget statement was published in the Lincoln Journal Star newspaper on August 31, 2021

Order No. 21-21: Approval of Minutes;

First item on the agenda is the approval of the minutes from the June 7, 2021, meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Figard updated the Board Members that the minutes contained an error regarding the Levy request amount. On Page 3, Order No. 21-09 Consideration of Levy Requests the minutes stated a \$.02217 and the Board had approved \$.022217 which is the amount that was sent to the County Board.

Raybould moved to approve the minutes with the Levy correction from the June 7, 2021, meeting. Amundson seconded the motion. Motion approved 4-0.

Order No. 21-22: Report of Financial Activity;

Ron Rhode from the County Budget and Fiscal Office and delivered the report of financial activity for the RTSD. The Financial report was prepared thru August 20 , 2021. Total receipts for the period were \$1,364,152, comprising of tax receipts in the amount of \$1,358,217 and investment interest income of \$5,935. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$26,777; operating costs in the amount of \$1,123; and construction project costs in the total amount of \$146,814; for total disbursements of \$174,714. For the period, the ending cash balance was \$1,655,035, net transactions pending of \$347 and the ending investment balance was \$13,642,032, for a total fund balance of \$15,297,415.

Amundson moved to approve the Report of Financial Activity.
Raybould seconded the motion. Motion approved 4-0.

Order No. 21-23: Consideration of FY 20/21 Audit;

Tony Jerina with HBE, LLP presented the Draft FY 20/21 Audit this is an unmodified report which means there are no issues. Page 3 there is the statement of Net Position. There was increase in total assets from \$12,700,000 to about 16 million. Vest stated that it appears that we have a large amount of cash on hand but that pales to our obligations that we are committed to on 33rd & Cornhusker, we will need a significant amount of cash on hand once construction begins.

Figard re-stated that the this is a draft and that the Board can approve based on the premise that there are no changes, if there are changes, they would be addressed at the December meeting.

Amundson moved to approve Based on the Contingency that there are no changes to the FY 20/21 Audit.
Raybould seconded the motion. Motion approved 4-0.

Order No. 21-24: Consideration of FY 21/22 Budget;

Figard presented the State of Nebraska General Budget form this budget must be filed in the State Auditors Budget Office by September 20th. This is exactly what the Board previously approved at the June meeting for the estimated revenue & expenditures along with the operating expenditures. A correction is needed for Page 5, the number of Board members attending and approving was only 4 for 100% approval not 6 as stated on this report, we will insert the corrected page.

Amundson moved to approve FY 21/22 Budget with stated correction.
Bowers seconded the motion. Motion approved 4-0.

Order No. 21- 25: Report Regarding Current Budget Status;

Figard presented the Financials thru August 20th. There are currently no issues or concerns with the Budget.

Order No. 21-26: Report of Project and Crossing Updates;

a/33rd & Cornhusker Hwy

The RTSD was able to secure and reach an agreement with WSP to continue having Kris Humphrey act as Project Manager for 33rd & Cornhusker. Humphrey stated we continue to coordinate with the various Utility Companies, NDOT and the Federal Highway Administration along with finishing the environmental issues. Then we can move forward with a draft NEA submittal, which will then start the draft reviews and then we can have the public hearing tentatively schedule for Spring 2022. Current design is at 40% after the public hearing and approval of the environmental we can move forward with final design and hopefully maintain the 2026 start date.

b/SE Lincoln Quiet Zone

Figard updated the Board on the 3rd Party Agreement with BSNF & OPPD and expressed his disappointment that to date we still don't have an approved 3rd Party Agreement from either of the 2 entities'. BNSF is working with OPPD in creating 1 engineering agreement that would include both railroads to reach a diagnostic meeting to review the proposal and necessary equipment for each crossing.

Meisinger with FHU presented the preferred alternatives for each of the 14 crossings required to create the Quiet Zone along with some cost estimates based off of the information we have from the railroads and FRA's inventory sheets. The total estimated costs that we have presented today along with the 3rd Party Agreement is \$1,355,502 but I would expect those costs to increase with the requirements that BNSF & OPPD will potentially request from the diagnostic review/meeting.

Meisinger also presented noise contours for each crossing location. The red outline is a minimum of 90 decibels and the orange is at 80 decibels. This information will be sent to the Board and placed on the website.

c/Misc./Other Railroad Work

Figard stated the railroad did come in and replaced some concrete panels although not adjacent to Hwy 2 but about ½ mile east by Salt Creek, they also replaced several crossing panels on Coddington. A Press Release will be going out today for BNSF will be closing 1st & J Street tomorrow for repair work. BNSF informed me that beginning late September possibly October they will improving/repairing/replacing every crossing from Ashland to Lincoln on that line.

Order No. 21-27: Report of Other Matters;

a/Sales Tax FY 20/21 & 2021/22

Figard reminded the Board that the RTSD is a partner with the City of Lincoln on the Lincoln on the Move (LOTM) Sales tax initiative as part of that requirement the RTSD is to receive 1.5% of the sales tax money received and the Interlocal Agreement states that money is to be used for 33rd & Cornhusker. In December 2020 the City transferred \$151,765.57 to the RTSD. The spreadsheet shows an additional \$227,294.15 will be transferred this year to the RTSD. The committee recommends that the RTSD continue to use that money for 33rd & Cornhusker.

b/Update On Pending Litigation

Bill Kutilek with Crosby Guenzel Law Firm updated the Board on the purported tort claim was submitted to the RTSD for an accident at Kingbird Rd & NW 12th Street which occurred August 21, 2019. The City has denied the tort claim. The plaintiff did file a lawsuit against the City and sought approval to add the RTSD which the courts

granted; Wolf/Snowden Law firm will be the outside counsel for the RTSD. The parties are currently in the discovery phase which could last weeks or months

Order No. 21-28: National Rail Safety Week September 20-26, 2021;

Figard reminded the RTSD that we have done a Proclamation the past few years and presented this years Proclamation draft for review and signatures.

Amundson moved to adopt this Proclamation.

Raybould seconded the motion. Motion approved 4-0.

Order No. 21-29: Communications/Correspondence (Placed on File);

Figard stated he has received a couple of letters that are being filed and after today's meeting, we may see some additional communication.

Order No. 21-30: Non-Agenda Items/Public Comment; None

Admundson moved to adjourn.

Raybould seconded the motion. Motion approved 4-0.

The next meeting is presently scheduled for Tuesday, December 8, 2021, at 11:00 a.m.

Meeting adjourned at 12:34 p.m.

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 09-07-2021