



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 14, 2004

**Revised 6-24-04**

Meeting Began At: 09:00 A.M.

Meeting Ended At: 09:55 A.M.

Members Present: Deb Schorr, Ken Svoboda, Bob Workman, Jonathan Cook, Ray Stevens

Members Absent: Glenn Friendt

Others Present: Roger Figard, Dick Nuernberger, Bill Kuester, Jan Crouch, Fran Mejer, Scott Cockrill, Roger Ohlrich, Tina Queen, Harlan Layton.

### **Order No. 4-07 Call to Order. Approval of the Previous Minutes.**

Schorr called the meeting to order.

Workman motioned to approve the previous minutes. Stevens seconded the motion. Motion approved 4-0. Cook was absent for this motion.

### **Order No. 04-08 Report of Treasurer.**

Dick Nuernberger presented the treasurer's report. As of May 27, 2004, the District had investments in various banks totaling \$5,400,879.51. As of May 10, 2004, a balance of \$669,186.09 was carried in the District's checking account. As of May 15, 2004, the County Treasurer's balance for the District was \$113,445.44.

Stevens motioned to approve the treasurer's report. Svoboda seconded the motion. Motion approved 4-0. Cook was absent for this motion.

### **Order No. 04-09 Election of Officers.**

Figard stated that the President can be either from the City Council or County Board.

Workman motioned to nominate **Deb Schorr** for **President** and **Ken Svoboda** for **Vice-President**. Stevens seconded the nominations. Workman motioned to cease nominations. Svoboda seconded the motion. Motions approved 4-0. Cook was absent for these motions.

Stevens motioned to nominate **Bob Workman** for **Secretary**. Svoboda seconded the motion. Motion approved 5-0.

**Order No. 04-10      2004-05 Budget & CIP.**

Figard presented the changes of the previously proposed budget. No projects were added.

1. Railroad crossing improvements - was a total of \$250,000 and has been increased to \$285,000 (\$250,000 for City, \$35,000 for County) - will give more flexibility.
2. Draft CIP Budget - \$2,890,100 increased to \$6,055,000. \$500,000 was proposed for the Harris Overpass based on the City entering into a contract with the RTSD. The State money is not eligible until construction is underway. The project is intended to be funded by the local share by the RTSD and the other 80% by **train mile tax\*** from the State. In order to enter into an engineering contract, the District must have in its budget the full amount so that the District may enter into a contract and reimburse the City for the engineering. All of this is included in this year's budget so there is sufficient money to cover the contract but would not be spent this fiscal year. \$1,000,000 would be spent the first year, \$500,000 the second year, and the remainder the third year.
3. Southwest 40th - increased \$120,000 to finish engineering and move into preliminary and design phase. CIP sheets do not include construction for Southwest 40th.
4. South 68th @ Hickman Overpass - previously budgeted at \$30,100 was increased to \$50,000 - suggested increase to County to cover any final and remaining expenses on right-of-way or design.
5. A Street & Salt Creek Bridge - District's reimbursement to the City for the crossing improvements, changing out the signals and lights on the west side of Salt Creek where the Amtrak line goes across, shouldn't be a full \$500,000.

In the March budget, expenditures were estimated at \$2,200,000. Now the estimated expenditure is \$4,400,000 of the total budget and CIP. Of the nearly \$10,000,000 budgeted last year, about \$5,500,000 goes back into the operating accounts to be rebudgeted.

The cash flow sheet shows the end of year cash balance being fairly healthy. Figard referred to the handouts relating to the proposed crossing projects. Those estimated RTSD costs are not intended to be the full project cost. If you add those projects up, there is \$24,000,000 worth of potential projects which does not include the Southwest 40th construction which is another \$4,000,000. Figard recommended to go to the County Board and request the levy at 0.026 because other significant projects are coming up.

Figard referenced the map which depicts every crossing in the County. The prioritization is based on the exposure rate which is the number of trains per day on a crossing times the number of cars. The goal is to take this inventory and work with the County and City to make sure that it is all correct. This information will be used to slowly work into the 6 year and beyond to recommend priority projects. Phase II of Antelope Valley is not on this list and is not in the City's 6 year CIP which includes an underpass at 33rd just south of Cornhusker Highway and an underpass at 29th and Cornhusker by Schrieber Foods.

Not all the engineering is done for the Waverly project. Figard will talk with Don Thomas about billing out the \$20,000 budgeted for this project.

Cook asked about an overpass at Old Cheney at 6th Street and also about the Highway 77 connection. Figard replied that if the City, County, and NDOR would choose to keep Old Cheney open across Highway 77, the traffic and train volumes on Old Cheney will continue to have a high exposure rate. It is important for the District to keep that on the list so that funding could be reserved and acknowledged as a potential crossing. It would be a difficult project to do especially with having to build thru a park with environmental issues.

Cook asked why the Pioneers intersection is not listed. Figard will check the exposure rate on that crossing.

Stevens stated that the City had previously stated that they had no plans to do anything with Pioneer Boulevard in terms of making it a 4-lane. The County Engineer previously stated that it would be possible to put in a wide 2-lane bridge. The County looked at that, but there was no interest from the City or the State.

Figard stated that he has been negotiating with the railroad over the last month regarding Southwest 40th. The railroad's priority is with the work in the west yard. We are waiting for a new cost estimate from the railroad on what their potential costs for resignalization might be. We would then be in a position to lobby the Commons to agree for a closure of 40th Street at-grade.

Cook asked about the crossing at 27th and Highway 2 and if the RTSD would help with the funding. Figard replied that money would be eligible to help with that from the railroad crossing improvement money budgeted. The cost to completely redo the signals and the crossing is about \$250,000 which would eat up the entire crossing funds.

Cook asked about the maintenance of facilities the RTSD installed. These burdens are now on the City. He suggested revisiting this decision based on the City's budget.

Workman felt it was inappropriate to ask the RTSD to take that on. Workman commended Figard for looking at North 70th and Cornhusker Highway. He does not think Old Cheney Road at West Bypass is appropriate to build an overpass. Warlick Boulevard should become West Old Cheney Road.

Schorr asked about the timeline for Firth and 68th Street. Figard replied that Firth is cleaned up. The 68th Street project has been moved out a bit and funding was increased for flexibility in case the County needed to add some additional sidewalks, trails, etc.

Stevens asked how much RTSD will spend thru the end of the fiscal year. Figard stated that there is still \$500,000 that could still be paid out.

Cook asked about the history of RTSD funding of ongoing maintenance of railroad crossing improvements. Figard replied that other than 3rd and F, the District had not provided ongoing O & M money. 3rd and F was the first project in which the District specifically had a line item budget and was removed. The City has further budgeted and included a funded additional FTE to take on 3rd and F, the 3rd Street corridor, and the City's added responsibilities at the 3rd and A park area. Figard stated that the legal representatives said it would not be illegal for the District to do the maintenance but that it is not necessarily appropriate or in the lines the Board has taken.

Figard reminded the Board that they will only be approving next fiscal year's budget. The remaining years are for planning purposes only.

Stevens asked about Antelope Valley - proceeding on schedule as outlined, commitment of funds for next year, and allocation of funds for the next 4 years. Figard replied that the City's CIP states that Antelope Valley is a priority project. They took a 6 year program and stretched it out to 10 years. The Big T can or will be built in the schedule laid out with the assistance of the RTSD funding. There may be a request in years 3 thru 6 for additional funding. Once we find out what happens with the next highway bill, it may increase the request of this organization. We should know that by fall for next year's budget.

Workman motioned to approve the budget as proposed today including the recommendation of asking the County Board for a 0.026 levy. Stevens seconded the motion. Motion approved 5-0.

**Order No. 04-11      Review/Renew Legal Service Contract.**

Figard stated that we need to formally sign contracts to renew our continued legal services. There is a minimum \$500 retainer. The associate time is \$75 an hour which is the same as last year. The partner time is recommended to go from \$110 an hour to \$120 an hour. This is the first increase since Crosby Guenzel started doing work for the District. It also states that they will not exceed expenses of \$200 without prior approval.

Stevens asked about the length of the contract. Bill Kuester replied that the contract is for one year and can be terminated at any time.

Svoboda motioned to approve/renew the legal service contract with Crosby Guenzel. Stevens seconded the motion. Motion approved 5-0.

**Order No. 04-12      Review/Renew Accounting/Auditing Contract.**

Figard stated that Micek and Crouch prepare the budget each year and answer auditing questions. Last year they estimated costs at \$7,000 and this year they estimate \$7,500.

Stevens would like the contract firmed up. Figard stated that page 6 is the signature page for the contract. Fees are listed on page 5.

Svoboda motioned to approve/renew the accounting/auditing service contract with Micek and Crouch. Workman seconded the motion. Motion approved 5-0.

**Order No. 04-13      Definition/Naming Executive Director**

Figard stated that the City Engineer has been called and has used the term Executive Director on contracts. In reviewing all the administrative language, there was not anything formally approved by the Board naming an Executive Director and the duties. Bill Kuester prepared a resolution. It does not change the impact of anything but gives formality and legality to using that term on contracts and documents.

Stevens motioned to approve the resolution as written. Svoboda seconded the motion. Motion approved 5-0.

**Order No. 04-14      Non-Agenda Items.**

Harlan Layton made some comments about Firth. The railroad crosses 82nd Street about 1/3 mile north of Firth Road. Between Pella Road and Firth, they put in a cut thru and put an overpass on everything except Oak Creek. North of the tracks and east of 82nd, there are 14 lots with 7 houses.

North of Pella Road there are 8 lots with 6 houses. There are 7 houses between Princeton Road and Pella Road. If the fire department has to come out and can't get up 82nd because one train just went by and another blocked it, they have to go a mile west to 68th, a mile north to Pella Road, a mile back east to 82nd and south on 82nd. On the west side of 82nd, they are putting in 10 - 12 lots.

Harlan previously had talked to the County Engineer about taking off of 82nd Street and not crossing the tracks, swinging west and hitting Firth Road west of the viaduct. The County Engineer had told Harlan that he didn't want an interchange at the end of the viaduct. The interchange at the end of the viaduct like on North 27th Street is not like Firth because the west end ground is level. The County should look into this because it would be cheaper to swing a road from 82nd over to Firth. Go right across Firth south and hit 82nd south of Firth and eliminate the crossing by the elevator. This way the fire and rescue departments can go south on 82nd and north on 82nd without having to worry about trains.

Harlan Layton also brought up that getting on Highway 6 is a lot safer on 98th than it is on 91st which is a double track.

Schorr thanked Harlan for his comments and will forward them onto the County Engineer for discussion at the future staff meeting.

Cook stated that the next meeting date is set for September 7th; 10:30 - 11:30 a.m..

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

**Prepared by: \_\_\_\_\_  
Tina Queen, Public Works & Utilities**

**\* - train mile tax should read "federal bridge replacement"**