

RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, September 8, 2020

Meeting Began At 11:00 a.m.

Meeting Ended At: 1:00 p.m.

Members Present: Deb Schorr, Jane Raybould, Roy Christensen, Rick Vest, James Michael Bowers, Roma Amundson

Members Absent:

Others Present: Roger Figard, Amy Cornelius-Jones, Ron Rohde, Bill Kutilek, Tony Jerina, Kris Humphrey, Jeff Davis, Elizabeth Elliott, Richard Schmeling, Liz Thanel, Cody Gerdes, Tim Hruza, Michaela Valetin,

Order No. 20-21: 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 on September 4, 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 August 31, 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. In addition, in accordance with Nebraska Law, the 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 2, 2020.

First item on the agenda is the approval of the minutes from the June 1, 2020 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 1, 2020 meeting.

Raybould seconded the motion. Motion approved 6-0.

Order No. 20-22: National Rail Safety Week September 21 – 27 Proclamation

Figard reported that representatives of Operation Lifesaver contacted the RTSD seeking a proclamation of support for National Rail Safety Week (September 21 - 27, 2020). Operation Lifesaver is a national nonprofit rail safety organization. The organization utilizes authorized volunteers to promote rail safety through educational safety presentations and through its mobile training trailer. The organization focuses on driver's education, students and special events. Figard reported that the State of Nebraska Department of Roads also adopted a similar proclamation. Figard read the proclamation into the record.

Raybould moved to approval of the proclamation.

Schorr seconded the motion. Motion approved 6-0.

Order No. 20-23: Report of Statement of Financial Activity

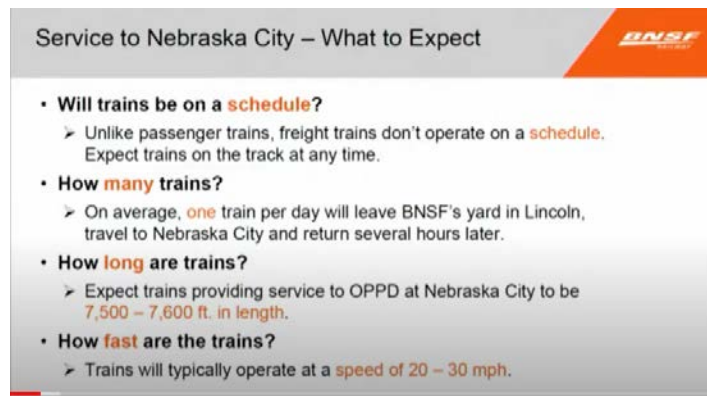
Ron Rohde from the County Budget and Fiscal Office delivered the report of financial activity for the RTSD. Rohde reviewed the receipts and disbursements for current fiscal year through August 21, 2020. Total receipts for the period were \$1,279,591, comprising of tax receipts in the amount of \$1,268,447, and investment interest income in the amount of \$11,144. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$24,926; operating costs in the amount of \$776; and construction project costs in the total amount of \$304,845; for total disbursements of \$330,547. For the period, the ending cash balance was \$1,452,159, and the ending investment balance was \$10,362,418, for a total fund balance of \$11,814,577.

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

Order No. 20-24: Report of Project and Crossing Updates

Kris Humphrey, Project Manager for 33rd & Cornhusker project gave a status update for the project. Pedestrian mitigation for the 44th Street closure is still being worked on. There are meetings scheduled with the State as well as with property owners in the coming weeks. Additional information and updates concerning the project is available to the public at the website: www.33rdcornhusker.com/

Representatives of BNSF Railway and Omaha Public Power District (OPPD) requested an opportunity to report to the Board regarding plans to increase the use of the BNSF/OPPD tracks extending from Lincoln along Highway 2 and ending at Nebraska City. Jeff Davis is the Executive Director of State Government Affairs for BNSF and Michaela Valetin is the Government and Community Relations Manager for OPPD. Davis delivered a presentation about BNSF’s business operations, commitment to safety, its employees, and its service in Lincoln and surrounding communities.



Davis and Valetin also answered several questions from the Board. The stated reason for increased use of the BNSF line is that for several years, the contract to deliver coal to OPPD’s facility in Nebraska City was held by Union Pacific, which utilizes a different rail system. The contract went through the normal bidding process and is now being held by BNSF. Davis has been meeting with various homeowners’ associations to discuss and answer any questions they may have. He hopes to have this effort completed by the end of September. There was discussion of the train horns and a proposal to conduct a feasibility study for a quiet zone in the area. Train horns are federally mandated. Figard reviewed with the Board the specifications required to be classified a quiet zone, and the Highway 2 corridor does not currently meet those requirements.

(Website: <https://lincoln.ne.gov/city/ltu/rtsd/highway2-rr-corridor.htm>)

Order No. 20-25: Consideration of FY 19/20 Annual Audit

Tony Jerina from HBE, LLP presented the Final FY 2019/2020 Audit report. The audit went very smoothly and everything asked of staff was given in an accurate and timely manner. The audit is an unmodified opinion in which the financial statements represent the financial position and activities for the RTSD at the end of the budget year.

Christensen moved to accept the Annual Audit report.
Schorr seconded the motion. Motion approved 6-0.

Order No. 20-26: Consideration of FY 2020/2021 Budget

Figard presented the budget for FY 2020-2021. He stated that the budget presented today is provided on State of Nebraska Auditor required forms and represents the same operating budget and capital budget expenditures that were approved by the Board at its June 1, 2020 meeting with one exception. There was one payment in June for the OPPD at Pine Lake Road Crossing project in the amount of \$383,733, which came in below the budgeted amount and will not be included in the FY 2020/2021 Budget. This budget will be submitted to the State Auditor as well as being sent to the City and County clerks. Figard also reminded the Board that the 1% Lid Authority was approved at the June 2020 Board 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 RTSD Board.

Amundson moved to accept and approve the Budget for FY 2020/2021.
Christensen seconded the motion. Motion approved 6-0.

Order No. 20-27: Report of Current Budget Status

Figard reported that, subject to the approval of the Board regarding several subsequent agenda items, the RTSD will be making several payments based on crossing agreements and interlocal agreements from the crossing, emergency/safety and miscellaneous accounts on the present budget.

Order No. 20-28: Consideration of Resolution for Revision to Contract Authority

Figard and Bill Kutilek presented a proposed resolution for Board consideration and approval pertaining to the authority for the Executive Director and RTSD Board President to sign small contracts on behalf of the RTSD so long as specific conditions are met. The contracts must be with engineers who are pre-qualified, have a financial impact of \$50,000 or less, and be fully supported within the existing RTSD approved budget. Any contracts entered under this authority would be reported to the Board at its next regular meeting, and any proposed modifications to the standard contract form would need to be presented to the Board prior to approval.

Amundson moved to approve the Resolution.
Schorr seconded the motion. Motion approved 5-0. Christensen absent.

Order No. 20-29: Consideration of County Invoice/Hickman Bridge Repair

Figard stated that the RTSD received a request from Lancaster County Engineering for budget support on the Hickman Bridge Viaduct over the railroad tracks for abutment repair work. The invoice is for \$47,258.67 and Figard proposed that the payment could be supported under the County Crossing line item of the budget.

Schorr moved to approve payment for Hickman Bridge Viaduct invoice.
Raybould seconded the motion. Motion approved 5-0. Christensen absent.

Order No. 20-30: Consideration of OPPD 56th /Old Cheney Crossing Agreement

Figard presented a proposed three-party agreement for cost sharing of repair and maintenance work for the crossing at 56th & Old Cheney, which is owned by OPPD. Under the terms of the proposed agreement, the railroad would perform the work and pay the costs, the RTSD would reimburse the railroad for approximately 50% of the costs (not to exceed \$118,500), and the road authority (City of Lincoln) would accept and maintain surface up to the railroad crossing.

Schorr moved to approve the OPPD 56th/Old Cheney Crossing Agreement.

Raybould seconded the motion. Motion approved 5-0. Christensen absent.

Order No. 20-31: Consideration of OL&B Y Street Crossing Agreement

Figard presented a proposed three-party agreement for cost sharing of repair and maintenance for the crossing at Y Street owned by OL&B. Under the terms of the proposed agreement, the railroad would perform the work and pay the costs, the RTSD would reimburse the railroad for approximately 50% of the costs (not to exceed \$46,000), and the road authority (City of Lincoln) would accept and maintain surface up to the railroad crossing.

Amundson moved to approve the OL&B Y Street Crossing Agreement.

Christensen seconded the motion. Motion approved 6-0.

Order No. 20-32: Consideration of BNSF Old Cheney Road Crossing Interlocal

Figard reported to the Board that this agenda item is being deferred until the December Board meeting so additional cost information can be gathered.

Order No. 20-33: Consideration of North 33rd Street Crossing Interlocal

Figard presented a proposed interlocal agreement between the City of Lincoln and the RTSD for the construction of a sidewalk to be built on the west side of 33rd Street at the rail crossing. The payment from the RTSD estimated to be approximately \$22,000 is contingent upon the City of Lincoln executing a CM agreement with BNSF and the City completing its portion of the work to be done. The RTSD share would be paid from the Emergency and Safety Budget item.

Schorr moved to approve the North 33rd Street Crossing Interlocal.

Amundson seconded the motion. Motion approved 5-0. Christensen absent

Order No 20-34: Consideration of BNSF Third Party Agreement for 33rd Street

Figard presented a proposed preliminary engineering services agreement with BNSF. Drawings for a viaduct at 33rd and Cornhusker have been submitted to BNSF for its review and approval. BNSF is requiring a third party to review the plans, and the proposed agreement addresses the costs of that review.

Schorr moved to approve the Third-Party Agreement for 33rd Street.

Amundson seconded the motion. Motion approved 6-0.

Order No. 20-35: Communications/Correspondence

Sales Tax – The existing Interlocal Agreement between the RTSD and the City of Lincoln provides that the RTSD is to receive 1.5% of certain sales tax proceeds. The City’s estimate of the RTSD’s share of the proceeds is approximately \$151,067.71 from October 2019 – June 2020. Figard will continue to report to the Board regarding the expected receipt of these proceeds.

Jamaica Trail Recognition – Figard reported that the RTSD will be listed as a donor on the recognition plate with respect to the newly-constructed pedestrian bridge.

Tort Claim – Kutilek stated the RTSD received a tort claim relating to an alleged accident on a sidewalk at the intersection of Kingbird Rd and NW 12th Street on or about August 21, 2019. Kutilek will keep the Board apprised of additional information pertaining to the claim.

Order No. 20-36: Non-Agenda Items/Public Comment

Richard Schmeling – Addressed the Board by giving some of his experiences and background pertaining to railroads. He spoke specifically regarding the Highway 2 Corridor. He is in support of the coal trains coming through the City along Highway 2 and feels there is little safety risk or burden. He does not support the Quiet Zone study.

Tim Hruza – With respect to the anticipated increased activity on the BNSF/OPPD line, he is concerned about the train horn decibel levels and the backing up of traffic. He encourages the Board to consider engaging engineers/consultants to conduct a Highway 2 Corridor Quiet Zone study.

Cody Gerdes – Emphasizing the need for increased safety along the BNSF/OPPD line (which has not experienced significant activity for many years), he encourages the Board to consider engaging engineers/consultants to conduct a Highway 2 Corridor Quiet Zone study.

Among Figard and the Board, there was discussion regarding proposed use of wayside horns along the Highway 2 Corridor. While the costs of construction and maintenance are high, Figard indicated that wayside horns would likely be a consideration that would be included in a feasibility study of the Corridor.

Figard presented Commissioner Schorr with a plaque to commemorate her fifteen years of dedicated service to the RTSD as its President.

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

The next meeting is presently scheduled for Monday, December 7th, 2020 at 11:00 a.m.

Meeting adjourned at 1:00 p.m.

Prepared by: Amy Cornelius-Jones, Transportation

Minutes 09-08-20