



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting
December 11, 2006

Meeting Began At: 8:30 A.M.

Meeting Ended At: 10:00 A.M.

Members Present: Deb Schorr, Ken Svoboda, Bob Workman, Ray Stevens, Dan Marvin, Robin Eschliman

Members Absent: None

Others Present: Roger Figard, Steve Masters, Rick Haden, Bill Kuester, Susie Filipi, Fran Mejer, Dick Nuernberger, Alicea McCluskey, Tina Queen, Harlan Layton, Robert Hoffman, Jerry Joyce, Scott Monroe, Randy Eldorado, Dick Keith, Mark Hunzeker

Order No. 06-19 Call to Order. Approval of the Previous Minutes.

Schorr called the meeting to order.

Stevens motioned to approve the previous minutes. Workman seconded the motion. Motion approved 5-0. Eschliman was absent during this motion.

Order No. 06-20 Report of Treasurer.

Nuernberger presented the treasurer's report. As of October 26, 2006 the District had investments in various banks totaling \$3,848,574.50. As of November 27, 2006, a balance of \$3,902,363.78 was carried in the District's checking account. As of November 30, 2006, the County Treasurer's balance for the District was \$325,151.76.

Nuernberger added that there is \$27,171.55 in a Wells Fargo checking account because of the new checking account. There wasn't enough pledging to cover all of it and this money was left over. It is in the process of being moved over to American National.

Svoboda motioned to approve the treasurer's report as amended. Stevens seconded the motion. Motion approved 6-0.

Order No. 06-21 **Antelope Valley Interlocal Agreement.**
Order No. 06-22 **Harris Overpass Interlocal Agreement.**
Order No. 06-23 **Southwest 40th Interlocal Agreement.**

Figard stated that the District uses an interlocal agreement as the final authorizing document that transfers budgeted money from the District to the City or County for various projects. This year there are three significant projects that were part of the District's annual budget. With board approval, the Board Chair and Executive Director would sign the interlocal agreements and send them onto the City to accept revenue for project activity for the upcoming fiscal year.

- Antelope Valley - \$1,300,000
- Harris Overpass - \$1,050,000
- Southwest 40th - \$5,340,000

Marvin asked Figard to explain the need for replacing the Harris Overpass.

Figard replied that the Harris Overpass is structurally obsolete. It has reached a point where the structural components cost more to maintain/fix and more difficult to do so. The Harris Overpass was constructed in 1954 and is the last of the riveted plate girder bridges in existence today. An annual rating was done in coordination with the Nebraska Department of Roads and the Federal Highway Administration and it was found that the bridge needs to be structurally replaced. The new bridge will last anywhere from 50 to 100 years.

Workman asked how the \$7 million is spread out.

Figard replied that the \$7 million is for this year's budget and intended to be expended this year. Southwest 40th is the only one that still needs work on railroad agreements and a construction schedule. If the City isn't ready to move ahead with the construction contract, the money would not be expended.

Stevens asked if Antelope Valley and Harris Overpass money would come out of the RTSD treasury soon and if Southwest 40th would take longer i.e. 6-8 months.

Figard replied that Stevens was correct. Southwest 40th money would not be transferred until the City was ready to move ahead.

Eschlimann asked how the design of the Harris Overpass meshes with the arena/convention center talks.

Figard replied that the Harris Overpass will be built to allow flexibility in coordination with the master plan that was done for the Haymarket arena area. It is complimentary and can be used to facilitate that redevelopment if and when that occurs.

Stevens asked if Figard was still dealing with the railroads on putting together a package for Southwest 40th.

Figard replied that the City mailed the railroad a letter with updated cost estimates and asked them to concur on the new numbers late last week.

Stevens motioned to approve the Antelope Valley interlocal agreement. Workman seconded the motion. Motion approved 6-0.

Svoboda motioned to approve the Harris Overpass interlocal agreement. Stevens seconded the motion. Motion approved 6-0.

Stevens motioned to approve the Southwest 40th interlocal agreement. Svoboda seconded the motion. Motion approved 6-0.

Order No. 06-24 Quiet Zone Study - Draft Report.

Figard stated that the goal is to share with the Board and community the analysis on the quiet zone study as well as engineering and traffic analysis done in and around 44th Street. The RTSD's consultant, Kirkham Michael, has been helping with the quiet zone study.

Rick Haden presented the power point presentation. See attached handout for details.

Marvin asked Haden if the contract would change if South 14th Street were added to the quiet zone study.

Haden replied that each quiet zone would have to be looked at but the contract wouldn't change dramatically.

Figard added that the goal is to get through the first study and see the success of it. The next step would be to pick other possible corridors i.e. South 3rd Street and South 14th. South 14th would have to be a different contract.

Stevens asked who can establish a quiet zone.

Figard stated that the RTSD could participate financially in these endeavors but the authority lies with the City.

Workman stated that he was impressed with Haden's report and emphasized that 44th Street is being used as a way to avoid 48th.

Haden stated that there are five supplemental safety measures - raised medians, four-quad gates, closures, one-way streets, and wayside horns. The wayside horns don't completely silence the intersection but is very effective in reducing the noise level to what is considered an acceptable level.

Marvin asked if any neighbors were present when the wayside horns were tested.

Haden replied that there wasn't but Figard mentioned that it would be a good idea to do that before the final analysis is made. Once the notice of intent to create the quiet zone is done, it has to be very specific about what the City is proposing and a time frame to accomplish it.

Figard added that another complicating situation is that there is an owner that has a potential or proposed use for the property on the south side of the railroad tracks east and west of 44th Street. The decision-makers need all that information because if that property develops, it will have an impact on which alternatives will work at that intersection. The price of 44th Street may go up if the property is developed because there would be the potential of adding two more wayside horns. The actual driveway access point would be left to the authority of the Public Works and Utilities Director.

Schorr asked if the whole corridor had to be included when submitting the draft report.

Haden replied that it could be broken into pieces. 70th Street could be by itself. Stevens asked if phase 2, 3, 4, and 10 of Antelope Valley would include North 33rd and 35th and Adams.

Figard replied yes. With the financial pressures, phase 2 of Antelope Valley won't be promoted heavily. It has been mentioned to several board members that the RTSD could and should look at an underpass at 33rd. An underpass could be incorporated at 33rd without necessarily incorporating all other pieces of Phase 2 of Antelope Valley and have a cost effective grade separation.

Schorr asked if any funds were set aside for these in the upcoming year.

Figard replied no but that they are consistent with the emergency and safety category.

Stevens asked about the \$300,000 for rail crossings.

Figard replied that money is really intended for the City and the County to improve and work with the railroad to put in new concrete panels or replace the asphalt. If the City or County doesn't plan to expend that money, it could be another category that could come out of.

Schorr stated that this is more of a "quality of life" issue that is being addressed.

Haden agreed. The railroads and the NDOR have taken the position that they don't participate in the cost of quiet zones because they don't look at it as a safety feature. They look at it as quality of life for the community to silence the horns. They are perfectly happy sounding the horns.

Figard stated that the railroad has gone on record supporting the quiet zone. They still have some concerns that silencing the horns could put people at risk taking chances trying to cross and not being adequately warned. They are interested anytime the option would be a closure because exposure, liability and potential for conflict would be eliminated. There was a recommendation to consider the closure at 44th Street. NDOR and BNSF might possibly contribute dollars to that closure if that is what is decided. They would also be supportive to some extent for grade separation and the 33rd Street underpass at some point.

Workman asked if there was any way to expedite this process and if a motion could be made to proceed with 70th Street.

Svoboda asked what the shelf life is to the FRA on this report.

Haden replied that requirements change as they gain experience. They have already changed the regulations once.

Svoboda asked who has the final say so on whether a quiet zone is authorized.

Haden replied that it's the local jurisdiction.

Scott Monroe - *"I am a representative of the Vavrina Meadows Neighborhood Association and I'm also here representing interest in the Wilderness Ridge Association. They are still governed by the developers and they weren't able to make any formal statements. We are a neighborhood that bounds between 14th and 27th Street from Pine Lake Road almost to Saltillo Road. We are here in concern over the 14th and Yankee Hill crossing. I've been a resident of this neighborhood for 3-1/2 years and I can say in that time, the railroad traffic has at least doubled, probably tripled. As Mr. Marvin has mentioned, we have*

medians, we have gates. We know that Yankee Hill Road had been moved back at one time when the crossing was adjusted so that it is within the 60' area. I know that our medians are tall enough. Our concern here is that the sound is just becoming irate and it is a quality of life issue. We've actually kept track of the trains and in a three hour period, we've had 20 trains go by those tracks. There are two tracks there and you will have three trains back to back. Our main concern with this is that not only do we have just residences, we also have an elementary school is out there in a temporary area and they have been complaining about problems with noise within their building but then also outside their building. That building is probably within 2-3 blocks of the crossing but the horns on the trains sound as they are coming around the curve right by the school so the kids on the playground are getting blasted daily. The Board talked about this morning finding an easy fix. What can the Board do as an easy fix to improve the quality of life? From our perspective, 14th and Yankee Hill Road would be an easy fix that could fix and improve the quality of not just the 400 residents of Vavrina Meadows but also the majority of The Ridge development that is in that area. We understand that we cannot request the quiet zone. It is up to the Board or the City Council to do that but we would like you to seriously consider that so that our quality of life can get back to what it was previously or better. I'm personally tired of waking up at 3:00 in the morning to a train horn. I can tell that there is one particular engineer. I can tell you what his work schedule is because he sounds his horn for 40 seconds which is double what is the maximum and in this regard, I would really like to find out what the railroads do in regards to finding engineers who violate those rules. We have these rules where we have to follow the guidelines for the quiet zones and not going past the gates and so on. What rules do the railroads have in effect to make sure the engineers are following those guidelines as well?"

Figard stated that an RTSD board meeting could be arranged before March to expedite taking an action on participation in funding a project. He added that the railroad is interested when it comes to their engineers following the rules but not exceeding them. They are interested in violations and will follow up on those.

Schorr stated that there is a willingness from the Board to call an emergency meeting should it be necessary to act on these proposals. It does appear that 44th Street will be the most complex but could move forward with some of the other ones knowing that this one will be the longest and most complicated due to development interest. Prior to our next board meeting, it would be nice to have a preliminary estimate for 14th and Yankee Hill.

Mark Hunzeker - *"Mark Hunzeker appearing on behalf of Jerry Joyce as the owner of the Countyshire Apartments at 44th and Cornhusker. We've had a neighborhood meeting where there was a very strong consensus that the noise from this crossing is a problem. You all know about that. We were told at that meeting in July that this study would be completed in 60-90 days and we're here now in December with not even a draft report to you and your next meeting not scheduled for another three months. I would hope as a first priority you would not prolong this study by adding other intersections or crossings to it. If you were going to study other crossings, do that as a separate contract with Kirkham Michael or whomever it is you choose to use, but don't prolong this study by adding additional crossings to it. In addition to that just as a comment on the 44th Street crossing concept and estimates, I don't see anywhere in here an estimate for simply adding the quad gates to that crossing which I think I saw on the list as an alternative which might eliminate the wayside horn. We would like very much to pursue an alternative whether it be medians and small amount of widening of 44th Street in that short area or quad gates or whatever it may be to eliminate the wayside horn as well as the train horns. I think that's a possibility and I think that is something that we would ask you to at least direct the engineers to look at and please ask them to hurry up and get this done before three months until your next meeting."*

Marvin asked if anyone in the neighborhood was present when the wayside horns were tested.

Hunzeker - *"We were not present. I know that there were some noise readings taken of the train horns and I believe that someone or maybe even Mr. Joyce was at that location at the time those were taken. At least we have some decibel readings, they are very high. But we were not present at the time they were testing the wayside horns."*

Haden stated that he would be willing to arrange for a demo of the wayside horns and explained that the day that they were doing the diagnostics review, one of the members of the diagnostic team happened to be coming back from a conference and had the wayside horn in his vehicle and set it up for a demonstration. There was no advance warning to set up a demo with the neighborhood at that time.

Figard added that there was no intention to eliminate the opportunity for others to participate. As part of the public meeting and a separate exercise, it will be important to have a demonstration so people can listen to it and form their own opinion. It will be crucial to this Board and the City Council in making a decision. We will publicly advertise and announce when that is going on.

Figard asked for a separate motion for a quiet zone study at 14th and Yankee Hill and to enter into another contract authorizing the Board Chair and Executive to sign that contract.

Workman added that the Board will learn enough from the current study and will help to determine what to do with 14th and Yankee Hill.

Stevens stated that he is isn't sure that 14th and Yankee Hill is the next highest priority within the county.

Schorr stated that those horns interrupt Southwest High School.

Figard stated this his recommendation for the next priority corridor would be South Salt Creek- 3rd Street. There are closures on all those crossings except D Street. The Board could add 3rd Street to the motion to be looked at and have the Board Chair and Executive director sign that contract as well.

Svoboda asked what an approximate cost would be to add 14th and Yankee Hill and 3rd and D to the quiet zone study.

Figard replied that it would probably be less than \$10,000 each.

Shorr stated that no one has heard anything about 3rd and D.

Figard replied that 3rd and D has taken a different approach. They have regularly been meeting with the railroad and State Senators. Senator DiAnna Schimek has been meeting almost on a bi-monthly and quarterly basis with the neighborhood, but they seem to be avoiding the City Council avenue of communication. DiAnna Schimek was very involved through the South Salt Creek double tracking and the A Street viaduct. Her time and involvement goes back to the early 1970's and the neighborhood has a connection with her.

Marvin stated the he supports these studies.

Svoboda asked if adding 14th and Yankee Hill and 3rd and D will slow down the 44th and Cornhusker quiet zone issue.

Figard replied that it would not slow it down.

Workman motioned to create a quiet zone along the Cornhusker corridor as described by the study in the most expeditious manner possible. Marvin seconded the motion. Motioned carried 5-1.

Workman motioned to authorize a quiet zone study on 14th and Yankee Hill Road and 3rd and D Street and to authorize the Board Chair and Executive Director to enter into that agreement. Marvin seconded the motion. Motion approved 5-1.

Order No. 06-25 Non-Agenda Items.

Schorr reviewed the 2007 RTSD Board Meeting schedule:

- Tuesday, March 13
- Monday, June 11
- Tuesday, September 11
- Monday, December 10

All meetings are at 8:30 a.m. in the Council Chambers.

Stevens motioned to adjourn the meeting. Svoboda seconded the motion. Motion carried 6-0. Meeting adjourned.

Prepared by: _____
Tina Queen, Engineering Services