



## RAILROAD TRANSPORTATION SAFETY DISTRICT

### Board Meeting

Tuesday, September 10, 2019

Meeting Began At 11:00 a.m.

Meeting Ended At: 11:52 a.m.

Members Present: Deb Schorr, Roy Christensen, Sean Flowerday, Rick Vest, James Michael Bowers

Members Absent: Jane Raybould

Others Present: Roger Figard, Amy Cornelius-Jones, Ron Rohde, Bill Kutilek, Kris Humphrey, Danielle Vachal, David Carey, Tony Jerina, Bob Kuzelka, Riley Johnson, Doug Holle, Deb Ashworth

#### **Order No. 19-24: Call Meeting to Order; Approval of Previous Minutes**

Deb Schorr called the meeting to order. Schorr 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.

Schorr stated that on August 29, 2019, notice of the meeting and agenda were posted on the bulletin boards at City Hall, first floor, 555 South 10<sup>th</sup> Street. Notice of the meeting and attachments were posted on the RTSD website on August 29, 2019, 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. In addition, 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 Journal Star newspaper on September 4, 2019.

First item on the agenda is the approval of the Minutes from the June 3, 2019 meeting. The Minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Christensen moved to approve the Minutes from the June 3, 2019 meeting.

Vest seconded the motion. Motion approved 4-0, 1 abstain, 1 absent.

#### **Order No. 19-25: National Rail Safety Week September 22<sup>nd</sup> -28<sup>th</sup> Proclamation**

Figard introduced Deb Ashworth from Operation Lifesaver. Operation Lifesaver is a national nonprofit rail safety organization. They make use of authorized volunteers to promote rail safety through educational safety presentations and their mobile training trailer. They focus on driver's education, students and special events. Figard read the proclamation into the record.

Vest moved to approve the proclamation.

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

**Order No. 19-26: Report of Statement of Financial Activity**

Ron Rohde from the County Treasurer's office gave the report of financial activity for the RTSD. Rohde reviewed the receipts and disbursement for current fiscal year through August 28, 2019. Total receipts for the period were \$1,784,542, comprising of: tax receipts in the amount of \$1,765,406, project cost and miscellaneous reimbursements in the amount of \$0.00, and investment interest income in the amount of \$19,136. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$34,712, operating costs in the amount of \$9,179, and construction project costs in the total amount of \$539,339, for total disbursements of \$583,230. For the period, the ending cash balance was \$267,627, and the ending investment balance was \$10,093,446, for a total fund balance of \$10,361,073.

Christensen moved to approve Statement of Financial Activity.  
Vest seconded the motion. Motion approved 5-0, 1 absent.

**Order No. 19-27: Review and Consideration of the FY 2018/2019 Audit**

Tony Jerina from HBE, LLP presented the Draft FY 2018/2019 Audit report. The Final Report will be presented at the December meeting for approval. The audit went very smoothly and everything asked of staff was given in an accurate and timely manner. The audit no longer contains the qualifications for financial statement preparation due to the hiring and participation of additional personnel in the County Treasurers Office. There is one management recommendation that when the RTSD establishes new certificates of deposit, the RTSD should request that the bank should not create new accounts to accumulate the interest on the deposits.

**Order No. 19-28: Consideration of FY 2019/2020 Budget**

Figard stated that the budget presented today, provided on State of Nebraska Auditor required forms, represents the same operating budget and capital budget expenditures that was approved by this Board at the June 3, 2019 meeting. The budget has been adjusted to reflect changes in the revenue to be received with the Lancaster County final valuation now set and the County Board final levy approval. This budget is required to be in the State Auditor's office by September 20, 2019.

Vest moved to approve the FY2019/2020 Budget.  
Christensen seconded the motion. Motion approved 5-0, 1 absent.

Figard reminded everyone that the Board approved the 1% Lid Authority at the June 3, 2019 meeting. This does not increase the budget by 1%, but allows the Board additional flexibility in the budget, if it is later deemed to be necessary. If the Board should decide the 1% is needed, it will require another vote by the Board.

**Order No. 19-29: Report regarding Current Budget Status**

**Operating Budget:** Figard stated there is an operating budget of just over \$100,000 and have spent just over \$9,000 in the first two months.

**Railroad Improvements:** Expenditures have yet to come through, and the BNSF has sent invoices for 33<sup>rd</sup> & Cornhusker, 48<sup>th</sup> & Hwy 2 and 27<sup>th</sup> & Hwy 2. These invoices are currently in process to be paid. An agreement with BNSF has been entered for the repairs of Adams & 35<sup>th</sup> Street crossing.

**Construction Projects:** There are two expenditures to report. Miscellaneous Engineering for \$8,488 for North Lincoln Quiet Zone re-evaluation and reaffirmation to FHU and 33<sup>rd</sup> & BNSF Crossing for \$530,851 to Olsson.

**Order No. 19-30: Consideration of Interlocal, Pine Lake Road Railroad Crossing**

OPPD has installed the new crossing on Pine Lake Road, and the signals are up but not yet energized. The City is still working on the paving. Completion of the project is anticipated at the end of this construction season (estimated to be end of November). This interlocal agreement authorizes up to \$600,000 expenditure when the City of Lincoln invoices for the railroad work. This document will go to City Council and Mayor for approval after the RTSD Board gives approval.

Christensen moved to approve the Pine Lake Road Railroad Crossing Interlocal Agreement.

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

**Order No. 19-31: Consideration of Interlocal, North 48<sup>th</sup> Street BNSF Underpass**

Danielle Vachal from Project Delivery with Transportation and Utilities stated that the City has been working with the consulting firm to evaluate the intersection near 48<sup>th</sup> Street and Cornhusker Highway on potential roadway improvements and the impacts for the railroad bridge. The consultant has narrowed down ideas to 7 – 10 options. Ultimately, the consultant will prepare cost estimates for the top three options so that the City can prepare the budget for this future project. Pursuant to this interlocal agreement, the RTSD would fund costs in the amount of \$115,750-\$100,000 of which was previously approved in the draft budget, and the additional \$15,750 is for the aerial imagery needed to prepare for the projects at 33<sup>rd</sup> Street and 48<sup>th</sup> Street. These additional funds (\$15,750) will be taken out of Miscellaneous Engineering.

Christensen moved to approve the North 48<sup>th</sup> Street BNSF Underpass Interlocal Agreement.

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

**Order No. 19-32: Update and Report on 33<sup>rd</sup> and Cornhusker Project**

Kris Humphrey, project manager for 33<sup>rd</sup> and Cornhusker updated the Board on project status. A public Open House meeting was held on June 27, 2019 with between 180-200 in attendance, who provided over 160 comments. Common concerns included: impacts to commercial and residential properties, traffic impacts, economic justice for low income populations, access to properties, and cost. After reviewing of all technical data pertaining to environmental resources and review of public an agency comment, Modified PEL C was selected as the proposed preliminary preferred alternative. All seven alternatives are still currently under review and will not be dismissed from consideration until the project has officially started the NEPA process. This is anticipated to start this Fall and an open house to inform the public of the results of screening will be held in early 2020. Paperwork has been submitted to Nebraska Department of Transportation to formally request NEPA Class of Action, which is anticipated to be an Environmental Assessment (EA). Figard publicly thanked the community for their participation in the project and process.

On August 22<sup>nd</sup>, Figard and Schorr visited with Senator Fischer's staff to discuss the 33<sup>rd</sup> & Cornhusker project to advise them on the status and its importance as the legislative staff work on federal grant funding. Figard also met with Congressman Fortenberry's staff in late May to discuss the same.

**Order No. 19-33: Report of Project and Crossing Updates**

**Rock Island Jamaica Trail North Bridge** – Advertising for bids is expected to commence on September 11, 2019. The City expects to open bids on October 16, 2019, and potentially sign a contract in December 2019. Anticipated completion of the project is expected to occur around September 2020. The City Parks Department has received an additional \$100,000 grant from Scheels, and a \$50,000 donation from Krieger Foundation. Two \$200,000 grant requests are still being considered.

RTSD, Parks and Recreation & Lincoln Transportation and Utilities are working together to get pedestrian way crossings and sidewalks across Old Cheney at 6<sup>th</sup> Street. FHU consulting is assisting and preliminary draft plans have been drawn up and are currently being reviewed by BNSF.

BNSF have installed new crossings at 48<sup>th</sup> Street, and 27<sup>th</sup> Street along Hwy 2.

BNSF and the RTSD have signed an agreement for replacing the crossing at 35<sup>th</sup> Street and Adams.

City staff and Figard met with Union Pacific Railroad on August 5, 2019 regarding the crossing at NW 12<sup>th</sup> Street. City staff have done some temporary repairs and we are waiting to hear back from Union Pacific Railroad as to whether these tracks will continue to be needed or removed.

**Order No. 19-34: Consideration of Small Contract Authority Resolution**

Figard and Kutilek presented a resolution pertaining to the authority for the Executive Director and RTSD Board President to sign small contracts so long as specific conditions are met. The contracts must be with engineers who are pre-qualified, less than \$25,000 and fully supported within the existing RTSD approved budget.

Vest moved to approved the Resolution for Small Contract Authority  
Christensen seconded the motion. Motion approved 5-0, 1 absent.

**Order No. 19-35: Non-Agenda Items/Public Comment**

None

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

The next meeting is presently scheduled for Monday, December ,2 2019 at 11:00 a.m.

**Meeting adjourned at 11:52 a.m.**

**Prepared by: Amy Cornelius-Jones, Transportation**

**Minutes 09-10-19**