



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, March 5, 2024

Meeting Began At 11:05 a.m.
Meeting Ended At: 12:37 pm
Members Present: Rick Vest, Roma Amundson, Brodey Weber, Matt Schulte, Justin Carlson, James Michael Bowers
Members Absent: None (Carlson departed the meeting at 11:48 am)
Others Present: Roger Figard, Mary Lowe, Bill Kutilek, Kevin Nelson, Kris Humphrey, Tony Jerina, Mark Meisinger, Allison Speicher, Andrew Foust

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 the meeting were posted on the RTSD website on February 28, 2024. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, on February 28, 2024, the Meeting Agenda was posted on the City and County bulletin boards 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. 24-01: Approval of Minutes

Schulte moved to accept the Minutes as provided.

Carlson seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-02: Report of Statement of Financial Activity

Kevin Nelson from the Lancaster County Budget and Fiscal Office delivered the report of financial activity for the RTSD. Nelson reviewed the receipts and disbursements for the current fiscal year through February 16, 2024. Total receipts for the period were \$4,573,105, comprising of tax receipts in the amount of \$3,910,926; and investment interest income for the period shown in the amount of \$662,179. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$71,726 operating costs in the amount of \$28,691; and construction project costs in the total amount of \$159,345; for total disbursements of \$259,761. For the period, the ending cash balance was \$732,652, and the ending investment balance was \$30,634,342 for a total fund balance of \$31,366,994.

Amundson moved to accept the Statement of Financial Activity.

Carlson seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-03 & 24-04: Report Regarding Current Budget Status & Draft Budget

Figard updated the Board on the current budget and stated that there are no concerns with the existing budget. The RTSD's largest expenditure relates to the commissions payable to the County Treasurer which are set as a percentage of the tax revenue receipts. For the fiscal year, the RTSD has not incurred significant expenses on construction projects, crossing improvement projects or the 33rd & Cornhusker Crossing Improvement, although the budget line items for these items will carry over to the following fiscal year as projects expenses are anticipated.

Order No. 24-05: Consideration of Audit and Budget Services Contract

Figard updated the Board on two engagements for consideration--one is for the Annual Audit, and the other is for the preparation and submission of the RTSD Budget for fiscal year 2024-25. Tony Jerina with HBE LLP has continued to provide audit and budget services for the RTSD, and HBE's proposal for such services during the next fiscal year is a total amount of \$17,250. After Jerina concluded his remarks to the Board, Kevin Nelson provided the Board with an overview of auditing services, and he stated that the number of firms in the Lincoln area providing these government-specific services is decreasing and he suggested continuing with HBE for the engagement.

Bowers moved to accept and approve the Audit & Budget Contract.

Weber seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-06: Consideration of Legal Services Contract

Bill Kutilek with Crosby Guenzel LLP presented the Board with a proposed legal services contract for the next fiscal year. Kutilek indicated that there are no changes to the rates from the existing contract. Figard recommended approving the agreement.

Amundson moved to accept and approve the Legal Contract.

Carlson seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-07: Consideration of Resolution No. 24-07 to Reimburse Railroad and Road Authorities for Crossing Maintenance Costs and Expenses

Kutilek presented the Board with proposed Resolution 24-7, which seeks to expand the RTSD Executive Director's authority to reimburse approved costs (subject to existing budgetary constraints) incurred by road authorities (e.g., the City or the County) for costs incurred for crossing maintenance projects. The Resolution expands the authority provided by the Board in 2007 which only authorized the RTSD Executive Director to reimburse railroad companies for such crossing-related expenses.

Amundson moved to accept and approve Resolution No. 24-07.

Carlson seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-08: Consideration of Operation Lifesaver financial support

Figard informed the Board of the annual request from representatives of Operation Lifesaver, an organization dedicated to educate the public regarding railroad crossing safety. Figard suggested supporting Operation Lifesaver and provided the Board with a summary of the various support levels as proposed by the organization. Board members engaged in a discussion regarding the amount of financial support to provide.

Carlson moved to support Operation Lifesaver with a donation of \$1,000.

Amundson seconded the motion. On a roll call vote, Motion approved 6-0.

Order No. 24-09: Report of Project and Crossing Update

a. **33rd & Cornhusker Project:** Humphrey updated the Board on the draft environmental assessment, which has been submitted to Federal Highway Administration (FHWA). The RTSD is waiting for comments from FHWA. The RTSD's consultant, Olsson, Inc., will review and incorporate, as appropriate, those comments into the environmental document and resubmit it for subsequent review by the State and FHWA. Also, the Railroad Elimination Grant (RCE) Application period will be opening in May 2024, and the RTSD will be resubmitting its

application for the grant with comments incorporated from the debriefing on the prior unsuccessful grant application.

[Carlson departed the meeting at 11:48 am].

b. **SE Lincoln Quiet Zone:** Figard and Mark Meisinger provided the Board with an update and summary of the report prepared by Felsburg, Holt & Ullevig (FHU). The original project was initiated in 2021 and, since then, there have been several amendments to extend the term of the agreement. BNSF made a request to supplement the study in order to review traffic preemptions at an additional cost to the RTSD of \$50,000 FHU believes that this is not a requirement to establish a quiet zone, and Federal Railway Administration (FRA) has preliminarily agreed with this position. The 70th Street crossing has been annexed into the City, and the report provides FHU's preliminary cost estimates for the 12 crossings. These estimates do not reflect any concurrence of required equipment or revised cost estimates from BNSF or OPPD. Figard reiterated that the preemption study is not a requirement for creating a Quiet Zone and is awaiting a document from FRA to forward to BNSF and request cost estimates from the railroad.

c. **Misc./Other Railroad Work:** Figard reported that the City is presently working on hiring private contractor to remove three sets of tracks on NW 12th Street, and the City will likely request that the RTSD participate in the reimbursement of costs incurred for the removal of the tracks.

Allison Speicher of the City of Lincoln Parks & Recreation introduced herself to the Board as the Trails & Natural Resource Coordinator who is working on the Beal Slough undercrossing and connection to the trails, and Speicher indicated that the City will likely request possible funding from the RTSD for the project. The City is in the final design phase, and the City is working with OPPD to coordinate construction, which is anticipated in 2025. Speicher also reported to the Board regarding the South Haymarket Park crossings along J Street, which would connect the South Haymarket to the Chris Beutler Trail. The on-street trail would cross 3 BNSF at grade crossings. The City may seek possible funding from the RTSD for this project as well.

Order No. 24-10: Report of Other Matters - None to Report.

Order No. 24-11: Communications/Correspondence (Placed on File) - None to Report.

Order No. 24-12: Non-Agenda Items Public Comment

Andrew Foust representing Smart-TD and as a Lincoln resident made public comments to the Board. Foust thanked the Board for its commitment to Operation Lifesaver. Foust also commented on the train schedules along the SE Lincoln corridor and his concerns regarding the traffic congestion caused by trains blocking the crossings.

Amundson moved to adjourn the meeting

Schulte seconded the motion. On a roll call vote, Motion approved 5-0 (Carlson absent).

Next meeting(s)

- 1. Monday, June 3, 2024**
- 2. Tuesday, September 3, 2024**
- 3. Monday, December 2, 2024**

Meeting adjourned at 12:37 p.m.

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 03-05-2024