



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Monday, June 27, 2022

Meeting Began At 11:00 a.m.
Meeting Ended At: 12:03 p.m.
Members Present: Jane Raybould, Rick Vest, Roma Amundson, Tom Beckius, Deb Schorr (arrived at 11:05 a.m.)
Members Absent: James Michael Bowers
Others Present: Roger Figard, Mary Lowe, Ron Rohde, Bill Kutilek, Kris Humphrey, Thomas Shafer, Mark Meisinger, Ryan Leeper

Order No. 22-11: 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 June 8, 2022. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, on June 8, 2022, 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 March 1, 2022 meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Raybould moved to approve the minutes from the March 1, 2022 meeting.
Beckius seconded the motion. Motion approved 4-0 (Schorr absent).

Order No. 22-12: Election of Officers

Amundson made a motion that the three officers who are currently serving in their respective roles, (Rick Vest, President; James Michael Bowers, Vice-President; and Roma Amundson, Secretary) be retained as the officers of the RTSD for the upcoming fiscal year.

Amundson moved to retain the current offices in their respective roles
Beckius seconded the motion. Motion approved 5-0.

Order No. 22-13: Report of Statement of Financial Activity

Ron Rhode from the County Budget and Fiscal Office delivered the report of financial activity for the RTSD. Meyer reviewed the receipts and disbursements for the current fiscal year through May 20, 2022. Total receipts for the period were \$6,253,965, comprising of tax receipts in the amount of \$5,986,250; project cost reimbursements of \$227,472 and investment interest income for the period is shown in the amount of \$40,243. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$109,289; operating costs in the amount of \$79,229; and construction project costs in the total amount of \$485,892; for total

disbursements of \$674,409. For the period, the ending cash balance was \$2,829,948, and the ending investment balance was \$16,865,318, for a total fund balance of \$19,695,267.

Schorr moved to accept the Statement of Financial Activity.
Beckius seconded the motion. Motion approved 5-0.

Order Nos. 22-14/22-15: Report of Current Budget & Proposed Fiscal Year (FY) 2022/2023 Budget

Figard presented the Current & Proposed FY 2022/2023 Budget. Figard proposed an increase in the support services in the amount of \$2,000 and an increase for the accounting & auditing services in the amount of \$525 for the next fiscal year. The NRD did complete the Salt Creek/1st & J Project, and the budgeted amount of \$122,155 has been invoiced, paid and removed from next year's proposed budget. Figard reported an increase of \$200,000 to the proposed budget for the Miscellaneous Engineering Account and an increase of \$100,000 to the Emergency Safety & Study Account. If approved, the increases would be available for use on the SE Lincoln Quiet Zone Study, if needed. The proposed budget provides \$600,000 for the pending 33rd and Cornhusker Project.

Beckius moved to approve the FY 2022/2023 Budget
Schorr seconded the motion. Motion approved 5-0

Order No. 22- 16: Consideration of Levy Request for 2022 Tax Roll

Figard reminded the Board that in order to support the RTSD Budget, a levy request is delivered to the Lancaster County Board of Commissioners, and Figard recommended a formal request be made to maintain at the current levy rate of \$.022217 per one hundred dollars of actual property valuation.

Schorr moved to approve the Levy Request of \$0.022217 per one hundred dollars of actual property valuation for the upcoming Fiscal Year
Raybould seconded the motion. Motion approved 5-0.

Order No. 22-17: Consideration of Additional 1% Lid Authority

Figard reminded the Board of LB989 (passed in 1989) that placed a lid on a number of restricted funds of government entities, but he indicated that there are provisions in the law that allow an increase of the budget by 1% if approved by three-fourths supermajority vote of the governing body. Such an approval does not increase the budget, it only allows for the potential for an increase in the budget in the future, as if needed, by subsequent action by the Board.

Amundson moved to approve the increase of the Additional 1% Lid Authority
Raybould seconded the motion. Motion approved 5-0.

Order No. 22-18: Consideration Old Cheney/BNSF Sidewalk Interlocal Agreement

Figard reminded the Board that the existing Interlocal Agreement for this project expires after 1 year and Figard recommends approval to extend and amend the aforementioned Interlocal Agreement with BNSF. Figard reported the estimated cost to the RTSD for the project has increased from \$60,000 to \$90,000 due to inflationary factors.

Amundson moved to approve the Old Cheney/BNSF Sidewalk Interlocal Agreement
Raybould seconded the motion. Motion approved 5-0.

Order No. 22-19: Consideration of the Master Interlocal Agreement for Misc. Crossing Projects

Kutilek presented and recommended approving this Master Interlocal Agreement between the RTSD and the City in order to streamline the process in which the RTSD approves reimbursements to the City for railroad crossing

improvements, provided the crossing improvement projects are pre-approved by the RTSD Executive Director and the funding for such projects remains within the RTSD approved budget. The agreement also lays out the process in which the projects and the funding will be approved by the Executive Director upon receiving supporting documentation from the City of Lincoln.

Amundson moved to approve the Master Interlocal Agreement for Misc. Crossing Projects
Beckius seconded the motion. Motion approved 5-0.

Order No. 22-20: Report of Project and Crossing Updates

Agenda Item 9.a: 33rd & Cornhusker Project: Humphrey reported on the 33rd & Cornhusker Hwy Project. The stakeholders are still moving forward in preparing the draft Environmental document for review. A Public Hearing is being planned for next spring.

Agenda Item 9.b: SE Lincoln Quiet Zone: Meisinger with FHU reported on the status of the quiet zone study with the proposed recommendation of privatizing and removing the Calvert Street crossing from the quiet zone. More discussion with the adjacent landowner would need to follow regarding costs and privatization of that crossing. Two additional crossings are private--one for Nebco and one at 33rd & Hwy 2. BNSF did note that some of its equipment (pre-emption equipment and circuitry) is outdated, and OPPD would also require some updating of its equipment. Updated costs and project recommendations are expected in the next six to ten months.

Agenda Item 9c: 3 QZ Proposal updates in South Lincoln: The Federal Railroad Administration (FRA) requires re-evaluations and recertifications of Quiet Zones every four to five years. --South Salt Creek, South Lincoln and Lincoln Saltillo Quiet Zones are due for a re-evaluation. In the past, the RTSD has paid for these types of reviews. An Agreement with FHU to conduct these reviews at an estimated cost of \$21,750.00 was executed by the parties (approved by the RTSD pursuant to the continuing Resolution for Small Contract Authority).

Figard reported that Union Pacific has replaced the crossing south of I-80 at NW 12th going into the nearby convenient store, and this project required a tremendous effort and coordination.

In approving the Master Interlocal Agreement (for which the City still needs to formally approve), Figard expects that the crossing on NW 12th and the crossing on Kingbird Road north and east of the airport will be removed. Subject to review and approval of the project contracts and related documentation, the RTSD would be responsible for the cost of removing those crossings.

Figard commended LTU and its staff for working on the 35th & Cornhusker crossing nights and weekends in order to clear the tickets for equipment malfunctions that continue to arise with the wayside horns and related equipment at such location.

Figard reported that the 56th & Old Cheney intersection crossing has been under construction, and in working with LTU and Watershed which affected the OPPD tracks, this work has now been completed.

Order No 22-22: Communications/Correspondence

None

Order No. 22-23: Non-Agenda/Public Comment

Kutilek reported the need to hold a separate public hearing on the proposed budget prior to and separate from the next regular meeting. The Board agreed to hold the Budget Hearing at 11 a.m. on September 6th, 2022 with the regular September Board meeting to follow immediately after adjournment of the Budget Hearing.

Figard expressed his gratitude and support for the travel authorization by the RTSD to attend the National Committee on Uniform Traffic Control Devices in Virginia.

NDOT sponsored the four-state Iowa, Missouri, Kansas and Nebraska Highway Rail Safety Conference here in Lincoln. Kris Humphrey attended and participated in a presentation regarding the 33rd & Cornhusker Project, and Figard delivered a short presentation on the value and importance of the RTSD to public health and safety.

Schorr moved to adjourn the meeting

Raybould seconded the motion. Motion approved 5-0.

The next meeting is presently scheduled for Tuesday, September 6, 2022 at 11:00 a.m. (immediately following the adjournment of the Budget Hearing)

Meeting adjourned at 12:03 p.m.

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 06-27-22