

RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting
April 24, 2001

Meeting Began At: 6:37 P.M.

Meeting Ended At: 8:25 P.M.

Members Present: Coleen Seng, Linda Steinman, Jonathan Cook, Larry Hudkins, Bob Workman, Jon Camp arrived during order 01-04

Members Absent: None

Others Present: Roger Figard, Tom Leikam, Bruce Sweney, Larry McNeel, Wynn Hjermstad, Bill Kuester, Clint Thomas, Roger Ohlrich, Tina Mackel, Fran Mejer, Ron Zimmerman, Mary Baker, Jake Von Busch, David Guilfoil, Roxanne Smith, Kip Hoveling, Danny Walker, Sue Dorffler, Roger Dorffler, Richard Halvorsen

Note: Order numbers are not in order. Listed in the order that the items were discussed.

Order No. 01-01 Call to Order. Approval of the Previous Minutes.

Coleen Seng called the meeting to order and apologized for the absence of tv coverage. She asked for a motion to approve the previous minutes.

Linda Steinman motioned to approve.

Bob Workman seconded the motion.

Motion carried 6-0.

Order No. 01-02 Report of Treasurer.

Roger Figard presented the treasurer's report for Richard Nuerenberger. As of April 12, 2001, the District had investments in various banks totaling \$10,302,167.65. A balance of \$2,178,512.40 was carried in the District's checking account as of March 31, 2001. The County Treasurer's balance for the District was \$1,407,400.04. He noted that there is a significant amount of money in the checking account because it is currently paying a better interest rate than some of the other accounts.

Larry Hudkins motioned to approve the treasurer's report.

Linda Steinman seconded the motion.

Motion carried 6-0.

Order No. 01-03 Draft Budget

Roger Figard presented the draft budget to be proposed in June. The operating budget for 2000-2001 is \$95,250.00 for which \$21,137.31 has been expended on the maintenance of the 3rd and 'F' Street underpass and also includes audit and legal fees and management support from the City. Next year, a budget of \$60,250.00 is proposed with an indication of a \$35,000.00 reduction due to the absence of maintenance for the 3rd and 'F' Street underpass. Public Works and Utilities Street Maintenance Department is proposing to put money in the operations portion of Street Maintenance to provide the maintenance for the underpass.

Project 1 is for railroad crossing improvements budgeted at \$250,000.00. This will be available for railroads both in the City and County to replace crossings that need repair or new crossing material. \$31,000.00 has been expended but a series of crossings will come up in the next year to improve crossings such as the one on South 13th Street.

Project 2, the Van Dorn relocation, is still waiting on a final audit.

Project 3 is for the strategic vision plan budgeted at \$100,000.00 for studies that need to happen in the future.

Project 4 is for the Union Pacific 'X' Street track relocation budgeted for \$3,000,000.00 expending just under \$ 2,600,000.00 and to re-budget the remaining balance to pay for bills that will not be paid out from monies this budget year.

Project 5, the Firth Rd overpass, is waiting on the County so that the study can begin. A balance of \$205,000.00 remains and is suggested that the money be available for next year's budget.

Project 6, Antelope Valley, budgeted for \$1,500,000.00 has not been expended, however we will be asking for authorization to sign an interlocal agreement that would authorize the transfer of that money to the City for the continued planning effort and functional design on Antelope Valley. Additionally, the District had continued to pledge \$1,500,000.00 to \$2,000,000.00 over the next 4 years to continue the Antelope Valley project as it moves ahead.

Project 7, South Salt Creek - 3rd and 'A' Street Overpass, budgeted at \$5,000,000.00 has expended \$87,471.00. A need for \$4,200,000.00 is needed to enter into a final design contract, working with the railroads for track work and to proceed on buying the right-of-way in the next fiscal year. The following year a suggested budget of \$6,800,000.00 will be needed to finish the overall project for a total of \$11,000,000.00.

Project 10, Southwest 40th, continues to be an interest with the railroads, the City and the County regarding a potential crossing. No money was expended and should be carried over.

Project 11, Journal Star 8th and 9th Street track removal, budgeted for \$200,000.00, has expended \$13,155.00. The remaining money should be carried over.

Project 12, Baseball Partnership Project, is pretty much done. The land acquisition, budgeted for \$250,000.00, has expended \$212,895.00. The pedestrian overpass, budgeted for \$1,000,000.00, has expended \$234,598.00. The City will be billing us for \$742,000.00 before

the end of the year so this money should not be carried over.

The proposed budget request for 2001-2002 is \$7,205,250.00. The RTSD, City and County will have to set priorities and modifications on those projects and spend some expenditures out if we want to maintain a minimum of a \$1,500,000.00 of cash in the bank

Larry Hudkins asked whether project 6 will be an at-grade crossing or an overpass.

Roger Figard replied that the current plan shows an at-grade crossing.

Larry Hudkins stated community concerns regarding at-grade crossings at 27th, 29th and 33rd and suggested an overpass over Cornhusker Highway.

Roger Figard will keep those comments on the table for discussion.

Jonathan Cook inquired about project 8, the Harris overpass. He wanted to know what the \$3,000,000.00 was being used for because replacement costs much more.

Roger Figard stated that it is a replacement of the structure, but that the District is imposed upon to provide the 20% local share. The Nebraska Department of Roads will be responsible for the remainder of the cost. A total project cost information sheet will be provided so that the Board members have some sense of total project cost in comparison to the District's portion.

Jonathan Cook asked why a 3 year period is needed for this project.

Roger Figard stated that design work is part of it, but mainly is due to the Nebraska Department of Roads funding availability. Those funds are shared across the entire state for bridges that need to be replaced on anything other than state highway systems. Construction will not occur until 2004-2005.

Order No. 01-05 3rd and 'A' Street Project Approval and Alignment Selection

Tom Leikam stated that the 3rd and A project would propose to construct an overpass on 'A' Street across from the Burlington Northern Santa Fe tracks which are located in the 3rd Street corridor. We are also proposing to remove the tracks along 4th Street, Union Pacific railroad tracks, which would eliminate ten additional at-grade crossings along 4th Street. For the preliminary development of the project, six alignment alternatives were developed.

Those alignment concepts are all variations of one single alignment with the difference being the amount that the new structure will be shifted south of the existing street. The six alignments would all provide access into and out of the adjacent neighborhoods in a similar matter. We would be proposing to construct new roadways at Southwest 1st Street, West Garfield Street and West 'B' Street to provide access at the west end of the structure. At the east end of the structure, we are proposing to construct a frontage road along the south side of 'A' Street

between 5th Street and 3rd Street which would actually cross underneath an overpass structure so access would be provided to both sides of the roadway.

The draft report was circulated to regulatory agencies. Sixteen reviewing agencies responded in which fifteen of those stated that there were no impacts on environmental resources which are within their jurisdiction. One agency returned it stating that they did not have the staff available to review it and responded with a “no comment” on the report. The public hearing was held on March 20th of this year in the Council Chambers. We had nine individuals who presented testimony on the project. Six of those that testified urged the Board members to select alignment 5. One of the individuals indicated that they were uncertain the project was needed, but if it were to go forward, they would prefer alignment 5. One other individual preferred alignment 4. One individual representing the business interests on the south side of ‘A’ Street stated that all of the alternatives would impact businesses along the south side. Their position was for the good of the overall community.

The project study team has identified alignment 5 as the recommended alignment alternative for this project. As part of that recommendation, we would also like to identify that the preferred alternative would include the construction of the new roadways and frontage roads along the south side of ‘A’ Street between 3rd and 5th Street. A lot of the businesses that would remain there like the idea of having a loop road to provide better access through that area. We would like to review that with these businesses. The Public Works and Utilities Department has identified the 4th Street corridor as a possible route for some utility improvements. We would like to coordinate any work being done on 4th Street so that we’re not constructing pavement that would then need to be torn up for future utility construction.

Jonathan Cook inquired about the future of the 5th Street track regarding restrictions on the use of it in the future.

Roger Figard had some discussions with the railroad. Their legal representation was quick to point out that they have every right to reasonable service. However, they are more than willing to work with us in being very careful to not encourage new traffic and to work with us in future projects to preserve the corridor.

Jonathan Cook asked if we could reach some agreement where they would agree not to serve any new customers and to not use that track if Gooch’s were to no longer need their service.

Roger Figard replied that he would need to take that under advisement with legal representation. We’re more than willing to continue to work on that with the railroad.

Jonathan Cook asked about a letter in reference to the 7th and Old Cheney railroad crossing regarding directional horns.

Roger Figard forwarded this to Bruce Sweney. He indicated that the directional horns at crossings are not accepted at the national level and that they are not an automatic replacement

for the trains blowing their horns. We need to do the 3rd and 'A' Street project, see what happens with the abandonment south and then perhaps address those issues. The one thing that Burlington Northern Santa Fe has stated is if we want to try directional horns, we would have to own it and maintain it. Because it is experimental and there are some uncertainties, they would still be required to have horns on their train, and we would still have to have gates, lights, bells and whistles. Right now, I just do not feel comfortable making a solid recommendation to you that it's a good expenditure and approach to make right now.

Bob Workman asked about the suggestion regarding a light at Southwest 1st and 'A' Street.

Roger Figard stated that it has to have certain traffic counts or certain pedestrian crossings. The uniform manual on traffic control devices contains ten different warrants. You have to meet at least one of them before you are legally allowed to put one in. This would go on the list like any other intersection in the community. I think it would be appropriate to get it built, check the traffic counts and see if we really have access problems or accident problems first before we make any kind of any absolute commitment.

Bob Workman asked if the funding would come out of RTSD.

Roger Figard replied that it is the City of Lincoln's responsibility.

Coleen Seng asked Roger if this request was on the list to be evaluated.

Roger Figard replied that it is not, but will be added.

Coleen Seng asked for public comment and reiterated that the staff and consultants are recommending alignment 5.

Danny Walker (427 E Street) stated that he feels it is very important that we put forth every effort to do something about the spur leading into Central Lumber. He hopes there is some way to make some kind of provision from the railroad regarding a heavy increase in traffic. He also believes that the air and ground rights and screening are very important. He stated a concern regarding access for emergency vehicles. He also wanted to inform the Board that at least 80% of the property on the south side is either for rent, for sale or for lease. He is for alignment 5 and would appreciate the Board's concession.

Mary Baker (120 A Street) is for alignment 5, because it would have the least affect to those who live along that corridor. She asked if the traffic would increase from 35 to 70 trains per day.

Tom Leikam stated that those are projected amounts and is based upon future growth to the south.

Mary Baker inquired about the budget and maintaining the 3rd and 'F' underpass.

Coleen Seng said that it probably would not get budgeted from the RTSD budget.

Mary Baker asked about the bridge to South Street that is in very bad condition.

Roger Figard said that the bridge analysis is done and the results have been sent to the Nebraska Department of Roads in hopes that it will be eligible for bridge replacement funds through the Nebraska Department of Roads. He has asked City staff to start discussions with the Nebraska Department of Roads to see how that could be funded, because it cannot be built with District funds. The beauty of the 'A' Street alignment to the new structure is that you can continue to drive on 'A' Street as it exists today while much of the bridge is being built. We will be looking at how we should coordinate the two projects to reduce conflict, but promises that they will be done at the same time.

Mary Baker asked if 1st Street will be built so that we can get out or you going to do the overpass and then do the side roads.

Tom Leikam stated that it is part of the final design. We are going to have the existing 'A' Street in service where you can utilize the existing street and make those connections. We can make the construction of the new access roads to the west side and coordinate that with the construction phasing to minimize the impact to the access in and out of the neighborhood during the construction.

Jonathan Cook asked if we will be able to provide the neighborhood a time line showing when particular parts of the project will be completed and when there will be public meetings or presentations.

Tom Leikam stated that we will continue with a proactive public involvement. We would propose to have an open house meeting ahead of the construction and through the newsletters, we can update them on the status of the project and the tentative start dates. It's excellent to keep the public involvement process going through the final design as well. It has been very beneficial so far through the preliminary design of the project.

Gary Irvin (645 D Street) asked about 1st Street in reference to limiting construction to keep us from getting into a flood plain issue as far as in-filling with more people. He also stressed the need for a light at Southwest 1st Street.

Kip Hoveling (220 E Street) doesn't want to see anyone get hurt. We need to stop the trains from hitting the houses.

Jake Von Busch (245 A Street) asked if alignment 6 takes a little white house on 2nd Street.

Tom Leikam replied that no homes will be taken.

Jake Von Busch supports alignment 5.

Imodine Talley stated that the neighborhood north of 'A' Street is on the National Register of Historic Places. One of three men in 1867 gave land to the state. In 1967, no one knew about a 'K' Street overpass. But at the same time, it was mentioned in 1952. This took 24 years for anyone outside of government personnel to know anything at all about an overpass. There is a number of other things that has gone wrong in our neighborhood. When the 2nd track on 3rd Street was first mentioned, we were told it was for workers at Salt Hill Road Plant. Then this turned out to be a second coal train track. When the first track was put on 3rd Street, it was stated there would only be one track there, now there is two. We were only shown five proposals, now there are six and not by South Salt Creek suggestion. Now a proposal for a bike path. We already have a bike path going west on 'A' Street to the creek. The area north of 'A' Street is on the National Register of Historic Places so ½ of the street is historical. The 1977 comp plan, it says State rail planning is largely federal funded. So 'A' Street cannot be closed.

The Act of 1906, Congress passed the Historic Sites Act which declared it a national policy to preserve buildings, sites and objects of national significance regardless of ownership. Since this is historic, some of this cannot be done. There should be no overpass there to begin with.

I pick up my little granddaughter in the morning to take her to school and at 6:30 this morning, there was a train stopped on the track. Then two other times today, I had to drive to Van Dorn to get across a track because they were stopped again. The last time was about 3:30. Then there was a woman who called me before I came here and said it was about 11:00 that the train was stopped on the track for 2-1/2 hours. This is not done in any other neighborhood in the City of Lincoln.

Jonathan Cook made a comment on the blockage of the crossings. DiAnna Schimek has a bill in the legislature that would give the municipalities more authority to levee fines against the railroads. But right now, we can do almost nothing when a train blocks a crossing for long periods of time.

Linda Steinman stated that there is a problem with this in the County. The area around Firth also has problems with this.

Roger Figard stated that the recommended action is that the Board accepts the environmental report, selects alternative 5 and authorizes the project to be built.

Linda Steinman motioned to approve the project with alternative 5 to be preferred.

Jonathan Cook seconded the motion.

Bob Workman asked if there was any way we could set aside a certain amount of money for the light at Southwest 1st Street so we wouldn't have to wait for the City's list.

Roger Figard promised that it will be studied soon. It isn't a challenge in getting the study done or to receive funding.

Coleen Seng asked how many warrants have to be met and if those are state warrants.

Roger Figard stated that they are federal warrants. You have to meet one primary warrant. There are some warrants that are not significant warrants. I think it's important for the community to remember that every action we take has an equal and opposite reaction. Installing a traffic signal or the wrong signs at a location creates another set of problems. We would really want to evaluate that before we recommend it.

Jonathan Cook added that he plans to support alignment 5 and feels that there has been overwhelming community support for that option. He liked the draft environmental assessment document and thought it provided a lot of good information. He was pleased with Olsson Associates efforts on this along with Roger and Wynn.

Roger Figard stated that Board's approval of this project also makes the assumption that we go ahead and get the final signatures from the Federal Highway Administration on the environmental document so that we can move ahead.

Jon Camp reiterated that communication during the process is needed.

Motion carried 6-0.

Order No. 01-04 3rd and 'A' Street Project Authorization for Eminent Domain

Roger Figard asked the Board to take the necessary steps to pass a resolution that identifies by statute the right to use eminent domain. The Board would be authorizing the use of eminent domain for acquisition of right-of-way if needed on this project.

Linda Steinman moved that the RTSD Board authorize the use of eminent domain for acquisition of right-of-way if needed.

Bob Workman seconded the motion.

Motion carried 6-0.

Order No. 01-06 3rd and 'A' Memorandum of Intent (MOI) Agreement

Roger Figard referred to the copy of the MOI agreement and the City executive order 61931 with the Mayor's signature signing on behalf of the City. This agreement is the financial arrangement that commits the railroads to their participation in the expenditure amount for this project. They have asked the Director and the Board Chair to sign this agreement. The dollar

amounts are identified in the executive order agreement. The City does not have any dollar costs in this part. This Memorandum of Intent has to do with the construction of the off-site tracks and the work necessary so that 4th Street could be abandoned. By authorizing your signature, this would let the railroads and the District move ahead with force account agreements and to start building the tracks that they need to build up near the airport. My request of the Board is to authorize us to sign so that we can go ahead and work on the force account agreements with the railroad. The Board and myself would be authorized to negotiate in those force account agreements to these amounts, sign those force account agreements and allow railroad work to move ahead while our consultant finishes the final design before we start construction.

Larry Hudkins moved to approve the Memorandum of Intent agreement.

Linda Steinman seconded the motion.

Motion carried 6-0.

Order No. 01-08 3rd and 'A' Design Agreement

Roger Figard recommends and suggests to the Board that the consultant, Olsson Associates, under the leadership of Tom Leikam, has done not only a outstanding job in coming up with project and engineering alternatives, but also in working with the neighborhood. Because of the successful involvement and the effort of Olsson Associates, I would like to recommend that the District extends the current engineering agreement to let Olsson Associates do the final design phase of the project. The current agreement calls for Olsson Associates to do preliminary design, environmental work and the public process. It also stated that if they were successful and at the option of the District, we could negotiate with them to move ahead. I would ask that you authorize myself to do the negotiations with the City, Urban Development staff and our legal staff and authorize the Board Chair and the Executive Director to sign that engineering agreement.

Linda Steinman moved to approve the design agreement.

Jonathan Cook seconded the motion and added a thank you to Tom Leikam for a job well done.

Motion carried 6-0.

Order No. 01-09 Non-Agenda Items

Roger Figard stated that the Board's primary objective is not to own real estate and infrastructure and to maintain it. I am suggesting that we prepare an additional interlocal agreement between the RTSD and the City of Lincoln in which the District would ask the City of Lincoln to accept the ownership and the maintenance of the 3rd and 'A' Street project after it gets built. In that interlocal agreement, it would include language that the City would be willing to buy the right-of-way and use its condemnation power if necessary. We would want

Clint to buy right-of-way for the District on this project as a City employee and would ask to make sure that the City understands that they'd be authorizing the use of their eminent domain power if necessary to buy that right-of-way as well. I think it's extremely important that when the District builds something, we are assured that whether it be a County, State or City government, they will be prepared to take ownership and maintain it.

Jonathan Cook asked what exactly will be written in the agreement regarding maintenance.

Roger Figard replied that it would include not only owning and maintaining. A sentence or two would be added in reference to maintaining the appropriate landscaping and the appurtenances that were built and intended to be maintained for the character and the quality of the corridor. I'd be happy to run the language by all the Board members.

Linda Steinman added that the RTSD will be held responsible for that maintenance even if the City has taken it over. People will come to us to find out why that agreement isn't working. I would suggest that it not only be forwarded to the City Council for their approval, but also to the RTSD.

Larry Hudkins asked Danny Walker on his view regarding the light at Southwest 1st Street.

Danny Walker stated that given the flow of traffic, it is going to be a high necessity. Keep in mind, our neighborhood is growing. We have new duplexes, single family homes, triplexes and a grocery store going up in that area. The traffic will increase.

Mary Baker asked if the original landscaping will be provided for in the project.

Tom Leikam replied yes.

Roger Figard added that it is easier to provide for the maintenance of something that is built and installed. The 3rd and 'F' underpass is being maintained because we put the appurtenances in there. With this project, it will be built and landscaped to start with, then the responsible department will do that.

Linda Steinman motioned to approve with a stipulation to include having the RTSD give their approval as well as the Lincoln City Council.

Roger Figard proposes to ask for your authorization to prepare an interlocal agreement for the District that Coleen and I would sign that says that the City will own and maintain the infrastructure and use the right-of-way and do condemnation. It will then be forwarded to the City Council. When the agreement is drafted, I would be more than happy to run it by all of you so you can see the language before Coleen and I would sign it.

Larry Hudkins seconded the motion.

Motion carried 6-0.

Order No. 01-07 Antelope Valley Interlocal Agreement

Roger Figard stated that each year, as the District budgets to provide money either in support of a County or City project, the Board does not automatically authorize the expenditure of that money. If the District is doing it's own project and we have contracts, we bring those contracts back to you for execution and authorization to sign. We use the interlocal agreement to authorize transferring or expending money to either the City or the County for projects that the RTSD Board helps to fund. The District did budget \$1,500,000.00 in this current fiscal year to assist in planning. I'm recommending that it is appropriate for the District to transfer that money over to the Public Works Department for their Antelope Valley account to continue to pay for those efforts.

Jon Camp motioned to approve the agreement.

Bob Workman seconded the motion.

Motion carried 6-0.

Coleen Seng asked the public for any additional comments.

Danny Walker wanted to reiterate that the Board should monitor the area west of 1st Street. It should be a higher priority to the neighborhood than the 'A' Street overpass.

David Guilfoil (615 West D Street) asked about the time frame before a final set of plans will be done and where they will be located for the public to view.

Tom Leikam replied that we will be looking at possible construction starting in the fall of 2002 contingent upon right-of-way acquisition. I would image that the final construction documents would be done sometime in the summer of 2002 . The plans will be located at Engineering Services as well as our office.

Coleen Seng motioned to adjourn meeting.

Linda Steinman seconded the motion.

Motion carried 6-0.

Meeting adjourned at 8:25 P.M.

Prepared by: _____
Tina Mackel, Public Works & Utilities