



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 12, 2006

Meeting Began At: 8:35 A.M.

Meeting Ended At: 9:40 A.M.

Members Present: Deb Schorr, Ken Svoboda, Bob Workman, Robin Eschliman

Members Absent: Ray Stevens, Dan Marvin

Others Present: Roger Figard, Randy Hoskins, Bill Kuester, Kurt Micek, Bruce Sweney, Susie Filipi, Tina Queen, Harlan Layton.

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

Schorr called the meeting to order and introduced Robin Eschliman as the new RTSD Board Member.

Svoboda motioned to approve the previous minutes. Workman seconded the motion. Motion approved 2-0. Schorr and Eschliman abstained because they were not present at the previous meeting.

Order No. 06-07 Report of Treasurer.

Nuernberger presented the treasurer's report. As of May 30, 2006 the District had investments in various banks totaling \$1,635,783.96. As of May 31, 2006, a balance of \$4,128,002.41 was carried in the District's checking account. As of May 26, 2006, the County Treasurer's balance for the District was \$694,027.44.

Workman asked if the RTSD is earning any interest on the \$4,000,000.

Nuernberger replied that we are earning interest and recently switched the checking account over to American National. When the account was at Wells Fargo, they were paying a decent rate. The last statement received showed they were paying .14%. With American National, we are earning 4.6%.

Svoboda asked for some background on Heartland Community Bank.

Nuernberger replied that the bank is located in Bennet.

Eschliman asked how banks are chosen.

Nuernberger replied that money was in all the banks in the County at one time but we have been spending the money. We also pay attention to interest rates.

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

Order No. 06-08 Election of Officers.

Svoboda nominated **Schorr** for **President**. Workman seconded the motion. Motion approved 4-0.

Workman nominated **Svoboda** for **Vice-President**. Eschliman seconded the motion. Motion approved 4-0.

Svoboda nominated **Workman** for **Secretary**. Eschliman seconded the motion. Motion approved 4-0.

Order No. 06-09 2006-2007 Budget & CIP.

Figard explained the budget layout to Eschliman. An operating budget of \$63,950.00 is being recommended and is similar to last year. Railroad crossing improvements is budgeted for \$300,000, \$250,00 for City and \$50,000 for County.

The requested budget is for \$8,449,950 for July 1, 2006 - June 30, 2007. Concerning the cash flow sheet, year 07-08 we drop down to \$1.3 million but still comfortable that it is within the general guidelines. Some additional dollars have been programmed into the 6 year CIP. Two new projects were added for consideration.

- 1) 18th and Holdrege is the bridge on Holdrege just south of Bob Devaney. The structure needs to be replaced in the near future and is structurally deficient, but is not part of the Antelope Valley project. The RTSD could provide a 20% local match and go after federal bridge replacement dollars to replace that bridge.
- 2) 33rd and Cornhusker - This is part of Antelope Valley. By 2011, the current Antelope Valley Phase I, bridges will be done and 14th Street and 17th Street crossings would be closed. The next crossing to the east is 33rd Street. The underpass at 33rd could be constructed whether the City is moving ahead with Antelope Valley or not. This BN corridor has the highest traffic and largest exposure rate of any tracks in the County.

Figard distributed the Long Range Transportation Plan to look at the number of streets and train crossing that have exposures over 50,000. Exposure rate is the number of trains per day and the traffic volumes multiplied. Anything exceeding 50,000 is eligible for train mile tax and State money. The list is for people to look at and think about. A couple of the projects are already programmed i.e. Hickman and 14th Street. The list shows the top candidates that have the high exposure rate. There is more than \$100 million worth of possible structures. Old Cheney between 14th Street and the West Beltway is on this list. A determination of whether or not Old Cheney would stay on the list probably comes about as there is further discussion and study with the State when they upgrade the West Beltway to freeway status.

The east leg of the Big X on the Antelope Valley project has been delayed to 2011-2012. In years 4 and 5, we have added additional money to help with Antelope Valley Phase I. Southwest 40th Street has \$5.3 million. The railroad has been asking us to make the bridge longer. In 08-09 we added \$2

million. There is a possibility that the project has a potential of being delayed. We need to meet with the railroad to encourage them to participate in the extra costs. It is the railroad's right-of-way we are going across and they have certain rights. They are also somewhat limited by what the law says they have to pay for.

Schorr stated that Stevens expressed concern about this issue as well as if the project is delayed and if it will be closed that entire period of time.

Figard replied that is closed today. If we tried to reopen Southwest 40th, it would have to go all the way to the federal level. Even if we opened it up, 40-60% of the day there is a train across the tracks. We will know more by the next meeting. The delay is caused by the RTSD budget because of the longer structure request. If we are unable to prevail in significant contributions from the railroad and we are going to move ahead, it would seem that the delay is based on the RTSD budget and what we can afford. We have other commitments to Harris and South 68th Street. The \$5.3 million along with the State money of \$4 million and the County money was what we originally thought we could build the structure for, but is not enough for the added span. The notation at the bottom of the budget stating \$530,00 for Southwest 40th final design needs to be removed.

Workman asked if there is a contract between the RTSD and Railroad.

Figard replied that we have a signed Memorandum of Understanding, but we do not have a signed construction and maintenance agreement. Construction and operation maintenance agreements usually come after the final design is finished and all the details are worked out.

Workman stated that the RTSD should take the railroad to court.

Figard is working with Joel Pedersen on that. Railroads usually are in a much better negotiating situation than governments and local political subdivisions. They get relief from the National Surface Transportation Board. Figard has already talked to Joel about suing them for breach of contract. The goal is to move ahead and get them to participate in a fair contribution. They are now using the discussions that are going on with the Downtown Arena and if some of their tracks in the Depot area perhaps get removed, abandoned or consolidated, that further requires them to make sure they are protecting their full right-of-way at Southwest 40th in case they need to add additional tracks.

Figard asked that the RTSD Board forward this budget for 2006-2007 to the County Board with the maximum levy request of 0.026.

Workman stated that the County Board is committed not to go to the 17% bonus for the new tax assessment.

Eschlimann asked why support staff was over budget.

Figard replied that we were over in 2004-2005 because engineering staff had inadvertently charged some time. That will not be a problem in the future.

Svoboda asked about the notation that LB1306 limits the tax request of 0.026.

Figard replied that the State legislature set that maximum levy. The County Board has changed the levy request. There were a couple years in the mid-90's that we didn't even levy a tax for a year or two because we had \$15-16 million in the bank and several projects hadn't started yet.

Svoboda asked about the evaluation of improvement sheet and what exposure rate is.

Figard replied that the number of vehicles traveling the street times the number of trains that go across that street per day.

Schorr asked about South 14th and Highway 2 and what type of interchange would be foreseen.

Figard replied that we would have to go over 14th, both of the tracks, and Highway 2. One of the studies in the Long Range Transportation Plan is the entire Highway 2 corridor and to look at a combination of whether we should do grade separations or widen Highway 2. It would be something smaller than what we have on West Van Dorn and Highway 77. The City is doing a safety project on Highway 2 right now. There are very few trains on that track and is limited to only a couple trains per day.

Eschlimann asked if the management costs and support staff costs are billed at the end of the year.

Figard replied that by interlocal agreement, a certain percentage of his salary is paid in the management fee and would be billed this month. The support staff keeps a time sheet.

Eschliman asked about Adams and NW 12th and if it's targeted to be completed before the end of this fiscal year.

Figard stated that we are rebudgeting that money because there is no way we will get that bridge repair started. The City is currently working on a contract on the repair for that.

Svoboda motioned to approve the budget as proposed or amended by the Board including the request for the maximum 0.026 levy request. Workman seconded the motion. Motion approved 4-0.

Svoboda added that any vote he makes as a member of the RTSD Board does not necessarily indicate how he will vote on the County Board. Schorr seconded the comment.

Order No. 06-10 Review/Renew Legal Service Contract.

Figard stated that we our legal service contract has served the District well. He recommended a continuation and extension of the current contract with Crosby Guenzel LLP.

Svoboda asked if the hourly rates have changed.

Schorr replied that the rates are the same and very reasonable.

Svoboda motioned to renew the legal service contract with Crosby Guenzel. Workman seconded the motion. Motion approved 4-0.

Order No. 06-11 Review/Renew Accounting/Auditing Contract.

Figard stated that outside representation provides some separation and accountability.

Svoboda asked when the last time this was put out for bid.

Figard replied that since these two firms have been retained, it has not went out for bid and asked if that is something that should be discussed prior to next year.

Svoboda replied that we could have that discussion at a later point.

Figard stated that the RTSD needs to be accountable and represent to the tax payers that their money is being spent appropriately and wisely.

Workman motioned to renew the accounting/auditing contract with Micek and Crouch. Svoboda seconded the motion. Motion approved 4-0.

Order No. 06-12 Quiet Zone Discussion.

Figard stated that there has been conversations over the last year or two about new rules and regulations that have come out of Washington on quiet zones. A quiet zone is an area along the railroad tracks where you can do certain things so that they don't need to blow their horns. Last summer FAR changed the rule and increased the amount of time the horn needs to blow as they approach a crossing to 20 seconds. They also affirmed in that action that the engineer actually driving the train can be held personally liable in a situation of a crash or accident as well as the railroad if perhaps he's not obeying that rule. We have had a significant increase in calls particularly from those that live along the Cornhusker corridor about increased length of train horns. There are now 65 - 75 trains running on that corridor and is expected to increase to 110 - 120 over the next 10 - 15 years. One of the long term goals is to have grade separations or no at-grades along that corridor. If we can provide positive separation so that cars cannot go around the gates or the lights, we can set up a corridor where the railroad does not have to blow their horn. There is design criteria where you can build a median down the center of the street, put curbs on the outside, have gates that come all the way across the street and mechanically hook into a fairly significant post and structure on the other side. The cost would range \$25,000 - \$35,000 per crossing. D Street is still open so if we moved into that area and provided a new improved crossing with positive closure, it's very possible that those train horns wouldn't have to blow from leaving the yard down to south of A Street and then as you approach Van Dorn, they would need to blow the horn again. That could have a significant impact on the South Salt Creek neighborhood. The additional curbs, gates and medians do improve safety because it makes it more difficult for someone to go around the gates. Figard believes this is a better alternative over directional horns.

Svoboda asked what intersections get the largest number of complaints.

Figard stated that Cornhusker and South Salt Creek are the highest priorities. There have been some complaints along Wilderness Park, Pine Lake and 14th, and Saltillo. There aren't as many cars and trains in that area. If the District made a decision today, the recommendation would be to look at 3rd

and D, 33rd, 35th and Adams, 44th, and 70th. The City is doing a bigger study long term of Cornhusker Highway 70th and 84th Street for circulation. The City much like the County is strapped for funds. It seems like if something were to be done, studies, cost estimates, etc., the District should do that and then would be in the position to have conversations with City and County officials.

Workman likes the idea of quiet zones. Waverly has installed a curb between the two lanes but the trains are still on their horns full force when they go thru there.

Figard asked if there are two main at-grade crossings in Waverly.

Workman stated that they are at 141st and 148th.

Figard stated that those are two we could put on the list to look at. Waverly is doing some additional engineering and analysis and will be coming back to the Board in November/December requesting some grade separations or pedestrian crossings in Waverly which is consistent with the City and County CIP and budget starting for the following year.

Eschlimann asked if we have a historical record of the actual accidents at these intersections.

Figard replied that he would get that information out at the next board meeting. The quiet zone is safety for exposure but it's more of a residential issue.

Schorr asked how far the horn noise travels and how effective a directional horn would be.

Figard replied that the directional horn would be mounted at the intersection and would blow up and down the street instead of along the track.

Svoboda asked which federal agency monitors this.

Figard replied that it is the Federal Rail Authority. The executive summary published was 112 pages long. We have determined the basic issues on a quiet zone and is listed on the City's website under the RTSD.

Schorr asked if the funding for the directional horns would be at the expense of the railways.

Figard replied that the railways wouldn't pay for the horns.

Workman stated that Roger has some interesting statistics as to how many lives have been saved since this Board has been formed.

Order No. 06-13 Non-Agenda Items.

Schorr asked for any public comment.

Harlan Layton (740 Skyway Road) - "About the crossings - discussing a viaduct on 68th Street at Hickman. East 2nd Street runs across the railroad track into a park and everybody knows that

whenever that viaduct goes in that is gonna be double tracked from 68th Street into Saltillo and on into Lincoln. I put in a suggestion that they close that crossing to that's how you get into the park. You close that and come in from South 68th or Stagecoach from the south because you get one train go by and they jump out and there's another one there and somebody is going to get killed. When you are studying that, that should be looked into because when you are same level, there's going to be an accident. As far as Southwest 40th, I agree that if the railroad wants to widen it but we should twist their arm to get a little more money. They don't look far enough ahead. When they put in the West Bypass they didn't go far enough south with an opening so they could spread the tracks out. And if it's opened up on Southwest 40th, possibility they might run their Amtrak and container trains thru the yard instead of across A Street and J and 1st Street. You might be able to eliminate them crossings clear to Coddington and they can go to Denton and come back and switch Yankee Hill that way and we could get some of those closed. And that creates a quiet zone too. They have put a thing out, the railroad has, there is a whistle post back about a 1/4 to 1/2 mile and that's where you start and when you're on a train that's running over 45 mph you've got to blowing it. Then if you're less than 45 you're going to start that and you're going to blow it three or four times before you get to the crossing and you have to continue that until you are over the crossing. If you don't, according to the thing they just put out, that's investigation and you're out."

Workman stated that he assumes individuals running the trains would appreciate quiet zones also.

Harlan Layton - "There is only two people in the cab and the conductor could be taking a train order or something and he's going to get fired too. I've drove up and down Cornhusker out thru there and to Waverly and I've told them at the union meetings, you better tell those boys to blow the whistle because some of them are not doing it. Maybe they give a little toot just before they get there and that don't cut it. It looks to me like in Waverly on 141st Street, they have set a bunch of pilings there to keep them from going around the gates."

Schorr announced that the next meeting is scheduled for Tuesday, September 12th @ 8:30 a.m.

Workman motioned to adjourn the meeting. Svoboda seconded the motion. Motion approved 4-0.

Prepared by: _____
Tina Queen, Engineering Services