



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

March 1, 2005

Meeting Began At: 10:34 A.M.

Meeting Ended At: 11:47 A.M.

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

Members Absent: Deb Schorr, Glenn Friendt

Others Present: Roger Figard, Dick Nuernberger, Bill Kuester, Scott Cockrill, Karl Fredrickson, Bruce Sweney, Roger Ohlrich, Fran Mejer, Tina Queen, Harlan Layton.

Order No. 05-01 Call to Order. Approval of the Previous Minutes.

Svoboda called the meeting to order.

Workman motioned to approve the previous minutes. Stevens seconded the motion. Motion approved 4-0.

Order No. 05-02 Report of Treasurer.

Dick Nuernberger presented the treasurer's report. As of February 15, 2005, the District had investments in various banks totaling \$3,564,108.47. As of February 17, 2005, a balance of \$317,401.30 was carried in the District's checking account. As of February 15, 2005, the County Treasurer's balance for the District was \$140,681.79.

Stevens motioned to approve the treasurer's report. Workman seconded the motion. Motion approved 4-0.

Order No. 05-03 Draft 2005-2006 Proposed Draft Budget & CIP.

Figard - The one page budget sheet we sent out with the long agenda showed expenses thru Jan 31st but did not show a proposed budget for the next year. The sheet I just handed out lists that information. My goal is to share with the Board a draft budget and talk about the projects listed. The top third of the sheet is an exact duplication of the current operating budget year. I would recommend keeping that total (\$63,950) the same as we have had them in the past for operating.

In the middle of the sheet is railroad crossing improvements. In the past we have always budgeted \$250,000 for crossing improvements. Last year the total was \$285,000. I would recommend that we budget \$250,000 for crossings within the City and \$50,000 for crossings in the County.

The lower third of the sheet is actual CIP projects. Between now and June 30, some of this years budget will still be expended on projects. Whatever is not expended this year will be rebudgeted next year. There is a new project listed in the first year. It is a proposal to partner with the NRD to build a trail undercrossing along Salt Creek west of 1st and J under the Burlington Northern Santa Fe railroad bridges. Glenn Johnson from the NRD is willing to recommend to his Board to partner on a 50-50 basis with the RTSD to build that undercrossing. The estimate of \$125,000 was based on the cost of the trail underneath the bridge just south of the ballpark that cost approximately \$250,000. Glenn and I think the estimate might be a bit high but we'd prefer to be conservative. I would recommend this project be added into the budget.

My other recommendation is to request from the County Board the 0.026 levy to finish paying for ongoing projects and those that are coming in the future.

Cook - Is 14th and Highway 2 included in the miscellaneous railroad improvements?

Figard - We could take money out of miscellaneous railroad improvements or emergency safety funds. My recommendation to both the County and City has been the District would reimburse them for those applicable costs to replace crossing material, gates, lights, signals, and safety issues that deal with the railroad crossing itself. We have committed to doing this work within the next year.

Workman - I appreciate the new project on J Street. I think the proper solution is the underpass by the Salt Creek.

Stevens - What is the project listed under the County crossing improvements regarding removing existing and installing a new OPPD line to Nebraska City?

Figard - I still need to talk with Don Thomas. If that work hasn't been done, we will rebudget for it. If it has been done, he needs to get me a bill. This would not have anything to do with a power line. It would be changing the material crossing components of the railroad tracks that OPPD owns on their line.

Workman - What is the status of the crossing on North 162nd?

Figard - I do not have an update from the County on whether have that done.

Stevens - Do you anticipate spending the Firth Road funds between now and the end of the year?

Figard - I think it's just about wrapped up, but whatever is not expended will be carried over to the next budget year. The South Salt Creek/3rd & A Overpass is mostly cleaned up. We should have all the bills paid and finalized. It shows we have spent \$111,989 and that may be all the City is eligible to receive back. That one would be done as well and should fall off this year.

Workman - What about the \$1.3 million remaining for the Harris Overpass?

Figard - We have a consultant working on that. I will project out what fees they won't get paid yet this year and rebudget those next year. The project has been slow because of the Downtown Master Planning and the questions being asked. The Harris Overpass needs to react to the Master Planning

effort and what the community says they want to do. Our consultant is assisting in some of that effort but we are not charging ahead with any kind of final design.

Stevens - What are the possibilities of shortening the overpass?

Figard - There are active discussions going on right now between the railroads as well as the community and the railroad and how they would fit in a Master Plan. There is some potential for some consolidation, some removal, and they could shorten the tracks. The one thing I remind people is just because the physical part of the bridge over the tracks might get shortened overall in the Master Plan, O Street may be better served by staying up in the air to allow other redevelopment roads to go underneath it and get circulation in and out.

Cook - I'd like to hear from the County Board members whether or not the tax levy is likely to be at the level that's recommended.

Workman - There is a lid involved so it will depend on some of the other entities involved.

Stevens - A couple years ago the request from the RTSD was reduced a little bit. The districts in Malcolm and Raymond areas have been short changed on a short term basis when Kawasaki was annexed. The Board looked at that and the needs of those fire districts. We made a slight adjustment which gave them the money they needed and reduced the RTSD a tenth of a point. It wasn't a big change and was restored the next year. My feeling is this is a series of good projects and I would hope that we could maintain the maximum levy for the RTSD.

Order No. 05-04 Southwest 40th Street Interlocal Agreement.

Figard - From the RTSD standpoint, Southwest 40th remains a high priority and location to provide a grade separation and separate the car and pedestrian train accidents. Southwest 40th is intended to be a City project. The interlocal agreement that was in your packet deals with the potential of maximizing a funding opportunity between some major stake holders to build a viaduct at that crossing and to build temporary road connections back into the existing Southwest 40th Street and let the City and community deal with the timing and priorities. The District is strictly a funding partner.

The City really has four significant partners for this project. The RTSD is being asked to budget money. The State has been willing to bring train mile tax to the table to pay for almost 50% of a theoretical structure over the railroad tracks. The County has brought dollars in as well. The County also went to the State and has now leveraged additional federal bridge replacement dollars to build a bigger higher bridge that would fit the viaduct profile. The County will participate \$.76 million which includes the County's money of approximately \$100,000 along with the State's contribution. We have a significant opportunity to put together agreements that tie down the State's funding, the County's funding including that from the State, the District's funding with the City agreements, and a railroad agreement. The intention would be to put the agreements in place and physically close the crossing sometime this summer while we go ahead and finish up all the documents.

The City has in its possession an agreement signed by the State of Nebraska agreeing to their \$4 million of train mile tax. I believe we have a draft agreement from the County with all of the State funding laid out. I don't believe the County Board has acted on that agreement but I'm relatively confident that there shouldn't be a problem. I am going to Kansas City tomorrow and Thursday to a

conference and will further discuss with the railroad the concept of the agreement . The railroad has agreed to contribute their 5% of the theoretical structure which is \$400,000. They've been willing to include an up front immediate payment of \$100,000 for the immediate, permanent closure of the at-grade crossing this summer while we wait until 08-09 to build the overpass.

There will be a slight adjustment on what will be budgeted for this project. In the agreement and CIP, it showed \$4.1 million. When we actually totaled up the difference between a theoretical and an actual structure, the District's share would be estimated to be at \$4.34 million.

With all four agreements in hand, I would schedule those agreements to be put on the City Council agenda and the County Board agenda. We have five partners going together to build this overpass in 08-09. My intention of having you authorize the Board Chair and myself to sign the agreement with the adjustment from \$4.1 million to \$4.34 million is so that I could take the next steps in getting the railroad agreement and forwarding it onto the County Board and City Council.

Cook - Is the theoretical structure based on an average bridge of this type?

Figard - The federal statutes say a railroad is required by law to participate to the local entity 5% of a theoretical that you is built from from touchdown to touchdown. It wouldn't include any amenities like sidewalks, trails, etc.

The Board did authorize in the budget to increase our contribution to Southwest 40th and have the consultant continue on with final design of the structure. We still need to evaluate whether or not we build all the 4 lanes or if we will phase part of that before we actually go to construction. I will advise the Board of our recommendation before the City goes to contract.

Cook - Is the reason we're getting this extra money from the railroad because they want to close the crossing this summer?

Figard - Yes. I told them I felt they had to make a good faith offer to show both Board something more than just the 5% particularly since the structure itself is at least 3-4 years out in the future.

Cook - What is the amount you might get if we didn't close it and left it open until the time we build?

Figard - The best I can hope for is to leverage the 5% which would be \$400,000. We would also be securing the agreements and nailing down the State's money. The railroad is willing to sign an agreement now only if we close the crossing this summer.

Workman - Where is the other \$6 million coming from?

Figard - I believe that is part of the City's challenge as it looks at future long range transportation plans and CIP's. It is shown in the Comp Plan but not the CIP. If that is all annexed into the City, I really see it more of the City's responsibility to come up with the additional funding.

Workman - What would be some alternate roads to travel when this is closed?

Figard - If the crossing is permanently closed while we wait for the structure, they can drive back into town and come across Highway 77 or they can hit the O Street connection near Pla Mor.

Workman - Have you had any sense from the neighborhood if this would be objectionable to them?

Figard - Throughout the public meetings, we believe the overall sense was that if a viaduct would be built in the future, the community would be willing to live with the closure now because they can't get thru most of the time.

Workman - Why couldn't this project be started earlier?

Figard - The State couldn't advance us the \$4 million before that time frame.

Workman - How about the City coming up with their \$6 million ahead of time?

Figard - If the City came up with their \$6 million, I would expect it to get spent on the road and then you've still got \$4 million to make up what the State can't give us.

Workman - So you're in a hurry because you want the \$4 million from the State?

Figard - I'm in a hurry to secure the guarantee of that \$4 million from the State.

Stevens - I see two projects. You were talking about the total project from A Street to O Street which included the bridge. You've broken this down into an overpass of \$9.6 million and the road that will come at a later time, but at least we will have eliminated the contention with the railroad. What we really need is a funding agent to loan us some money to accelerate the process.

Figard - I suppose that would be an option. We had not fully discussed with the State whether they could reimburse us after the fact. I'm more than willing to investigate those options. The District could come up with the additional money, but that would spend down our cash balance and wouldn't give us much flexibility for any other projects. It will take us a while to finish the final design and get all the right-of-way issues taken care of. We'd have to have cash in the bank to be able to guarantee City payment. There is a bill at the legislature today to consider whether or not the RTSD should be afforded bonding authority. I would guess the City would struggle with the current pressures on it to advance \$4 million out for this viaduct and would not be an option.

Stevens - I'm not willing to close Southwest 40th Street this summer and not open it back up until 2009. I read the agreement between the City and the RTSD and I think it's a good start to move in the direction of doing an overpass. I want to figure out some way to not torpedo the project in its entirety, but to make sure if the railroad needs to close Southwest 40th this summer to install new tracks, they will reopen Southwest 40th when they are finished and keep it open until we're willing to build a bridge. In reading the comments of the people that live around there, there are some people that say they use it all the time even though it's a problem. If they start down that road and they can't get across, they do a u-turn and find an alternative route. Some people said if they're going to close Southwest 40th for four years, you might as well close it permanently.

Figard - I'm sure the railroad will cease all negotiations with us if we tell them that they're going to have to build new crossing gates, lights, etc. They generally agree that we ought to just close the

crossing period and not build an overpass. I'm willing to try to find some opportunities to help you support moving the project forward. Before we go into a new budget year, I think the State will take their money and begin to put it into other projects across the State. Southwest 40th and Northwest 40th are important mile line connectors in the interim while Lincoln continues to grow. I agree with you that as the City works on a new long range transportation plan, there needs to be some other corridors. I think they are in addition to the need of Southwest 40th thru our community. I think the subarea plan that was recently adopted on the airport adds credibility to that corridor serving a bigger purpose. I will try to move the construction date of that structure up.

Stevens - Can the railroad delay their project a year? If they delayed their project for a year and we were able to somehow move up the overpass a year, we could reduce the potential closing by 50%.

Workman - Can you tell us the percentage those tracks are closed by trains and also how many vehicles make it thru each day?

Figard - 40% of the time it is closed and traffic counts are about 1,700 cars per day. We ran a model and found that if the train wasn't there and you look at overall traffic in the community, we were looking at 5,000 - 10,000 cars a day. It could be a well traveled and well used corridor if they could get thru.

Cook - What are your projected volumes on this 20 years out?

Figard - I don't have those numbers in front of me. I will get the you what the current long range plan states.

Cook - How much cheaper is the two lane versus a four lane bridge?

Figard - That evaluation would be part of the final design in which we would make a recommendation to the City and the County Board on what we'd actually go to construction with, either a phased viaduct or a full viaduct.

Cook - And how does that work in with the time line because we'd be making a decision on what to build after you've secured this funding?

Figard - I would have to visit with the State. I would propose that any savings would stay in the RTSD budget. At the time in the future if we decided to build a wider structure, then the District would be the one that would pick up the bill on the rest.

Cook - So you're saying we'll get them to pay whatever they agreed to pay regardless of what we billed? They will pay for their portion of a four lane structure. We'd build a two lane structure.

Figard - I'll have to go talk with them about that. A couple of things we really need to analyze is if we build the two lane structure, how much would it cost to come back and finish it. We need to make sure we're efficient with tax dollars that are being paid. If it felt appropriate to recommend building

something less than a four lane, I'd have to have further discussions with the State on whether their full commitment of \$4 million would still be on the table or if it would be rationed back.

Workman - I do support this project. My question is if we approve this contract today, does it water down your ability to negotiate with the railroad and get a shorter time span on that closing?

Figard - I don't really think so. I think it actually strengthens my position with the railroad particularly with some of those caveats. If you approve this agreement, I wouldn't even care if you amended it or put in there that the Director would use his best efforts to move the time frame up. I think the railroad feels very strongly about wanting an at-grade crossing because of safety and operations. The issues that we're dealing with right now really have to do with the legality of terms on vacation and abandonment, not the contribution. I think the railroad would worry about the possibility of this falling thru. If we don't get the State funding, I don't think there's any way that the City, County, and RTSD can take it on by themselves. This area plays a key role in other things that might happen in the downtown and depot area. To consolidate some of the tracks or abandon some of the tracks there and to ever have the hope of taking the Hastings line, BN has got to build some more tracks thru that 40th Street crossing. They need to be able to build them at a higher speed than a 5 mph train and they are going to be very reluctant to do that. Even if they do it, the train numbers will go up and the crossing closure time will go up as well. The problem we have today is only going to get worse in the future.

Cook - At this particular spot, how fast do the trains travel?

Figard - They travel between 5 to 10 mph because that's all their circuitry will allow them to do. There's a lot of complicated things that go into improving speed that I don't have all the details to, but you can't just speed up the trains. All the warning and preempts and all the electronics would have to be changed.

Cook - Sometimes it's not the percentage of the day, but how long you'd have to wait. Your average intersection is closed 50% of the day because of the red light, but you only have to sit for about a minute.

Figard - Those trains are getting longer as BN continues to haul that clean air coal back east. I just expect the closure to get longer and longer.

Stevens - The railroad is willing to give us \$100,000 for four years of closure. I'm not that cheap. We're running 1700 cars a day thru there now. When we get above 400 cars a day on County roads, we hear from constituents all over the place about the roads not being able to handle it. I would say if you have a road that will handle 1700 cars a day, you don't want to do anything to disturb that. One of the comments made at the open house was that A Street can't handle the traffic that's on there now because people can't go across 40th Street. A Street really needs to be improved.

Figard - We do have a viaduct on A Street. If we can do some of those other improvements, at least people coming back in can get across the main corridor.

Stevens - If 1700 people are using A Street, what kind of load does that put on A Street?

Workman - I think the 1700 cars a day tells a story that we need to do something about it. It's not going to get better as time goes on. **I would move that we authorize the Board Chair and Executive Director to sign the agreement and forward onto the Lincoln City Council with the caveat that the Executive Director negotiate in good faith with the railroad in an attempt to reduce the closure time during the railroad's construction project.**

Svoboda - Second.

Stevens - I think that the RTSD seems to be the only stable funding agent in this whole project because we don't spend money we don't have. I think this is a great project. I disagree with how it's put together and may turn out and I would hate to be the one that is holding up progress on this. I want it understood that I am not in favor of closing Southwest 40th Street for four years and any subsequent votes on this project would reflect those feelings on my part.

Workman - I understand Commissioner Stevens concerns. I'm trying to look out 25 -50 years. If we wait 10 more years, we're going to be in a real mess. I know there are problems with Northwest 48th Street. The new plan for the airport/airpark area really puts this road in a favorable position to eventually go over the interstate. I will support the motion.

Motion was carried 4-0.

Order No. 05-05 Project Updates.

Figard - You each have a copy of a power point presentation that I am intending to give at the Kansas/Nebraska Highway Railway Conference in Kansas City. The whole point and purpose is to present how Lincoln and Lancaster County took the opportunity of a tremendous vehicle and the success story that we have had in the area because of the RTSD. I would like to go thru and show the power point for people that watch or perhaps put a clip on Channel 5 in the future. It shows a significant reduction in crossings across our City. Some of those the District cannot take full credit for because there has been some bankruptcies and some consolidations. In 1975, there were over 200 crossings in Lincoln. Today there is around 100 crossings. In 1953 - 1967, there were 55 deaths attributed to train accidents in the Lincoln vicinity. From 1983-1990, there were six deaths. Since the City has taken over the RTSD in the 90's up to today, I don't believe we have had any fatalities. The whole point is to show how this community has taken advantage of something and served the community well.

The entire time I've been with the District, we've always had an expense account for travel in the budget. I will be submitting a bill to the Board to pay for my hotel room and mileage. There wasn't a conference registration fee since I am a speaker.

Cook - Are the 100 crossings within the City of Lincoln or the entire County?

Figard - It is generally in the Lincoln area within the LRTP.

Cook - Do you think crossing arms are a major factor in the improved technology?

Figard - I think gates and lights played a big part. I think our Comprehensive Plan clearly says and mandates that a strategy in the future is to grade separate the major rail crossings and our arterial streets throughout the metropolitan area. If you look on the long range plan, we've tried to identify where there should be viaducts in the future, both in the County and City. Eventually I think the best protection is not having an at-grade and having a viaduct if you can justify it and have the cash to do so.

Workman - This looks like a good presentation and I'd like to have you consider giving it at our Tri Meeting. This month we've cancelled the meeting between the Lincoln Public Schools, the County Board, and the City Council because of lack of an agenda item. This does pertain to the schools and to the City and County.

Figard - I want to give Rick Haden a lot of personal credit for assisting in helping to put this together at no cost to the District. Without his assistance, I wouldn't have pulled this together in time.

Cook - I'm wondering if we could get electronic copies and maybe put this on the City website. It would be nice for people to have some background.

Figard - The RTSD website needs some updating. I think it's one of the best kept secrets in the County as far as an organization that has dedicated funding and is committed to improvements.

Order No. 05-06 Non-Agenda Items.

Harlan Layton (740 Skyway Road) - *What the handout consists of is a map cut up that shows from County line south to Lincoln, Firth south. The first two pieces of the map shows railroad that is on the County map, when that map was made I don't know for sure. The second two pieces shows what is out there that is not shown on the County map as of to date. The County map shows a double main line from Firth Road up to Panama. When you get farther north, it shows the UP going down past Saltillo. When you get down around Firth, you have a double main line across South 96th Street all the way up to east of 68th Street. That is a double main line all the way. When you go farther north, the UP section is not there anymore thru Wilderness Park, but you have a double main line from about a 1/2 mile south of Bennet Road all the way into Lincoln.*

I went to a meeting at Norris School when they were talking about cutting the Firth hill down and putting overpasses in. They were going to quit at Panama Road and that is where double main line was going to quit. Why quit there when between Panama Road and 68th Street, there is nothing. No road crossings, no nothing. Why don't you extend on thru there. They weren't interested in that. Before they got onto this Firth hill, they had made an application to go across Panama Road and go up to 68th Street. So the business is going to keep coming and eventually you're going to see a double main line from 68th Street up to where it connects on there south of Bennet Road which is going to put a double main line from Southwest 96th Street all the way into Lincoln. They'll have trains parked out there both ways waiting and that's not moving the traffic. You get the viaduct in down the road over 68th Street at Hickman and they're going to request to go on thru.

And about Hickman...it's going to be a while. I don't know how far the viaduct will go south on 68th Street, but there is a crossing up there on east 2nd Street that goes into south of the tracks to a park. They have gates there. That is a single line going thru there. To me I think the people should look at

maybe coming into the park from the south, either from 68th or from Stagecoach Road and eliminate that crossing. If you don't and they double main line that, then you've got a situation where you've got some kids in the park and they are supposed to be going on. There goes a southbound train. The kids are waiting there not thinking much about it. The tail end goes by, gates or not gates, they're going to run underneath them. Here comes a northbound train at the same time. Anytime you have grade crossings at the same level, it's not if an accident is going to happen, the question is when.

This other thing is on Firth. Right now the rescue department, they can east and west on Firth, but they can't go north on 82nd. They will either have to go to 68th and go around or if they're going to a house that is down there on Gage Road, they have a long ways to go to get to them because 96th could be blocked and if there blocked there by the elevator, there you are. There is houses going up. I suggested at that meeting at Norris that coming off of 82nd over to Firth and another guy suggested going south so you could get out of there without worrying about a train. But they thought the speed limit was too much at the bottom of a viaduct. The speed limit down there now is 45 mph until you get past the viaduct and then it goes up to 55 mph and the west end of the viaduct is on level ground. There are more houses and acreages going up down there and everything else and there is a going to be a catastrophe.

Workman - We will have Roger pass those comments along to the railroad. The next meeting is scheduled for Monday, June 13th @ 8:00 a.m.

Stevens motioned to adjourn the meeting. Svoboda seconded the motion. Motion carried 4-0. Meeting adjourned.

Prepared by: _____
Tina Queen, Public Works & Utilities