



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

March 7, 2006

Meeting Began At: 10:35 A.M.

Meeting Ended At: 11:47 A.M.

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

Members Absent: Deb Schorr

Others Present: Roger Figard, Randy Hoskins, Bill Kuester, Bruce Sweney, Susie Filipi, Charlie Wilcox, Fran Mejer, Virgil Dearmont, Ed Ubben, Glenn Johnson, Larry Hudkins, Tina Queen, Harlan Layton.

### **Order No. 06-01 Call to Order. Approval of the Previous Minutes.**

Svoboda called the meeting to order.

Stevens motioned to approve the previous minutes. Marvin seconded the motion. Motion approved 5-0.

### **Order No. 06-02 Report of Treasurer.**

Figard presented the treasurer's report. As of January 23, 2006 the District had investments in various banks totaling \$1,635,783.96. As of February 21, 2006, a balance of \$2,526,806.60 was carried in the District's checking account. As of February 21, 2006, the County Treasurer's balance for the District was \$15,458.34.

Stevens motioned to approve the treasurer's report. Marvin seconded the motion. Motion approved 5-0.

### **Order No. 06-03 Draft 2006 - 2007 Budget and CIP.**

Figard stated that the primary objective is to give some insight on the budget for additional input and consideration between now and June. Railroad crossing improvements have been budgeted for \$250,000 for City improvements and \$50,000 for County improvements. Emergency and safety has a total of \$150,000 and if the Board prefers, a "such as" project list can be added to the budget sheet. Salt Creek railroad underpass west of 1st and J has been rebudgeted. A rep from Lower Platte South NRD is here to talk about an amendment to the agreement between the RTSD and the District. It speaks to a smaller amount of money. 3rd and A Street shows a balance of -\$248,139 which means the final check from the railroad was received. This money will go back into the account balance total and will reduce the overall District cost in that project. Referring to the cash flow sheet - the cash flow will drop below the usual \$1.5 million in 07/08 and will go negative in 08/09. Because money doesn't carry over, the District has to budget the entire contract amount in that fiscal year but is

rarely paid out in that first year. The flow of funds sheet shows how those capital improvements are laying out. The big expenditure in 06/07 is Southwest 40th Street at \$5.3 million but that will pay out over a two year period. Approximately \$4 million will be coming from the State of Nebraska which will help with cash flow.

Marvin asked if there are dollars in railroad crossing improvements that can be used to increase some of the traffic flow capacity at 14th and Highway 2.

Figard replied that the District is a proposed contributor out of the City crossing funds and will be paying for most of the new crossing and the new signals. It is not an appropriate use of RTSD funds to increase capacity but not improve safety.

Cook noted that emergency safety and studies has \$150,000 budgeted in 06/07 but drops to \$75,000 in the out years.

Figard stated that emergency safety is usually underspent and that lowering the budgeted amount to \$75,000 will maximize cash flow.

Cook asked what the difference is between emergency safety and studies and crossing improvements.

Figard replied that the County or City may have specific crossings that they want to improve. This money would come out of crossings. The emergency and safety money could be used for studies or for other things that come up like Waverly. Cook would like Roger to get the maximum amount that has been paid out of the emergency and safety funds.

Stevens wanted the public to know that the RTSD is participating in several major projects including Antelope Valley Phase I - \$1.3 million, Harris Overpass - over \$1 million, and Southwest 40th Street - \$5.3 million. This equals over \$7.5 million that the RTSD is partnering with the City of Lincoln to work on road infrastructure as it relates to railroad crossings.

Figard stated that when the budget is submitted in June, he will be requesting the full levy amount of 0.026.

**Order No. 06-04 Amend/Review Salt Creek Railroad Underpass West of 1st and J.**

Ubben stated that this agreement was approved by the RTSD Board at the last meeting. When it was presented to the Lower Platte South NRD Board, they wanted to reword the agreement slightly. In coordination with the RTSD attorney, an agreement was made on the wording.

Figard stated his recommendation to the RTSD Board was to keep enough money in the account so that if the NRD and RTSD had to do the entire project locally with no grants, the District would have enough money to share 50/50 for the project. The way the agreement is rewritten, more for the comfort of the NRD Board, shows what the NRD share would be if they get the grant. If they don't get the grant, then the NRD would need to decide whether or not to move ahead.

Workman motioned to approve the amended Salt Creek Railroad Underpass West of 1st and "J" Street interlocal agreement. Stevens seconded the motion. Motion approved 5-0.

**Order No. 06-05      Non-Agenda Items.**

1.      Review Revised Hickman Viaduct Interlocal Agreement

Dearmont stated that the original agreement stated that the construction date was scheduled for 2009. Roger and Don Thomas got together based on the budget and decided to delay it one year and is now scheduled for 2010. Since that time, there have been discussions with the City of Hickman's Engineer. The water transmission line that goes south out of town may be done the year prior to the actual road construction. Paragraph 5 is the only thing that reads different from the original agreement.

Figard reiterated that the construction year was agreed upon by the County Board due to some other County road resurfacing.

Stevens stated that in anticipation of closing South 68th Street, a plan was approved by the County Board to pave four miles of South 82nd Street. The Board looked at several alternatives and delayed the project a year because the Board was interested in a permanent hard surfacing as opposed to a temporary one.

Stevens motioned to approved the revised Hickman Viaduct Interlocal Agreement. Marvin seconded the motion. Motion approved 5-0.

2.      Lancaster County Treasurer Letter - Novartis Personal Property Tax Refund

Figard stated that the District could have applied for a hardship ruling saying that the RTSD couldn't reimburse \$5,049.75. Figard has sent a letter back to the Treasurer indicating he should go ahead and make that dispersement back and to take it out of the checking account.

3.      Waverly Letter - Interest in Doing Work

Figard stated that Waverly will go ahead and do traffic counts and engineering. The goal would be that Waverly would come back and talk to the District in the fall/winter time when the budget is starting to be prepared for the following year.

4.      1st and J Study

Hoskins stated that 1st and J currently has about 77 low speed trains a day, but there isn't a good handle on pedestrian volumes. The existing crossing is probably not up to standards and does create some concern for people that have to use it, primarily students and residents of the area. This study would come out of the miscellaneous engineering line item and estimate the cost at \$25,000 or less to do the first phase of the study. A crash history for this location would be put together. The consultant would take pedestrian counts to determine the level of need and would come up with conceptual plans of what might be done to alleviate the conditions, do the environmental impact, and hold some public meetings.

Marvin asked when the pedestrian studies would be done because the numbers may be lower now due to the busing system.

Hoskins replied that this is a good time to start because school year counts and summer counts could both be done. The school district does have maps where all the children live. Those can sometimes be used to come up with some numbers as to who might possibly be interested in using this to get to certain places.

Marvin stated that Salt Creek won't be done before this pedestrian count study so it would be hard to determine whether that alleviates some of the crossing problems.

Hoskins stated that the consultants will be on-site watching to see where people are coming from and may be able to have a sense of who is coming from far enough west and can add it to their report.

Stevens asked what the timeline is for this study.

Hoskins replied that it would take approximately three weeks to get a consultant selected and then begin their counts.

Workman stated that this is a result of Commissioner Schorr's motion to study this crossing for the safety of the children and moved that this RFP for 1st and J Street be approved.

Cook asked when the other underpass along Salt Creek would be done.

Figard replied that the NRD is the primary holder and manager. The NRD first has to apply for a grant so it will probably be a year before it starts.

Hoskins added that an origin destination study could be done through the school. Surveys could be handed out at the school for parents to fill out. The study would probably cost more if an origin destination study was requested.

Cook stated that the origin destination study would be a useful tool.

Figard stated that the Board could defer moving ahead with further design or construction depending on the status of the Salt Creek Underpass and could choose to wait and review the information at that time and decide where to go.

Workman added that it would be beneficial to know traffic counts before Salt Creek improvements to see how Salt Creek affected the numbers.

Workman motioned to approve the 1st and J Street Underpass Study. Stevens seconded the motion. Motion failed 2-3.

5. 44th and Cornhusker Study

Hoskins stated that this study is aimed more at vehicular traffic than pedestrians and would be paid for out of the emergency and safety line item in the budget. This is one of the busiest crossings at-grade in the City. There are 52 trains and 2600 vehicles a day crossing at this location. The trains can be traveling at a speed of 79 mph. Data would be compiled

including a crash history over the past ten years, pedestrian and vehicle counts to determine the number of people impacted, develop conceptual plans and alternatives to evaluate what is reasonable and feasible, look at any environmental impacts, and hold public meetings. To get better numbers, a temporary closure could be done to see what will happen in this area as far as dynamics of the traffic and impacts.

Workman asked if Hoskins wanted this to be closed permanently.

Hoskins replied that there are only 2600 cars a day and isn't increasing so it wouldn't warrant an overpass, but there are some issues that need to be looked at and dealt with. There are some manufacturing places out there and the traffic is going to have to get in and out of this neighborhood somehow.

Workman asked if the Antelope Valley project would help with this problem and if this study is premature.

Hoskins replied that the Antelope Valley project is primarily looking at longer range trips. The 44th Street crossing is fairly limited.

Figard added that Antelope Valley phase 2, which would take Adams and bring it down around, provides a guaranteed future access. It would help but local circulation would still exist. Analyzing the trips and traffic would be very important to do.

Cook asked if the railroads could provide information on trains crossing.

Figard replied that the community has an appetite for information and data before changes are made. The goal is to approve this concept as part of next year's budget, but nothing would be done until after the 1st of July. There would need to be open houses and the citizens and businesses will need to know how many trains, frequency, etc. The calls and complaints regarding the new horn rule are significant. Currently trains blow their horns at 44th Street but wouldn't have to if 44th Street was closed.

Marvin expressed his concern that trucks will be traveling though residential neighborhoods and create pedestrian issues.

Figard hopes that truck traffic would be able to be identified and most would take 44th to Adams because it is an arterial street and provides a direct access in and out of that area without cutting thru the neighborhood.

Workman asked how much this study would cost.

Hoskins replied that it would cost approximately \$25,000.

Workman stated that knowledge is a good thing and moved to approve this RFP.

Figard stated that a preliminary plat has been submitted to the City of Lincoln, but do not know what Public Works and Planning's comments will be. In the spirit in fairness and openness,

the Board needs to be aware that there is a proposal on the table. There are buildings and pad sites between 41st and 44th and 44th to 48th. The proposal and preliminary plat show that the primary access in and out is 44th Street.

Richard Keith - "I'm appearing on behalf of Cornhusker Crossings LLC as a real estate developer. We do own a property which we acquired last year and we've been working on the engineering aspects and proposed development of that property. It just came to my attention that this was before the RTSD - the possibility of this study. As a real estate appraiser, I recognize how issues like this can impact real estate values, real estate uses, and also can impact the agencies that are trying to work with this type of property. Recognizing that factor, I thought it might be appropriate to visit with Roger and explain and what we were thinking about doing out there and sharing our willingness to try and come to the best solution for the City of Lincoln, RTSD and us as developers. We would be happy to continue with that spirit of cooperation and find the best solution for everybody. 44th Street is a key entry point to this. We were visualizing a mini-storage facility to the east of 44th which runs from 44th to 48th. We were also visualizing a small business part from 41st to 44th. Potentially there could be as many as 20 small businesses in there which we believe could generate some traffic and 44th Street is essential to development of those properties."

Cook asked Mr. Keith to show the area in question on a map.

Richard Keith - "It's an old parcel of railroad right-of-way. This is a 70' wide strip of property. I believe 44th Street access over to Cornhusker is important to this property. This property has almost a ½ mile visibility from Cornhusker Highway with the exception of the times we have 52 trains crossing through there. Other than that, it's pretty much unrestricted visibility. So it does have a positive visibility factor and of course with visibility comes accessibility, can you get there from here, is there an obvious way to get there. We believe that is the case with this property. We can't access these properties to the south and 44th Street through 41st Street which is part of our preliminary plat concept.

Workman asked Mr. Keith about his feelings on a possible study.

Richard Keith - "The study itself? I think it would be a very positive thing as a real estate appraiser that works on a lot of public improvement projects. I can see where this property may lend itself to solving some of the other problems with traffic through the neighborhood. Those are engineering issues and I'm not an engineer. But it may provide some linkages through that neighborhood that would solve those problems. Quite frankly the issue is before we spend a lot of money on this property in terms of grading and property development and building buildings through there, it's important that many of the issues that wouldn't be revealed by the study and other issues that Public Works may have in that area, I think it would be a good idea to look at those. We've owned this property for over a year. We finally got our engineering pretty much completed. We're in the preliminary platting stages but what we spent on development so far is not so exorbitant that there may be a reasonable resolution. If it doesn't look like a good site as a developer, I'm not married to this site. I'd be happy to go somewhere else and do something that isn't going to have a potential problem down the road."

Stevens stated that if the rail crossing were closed, there would be no access to those properties from the north and the grade separation at 48th prevents access. The only access would be coming from the south on 44th Street and 41st Street.

Workman stated that there used to be a road that went from 44th over to 48th that was another access and thinking that if this study is performed and Mr. Keith would have a propensity to be part of the solution, maybe it would be a better place for an exit road rather than storage.

Figard stated that what is being done with this study is consistent with the overall strategies that are in the Comprehensive Plan that talk about having grade separations at arterial streets and the primary rail crossings and to eliminate at-grade crossings to improve safety and reduce crashes. Communication needs to occur so no harm is done to future business and opportunities. If an opportunity is presented to improve traffic circulation in and around that area, Mr. Keith is willing to work together to be part of the solution, rather than part of the problem.

Richard Keith - "We would like to be part of the solution rather than part of the problem."

Workman stated that it's good to know about the storage units and business park so it can be implemented into the study. He also made an amendment to his motion that Mr. Keith and his organization be totally cognizant of what is going on with the study if approved and that they be consulted as this follows through.

Cook stated that he planned to vote against this study. It is not just an examination of options. The study is a feasibility study for a railroad crossing closure which has been the intent for years and was part of the discussion in Antelope Valley. A closure is not warranted. It is an important connection point and should stay.

Marvin agreed and will not be endorsing the study.

Stevens stated that he will vote in favor of this study. \$25,000 is a reasonable amount to find out what the options are. He added that he is not generally in favor of closing roads and fought very hard to keep the options open at Old Cheney and Highway 77, but more information is needed on this to find out if there are any alternatives to either keeping it open and having a potential safety problem or closing it.

Workman motioned to approve the 44th and Cornhusker study. Stevens seconded the motion. Motion failed 2-3.

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

**Prepared by:** \_\_\_\_\_  
**Tina Queen, Engineering Services**