

RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

March 5, 2002

Meeting Began At: 10:05 A.M.

Meeting Ended At: 11:00 A.M.

Members Present: Coleen Seng, Bob Workman, Ray Stevens, Jonathan Cook, Larry Hudkins

Members Absent: Glenn Friendt

Others Present: Roger Figard, Fran Mejer, Dick Nuernberger, Larry McNeel, Bruce Sweney, Tom Leikam, Don Thomas, Bill Kuester, Harlan Layton, Tina Mackel

Order No. 02-01 Call to Order. Approval of the Previous Minutes.

Seng called the meeting to order. Hudkins motioned to approve the minutes. Stevens seconded the motion. Motion approved.

Order No. 02-02 Report of Treasurer.

Dick Nuernberger presented the treasurer's report. As of January 31, 2002, the District had investments in various banks totaling \$11,903,410.52. As of January 31, 2002, a balance of \$3,653,364.66 was carried in the District's checking account. As of February 28, 2002, the County Treasurer's balance for the District was \$34,905.82. He noted that on February 22, 2002, \$400,000 was transferred from County Collections to the checking account. Workman motioned to approve the treasurer's report. Stevens seconded the motion. Motion approved.

Order No. 02-03 4th Street Crossing Reconstruction Agreement with NDOR.

Figard stated that this agreement allows the removal of the tracks in 4th Street where we are able to eliminate 14 crossings on the corridor from Saltillo Road to J Street. The crossings include Saltillo, 14th, Old Cheney, Pioneer, Park, South, A, B, C, D, E, F, G, and J. The approval of this agreement acknowledges the authorization for the State to make the payment of \$70,000 to the RTSD. This money will go into the project budget to help pay for the reconstruction of the street at those track crossing locations. The County was part of the original interlocal agreement and was in agreement to have these tracks removed.

The Board has approved moving ahead with the final design. The alignment has been selected and the funding for the project is in the current budget.

Workman motioned to approve the 4th Street Crossing Reconstruction Agreement with NDOR. Cook seconded the motion. Motion approved 5-0.

Order No. 02-04 3rd and A Construction and Maintenance Agreement with BNSF.

Figard stated that this agreement allows for the parties to build a new bridge at 3rd and A Street, roadway approaches, storm sewers and reconstruction of street crossings at the BNSF 5th Street spur track. The RTSD will be responsible for the preparation of the final plans and will see that the project gets built. The City will assume ownership and maintenance responsibilities for the bridge, roads, approaches, and maintenance when completed. The City is acting as the agent of the RTSD in doing the appraisals, buying the right-of-way and doing condemnations that are necessary. It gets the railroad to agree and sign to allow the District to build the appurtenances in and over their right-of-way. It speaks to the new crossing and appurtenances in the 5th Street tracks which remain at-grade and continue to be operated in the future. This agreement would acknowledge the railroad's willingness to relinquish money to the RTSD to help pay for the project (\$500,000.00).

Stevens asked for an explanation of where the viaduct starts and stops and what happens to the existing A Street.

Tom Leikam from Olsson Associates replied that the existing overpass structure will start at approximately 1st and A Street. At that point, the new roadway alignment will shift to the south of the existing street and will go across the 3rd Street BNSF tracks and will touch back down near 5th and A Street. The existing roadway along A Street will remain in place to provide access to those homes that front A Street along the north side. We will remove the existing street crossing at the 3rd Street tracks so that will be closed. A Street will tie into 3rd Street on the east side. On the west side, there will be a turnaround constructed and 3rd Street to the west of the tracks will remain open to the south and 2nd Street will remain open to the north, as well as 1st Street to the north. Access in and out of the neighborhood for people that live west of the 3rd Street tracks, a new roadway will be constructed along Southwest 1st Street. This road will run a block north to B Street and tie back over to 1st and B Street.

Workman asked about a possible need of a light west of 1st Street on A Street.

Figard replied that our consultant did a complete study and analysis. We will be sure and forward that report to all of you.

Leikam added that this past fall, traffic counts were taken at the side street intersections along A Street. The volumes did not meet the warrants for a traffic signal.

Stevens motioned to approve the 3rd and A Construction and Maintenance Agreement with BNSF. Workman seconded the motion. Motion approved 5-0.

Order No. 02-05 Interlocal Agreement with the City on Ownership and Maintenance Responsibilities for the 3rd and A Street Overpass.

Figard stated that the primary purpose of this agreement is to allow the District to coordinate with the City for the purpose of acquiring the required easements and/or rights-of-way for completing the construction of the viaduct and related improvements as required. The City will assume ownership of the project's structure and appurtenances upon completion and at its expense, maintain the structure and related improvements constructed pursuant to the project.

Hudkins motioned to approve the Interlocal Agreement with the City on Ownership and Maintenance Responsibilities for the 3rd and A Street Overpass. Stevens seconded the motion. Motion approved 5-0.

Order No. 02-06 Interlocal Agreement with the County for Funding Support on Firth Overpass.

Order No. 02-07 Interlocal Agreement with the County for Funding Support on South 68th Street at Hickman Overpass with BNSF.

Figard stated Order 6 covers an agreement that includes the right-of-way acquisition in 2001-02, the current budget of \$205,000 and to cover \$2,400,000 of construction money for Firth Road Overpass in 2002-03. The first one is an interlocal agreement that covers funding for right-of-way acquisition on Firth Viaduct in 2002. Order No.7 is for the design of the Hickman Overpass in 2002. By approving these agreements, it will authorize the expenditure of these monies in the budget for the County. If Don Thomas and the District are going to expend money for right-of-way in this fiscal year, it would be appropriate that there is a commitment from the Board to follow through with the budget next year for the construction authorization.

Hudkins motioned to approve Order No. 6 and No. 7 for funding support on the Firth Overpass and Hickman Overpass. Stevens seconded the motion. Motion approved 5-0.

Order No. 02-08 Draft 2002-03 Budget.

Figard noted a slight increase in management to cover inflation on the agreement amount of the engineer that provides management for the District. There is also a slight increase in auditing services. The budgeted amount for auditing services is being spent by the time they help prepare the budget, do an audit and evaluations. Railroad crossing improvements are at an estimated \$250,000. We may be involved in some larger crossings in the upcoming year, including Kawasaki and South 14th Street near Wilderness Park. The name of Project 3 has been changed to Emergency and Safety. A project called the Strategic Vision Plan has been budgeted at about \$250,000. A suggestion was made to add the word "study" to line 3 and would propose budgeting \$75,000 for smaller miscellaneous projects that would come up in that area.

Hudkins asked why the Antelope Valley project funds were decreased from \$1,500,000 to \$1,400,000 and what the \$1,500,000 covers.

Figard replied that it was done to help cash flow for the District. The \$1,500,000 is for final design. In next years budget, there will be a possibility of buying some right-of-way and doing some construction work. The City is doing final design right now and will be starting to buy some right-of-way out from the Salt Creek down to the Burlington Northern tracks.

Hudkins asked if an overpass is being considered at 33rd and Cornhusker.

Figard replied that it will become an underpass during phase 2 of the project. The plan intends to eliminate both 35th and Adams as an at-grade and 33rd at BN and build the underpass at 33rd.

Hudkins stated that the community is very concerned about having an at-grade crossing at 29th, 30th, 33rd and anywhere on Cornhusker because you can't clear that intersection. He asked Figard to consider going over Cornhusker Hwy with at least one of those crossings.

Workman noted that on the cash flow, the tax revenue is stated conservatively at .02 per \$100, rather than the allotted .026.

Figard stated that he would like to move it back up to .026, but would rather not add to Don and the City's budgets and then have to take it away later on. Figard stated that here is one item regarding the North 27th Street Viaduct Audit Fund. He clarified that another viaduct will not be built on North 27th, but that he received a preliminary final audit bill from the State for \$134,000+. His approach was to put the money in the budget because it is a potential liability. He asked for the Board's concurrence to ask our bookkeeping and accounting firm to do an audit and receive all those books on that project to be assured that the District really owes that money and it is appropriate for us to pay the bill. We have also been carrying a project with the Van Dorn relocation for \$10,000 for final audit. He will take an assertive role and get the State to finish those audits so that we can get the books cleared up. We should also run through all of the old projects and make sure they are finalized out and audited. We will be asking Uebberhein and Associates to do the investigating on these.

Seng asked if Uebberhein will be asking us to authorize some excess funding.

Figard will find out and get an estimate. He feels that we can stay within the operating budget even though the auditing dollars would go over.

Hudkins moved to grant the request to review those projects. Stevens seconded the motion. Motion approved 5-0.

Order No. 02-09 Non-Agenda Items.

Harlan Layton (740 Skyway Road) addressed the Board on the future of widening South 14th Street from Old Cheney to Pine Lake. People going westbound on Old Cheney should go down Warlick and cross the railroad over Hwy 77 instead of going straight through and crossing the railroads tracks. Close Old Cheney at the tracks and replace the bridge on Salt Creek. For people on the west side that wanted to walk over, a walkway could be put over the creek. Warlick should be swung around to make a 4-way corner at Old Cheney and 14th. He added that the Board members should think about an overpass on 70th and Cornhusker.

Figard commented that the new long range comp plan does call for looking at 70th and Cornhusker and Cotner and 84th with the idea that as that area grows, the whole thing may need to be rebuilt. 70th Street may end up as the last at-grade crossing. If the new long range plan is approved, this is in there as part of the comp plan update. The State is currently studying Hwy 77 from Saltillo Road to I-80 for the conversion of that facility from an expressway to a freeway. At the same time, the City in the long range plan is studying growth to the southwest as well as a number of other areas. Several of the alternatives that Harlan was eluding to at 14th and Warlick are being evaluated. As the new comp plan

is approved, we would be in a position to move ahead with some of those. We have had a consultant study done and have some possible options on the reconstruction of 14th and Old Cheney and Warlick.

Workman asked how we would eliminate the at-grade crossing on North 70th.

Layton replied that we would lower 70th Street and make Cornhusker go a little farther west, then come down. Eliminate the railroad crossing on 70th and replace it with an overpass going north on 70th over the tracks and continue with that overpass over Cornhusker. The overpass on Cornhusker will have to be repaired eventually. When it is repaired, you can work on both of them together and run it farther west.

Workman asked if ADM would be affected by this.

Layton replied that it will not affect them. ADM could buy the area west of the street where the storage buildings, etc. are.

Workman commented that ADM is having some thoughts about some new trackage and that the RTSD needs to be thinking about this in relation to ADM's business plan also.

Hudkins asked Figard what the Board could do to help enhance Kawasaki's request for a 2nd crossing over Northwest 27th and Fletcher. The general manager came before the County Board. The local citizens, school district, etc. feel that 2 crossings are needed.

Figard stated that the Board could prepare a letter to Kawasaki or to UP lobbying for this. The Mayor did send a letter to UP requesting a meeting on-site. Our staff is trying to set up a meeting to include several County Commissioners, UP and Kawasaki to readdress that issue and long range growth and business.

Seng added that it would be appropriate to ask staff to check in with ADM also. If a motion is made, we should include both of them to give some authorization to be pro-active in both instances.

Figard asked the Board to remind the Director that it's incumbent on the management of the District to interact with the City, the County and the Planning Department to make sure all of those issues are looked at both in the long range plan and annual capital improvement programs. As a Director, he will take comments and thoughts and put it through the study, but advised the Board that they need to be careful where they promote adding at-grade crossings and how it will affect safety, accidents, etc.

Workman stated that ADM is a different situation. He made a motion to make contact with ADM to discuss what has been talked about today and to discuss their immediate needs for additional trackage.

Stevens seconded the motion.

Hudkins added that Kawasaki also has those immediate needs as they get ready for their car line. He moved to amend the motion to include this same type of contact with the general manager of Kawasaki. He would like Figard to contact both of these entities and seek what their immediate needs are and do whatever we can to help facilitate those needs.

Cook seconded the amended motion.

Workman asked to keep these motions separate because they are two separate issues.

Hudkins feels that the Board owes the same courtesy to both companies and sees nothing wrong with contacting both of the general managers and visiting with them about their needs.

Workman disagreed because Kawasaki wants to keep a crossing open and ADM may be closing a crossing.

He asked Roger if Kawasaki has ever been contacted by the RTSD on their issues.

Figard replied that they haven't. There is a meeting that is in process of being set up. He attends these meetings looking out for both the RTSD as well as the City. The County Board is also included in that. He asked Commissioner Hudkins if the meeting that is being scheduled now serves this purpose.

Hudkins replied that he thinks it's important for the RTSD Director to contact both of these entities separately ahead of that meeting so that they can make any personal comments directly to the RTSD.

Seng stated that there is an amendment before the Board to add Kawasaki to the original motion. Motion approved 4-1.

Seng asked if there was any discussion of the original motion. Motion approved 5-0.

Cook asked about the railroad traffic volumes at Hwy 2.

Figard replied that the volumes are about 5-10 trains a week. It would be very difficult to justify a full grade separation. The City Council did get a letter that the railroad was willing to operate outside of two windows, rush hour in the morning and afternoon. They are also working on doubling the train speed. This would cut the closure time in half at each of those crossings. The other thing we've talked about is a possible travel advisory. If you're on Old Cheney and approaching 56th, 48th, 40th, or 14th Street, we could alert drivers that there is a train. The drivers could then travel west to Hwy 77. The railroad was not comfortable in blocking any more time, but if they increase the train speed, it will reduce the closure time.

Cook asked what kind of involvement that the RTSD would have at 14th and Hwy 2 if the at-grade crossing was eliminated.

Figard replied that the District funding would be eligible to assist, but not sure if it would be a full funding. It would be legal to recommend some of those dollars to assist the City.

Workman motioned to adjourn the meeting. Stevens seconded the motion. Motion approved 5-0.

Prepared by: _____
Tina Mackel, Public Works & Utilities