



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, September 5, 2023

Meeting Began At 11:14 a.m.

Meeting Ended At: 12:20 p.m.

Members Present: Brody Weber, Roma Amundson, Rick Vest, Matt Schulte, James Michael Bowers

Members Absent: Justin Carlson

Others Present: Roger Figard, Sara Slama, Kevin Nelson, Bill Kutilek, Tony Jerina
Kris Humphrey, Mark Meisinger

Call Meeting to Order; Notice of Public Meeting/Open Meetings Act

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 August 30, 2023. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, on August 30, 2023, 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.

Order No. 23-22: Approval of June 12, 2023 Minutes

Amundson moved to approve the minutes.

Bowers seconded the motion. Motion approved 4-0; 1 Abstention (Schulte).

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

Kevin Nelson from the County Budget and Fiscal Office presented the RTSD's report of financial activity to the Board. Nelson reviewed the receipts and disbursements for the current fiscal year through August 18, 2023. Total receipts for the period were \$2,542,880, comprising of tax receipts in the amount of \$2,418,638; project cost reimbursements of \$0 and investment interest income for the period is shown in the amount of \$124,242. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$47,660; operating costs in the amount of \$1,112; and construction project costs in the total amount of \$21,795; for total disbursements of \$70,567. For the period, the ending cash balance was \$2,916,147, and the ending investment balance was \$26,598,552, for a total fund balance of \$29,514,699.

Schulte moved to accept the Statement of Financial Activity.

Amundson seconded the motion. Motion approved 5-0.

Order No. 23-24: Consideration of FY 2022/2023 Audit

Tony Jerina updated the Board on the draft audit report of the RTSD Financial Statements for the years ended June 30, 2022 and June 30, 2023, which includes an unqualified opinion from the accounting firm. Jerina stated that there will be no revisions to the audit report when it is finalized.

Amundson moved to approve to accept the Audit Report.
Schulte seconded the motion. Motion approved 5-0.

Order No. 23- 25: Report regarding Current Budget Status

Figard reviewed with the Board the present fiscal year expenditures, which are current as of August 18, 2023. Total operating expenses for the period were \$48,772. Total railroad crossing improvement and Project costs for the period were \$21,795. Figard reported to the Board that he does not have present budget concerns regarding existing operations.

Order No. 23-26: Consideration of FY 2023/2024 Budget

Jerina reported to the Board that, consistent with the earlier Public Budget Hearing, the RTSD Board will be receiving a levy of \$0.022217 per one hundred dollars of actual property valuation. Figard reported to the Board that this levy is sufficient to support the RTSD's budget for fiscal year 2023/2024.

Schulte moved to approve the FY 2023/2024 Budget.
Amundson seconded the motion. Motion approved 5-0.

Order No. 23-27: Consideration of Old Cheney Interlocal Agreement

Figard presented a proposed Interlocal Agreement concerning the Old Cheney railroad crossing, which is the renewal of an ongoing agreement with BNSF and the City of Lincoln. Figard reported that the most-recent project activity was the sidewalk work performed by the City on the north side from Hunts Road to the west trail at the park.

Amundson moved to renew the Interlocal Agreement.
Weber seconded the motion. Motion approved 5-0.

Order No. 23-28: Consideration of Annual Master Interlocal Agreement

Figard initiated a process last year to create a master Interlocal Agreement between RTSD and the City of Lincoln for crossing improvements and safety issues, wherein the City would provide the drawings, documentation, and estimated costs for railroad crossing-related work to the RTSD Executive Director for approval, and upon completion of the work, the City would subsequently request reimbursements from the RTSD relating to such railroad crossing work. In response to a question from Schulte, Figard reported that the maximum aggregate cost to the RTSD during the term of the proposed Interlocal Agreement is \$250,000.

Schulte moved to approve the Annual Master agreement.
Amundson seconded the motion. Motion approved 5-0.

Order No. 23-29: Report of Project and Crossing Updates

Agenda Item 10.a: Humphrey reported on the 33rd & Cornhusker Hwy Project. The RTSD has delivered comments to its consultant, Olsson, regarding the environmental report, and will submit the report to Nebraska Department of Transportation (NDOT) and Federal Highway Administration (FHWA) for review. Once approved, all comments will be combined into one document. The RTSD is also coordinating with the Corp of Engineers on the Dead Man Run Project, and the RTSD is almost ready to make the plan submittals. Representatives of the RTSD engaged in a debriefing with the Federal Railroad Administration (FRA) on the RTSD's recent railroad crossing elimination grant (FRA did not approve the requested grant). Figard talked with BNSF about how the railroad can participate and assist with the RTSD's next grant application.

Agenda Item 10.b: Mark Meisinger reported that Felsburg, Holt & Ullevig (FHU) continues to work on the SE Lincoln Quiet Zone Project. Information on the required safety improvements and their costs will not be available until late this year or early in 2024. The information and been forwarded to BNSF and FRA, and FHU is awaiting a response.

Agenda Item 10c: Figard reported that he has been working on NW 12th Street track removals.

Order No 2330 Consideration of Waverly Quiet Zone Reaffirmation

Stephanie Fisher, City Administrator of Waverly, thanked the RTSD for its past cooperation and support in the quiet zone in Waverly, which sees approximately 45 trains per day. The Waverly quiet zone is due for its recertification, and the City of Waverly is requesting financial support in the amount of \$10,710 for the costs of recertification.

Amundson moved to approve payment of \$10,710 for the costs of the Waverly Quiet Zone Reaffirmation
Weber seconded the motion. Motion approved 5-0

Order No. 23-31: Report of other matter

None.

Order No. 23-32: National Rail Safety Week, September 18-24, 2023

Figard reported that representatives of Operation Lifesaver contacted the RTSD seeking a proclamation of support for National Rail Safety Week (September 18-24, 2023). Operation Lifesaver is a national nonprofit rail safety organization. The organization utilizes authorized volunteers to promote rail safety through educational safety presentations. The organization focuses on driver's education, students and special events. Figard stated the proclamation is fully-executed and ready to be adopted by the Board.

Amundson moved to adopt the resolution for Proclamation of Rail Safety Week, September 18-24, 2023.
Bowers seconded the motion. Motion approved 5-0.

Order No. 23-33: Communications/Correspondence

None.

Order No. 22-34: Non-Agenda Items/Public Comment

None.

Amundson moved to adjourn the meeting.
Shulte seconded the motion. Motion approved 5-0.

The next meeting is presently scheduled for Monday, December 4, 2023 at 11:00 a.m.

Meeting adjourned at 12:20 p.m.

Prepared by: Sara Slama, Transportation and Utilities