



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
December 10, 2007

Meeting Began At: 8:30 A.M.

Meeting Ended At: 9:30 A.M.

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

Members Absent: Robin Eschliman

Others Present: Roger Figard, Randy Hoskins, Alicea McCluskey, Dick Nuernberger, Tina Queen, Virgil Dearthmont, Kris Humphrey, Bill Kuester, Rick Haden, Randy Eldorado, Bob Schutt, Harlan Layton, Gary Irvin.

### **Order No. 07-26 Call Meeting to Order. Approval of Previous Minutes.**

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

### **Order No. 07-27 Report of Treasurer.**

Nuernberger presented the treasurer's report. As of November 27, 2007 the District had investments in various banks totaling \$4,417,985.64. As of November 15, 2007, a balance of \$7,838,760.05 was carried in the District's checking account. As of November 27, 2007, the County Treasurer's balance for the District was \$776,578.75.

Workman asked about the current interest rate.

Nuernberger replied that it is approximately 4.75%.

Marvin asked if Nuernberger expected that percentage to go down.

Nuernberger replied that if the fed keeps dropping interest rates, they will go down.

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

### **Order No. 07-28 One and Six Year Budget Discussion.**

Hoskins presented the approved six year CIP from last year. During the March meeting, the RTSD sets the CIP for the following year. Hoskins asked the Board to start thinking about ideas on projects to be added or removed.

Schorr asked if the large balance for the County Treasurer is set aside for Harris Overpass.

Hoskins replied that Harris Overpass will be taking a large sum of that money.

Stevens asked what federal funds are allocated for the Antelope Valley project and when the Big T will become the Big X.

Hoskins replied that federal funds are allocated but he doesn't have the exact numbers. The project is under construction and will take approximately 2-1/2 years for completion.

Schorr asked why the emergency and safety study budget number is higher than normal.

Hoskins replied that he wasn't sure.

Marvin asked how Southwest 40th will impact the one and six year forecast.

Hoskins stated that the cost of the project has continued to climb. The one and six year CIP assumes the costs from March of last year.

**Order No. 07-29 Southwest 40th Street.**

Rick Haden briefed the Board on the status of the Southwest 40th Street project. See attachment.

Marvin asked if the trip counts for 2020 assume that the bridge is in place.

Haden replied that 2030 would assume that.

Stevens asked if Haden had an aerial photograph of touchdown to touchdown.

Haden showed the aerial photograph. The profile of the roadway remains the same. The bridge is now 1240' long as opposed to 530'.

Stevens asked if the railroad is bearing any of the cost.

Haden replied that the railroad is donating an additional \$1 million to cover the additional costs and delays. The railroad has not given any money to cover the Geo Pier cost (due to soil conditions).

Stevens stated that originally Southwest 40th was supposed to be closed for three years and now it is going to be six years. Stevens doesn't find that an acceptable time for Southwest 40th to be closed.

Marvin asked if the cost of the two additional lanes is \$5.5 million.

Haden replied yes. \$20.7 million total is the number to go by for the two-phase construction and includes inflation.

Marvin asked why the cost has gone up so much.

Haden replied the additional costs are due to higher material costs, better knowledge of soils, experience with the Harris Overpass bidding, etc.

Marvin asked if the delay has been a result of the railroad requests.

Haden replied that the change in plans from the railroad did contribute to the delay.

Schorr asked what the difference is between Geo Tech, MSE Walls, Geo Piers, etc. and how that affected the cost.

Haden replied that the soil conditions raised the cost by \$2 million to use special footings for where the retaining walls will be placed.

Workman asked what the advantages are of doing all four lanes up front.

Haden replied there is no real advantage minus the mobilization costs, added contracts, and inflation costs. etc. The inflation costs would be offset with a two-lane roadway in place.

Svoboda asked if the Board would be allowed to ask questions of the railroad and who does the negotiating for funds.

Haden stated that Roger Figard negotiates with them. Once the Board approves the two-phase bridge, the next step would be to meet with the railroad and firmly commit to the project so it can move ahead.

Schorr summarized that the Board feels that the railroad is not contributing enough funds for the changes they have requested.

Svoboda would be interested in having the Board meet with the railroad.

Stevens said that he had attended a meeting with the railroad before. The people that make the actual decisions were not sitting in on the meeting.

Schorr asked if we could invite the railroad to a Board meeting.

Haden is not aware of the railroad ever attending a Board meeting. He feels that it would be better if Roger sat with them first and worked with them.

Workman doesn't see any benefits to the Board having direct contact with the railroad.

Stevens asked if the process could be accelerated.

Kris Humphrey replied that this project has federal funds. They have recently modified the process. Before the appraisal process begins, the design needs to be finished and submitted along with the right-of-way plans to NDOR for review and approval. The appraisal process will then begin. A second appraiser will review it. It will then go back to NDOR for another review to get authorization to move forward with negotiations. The schedule Kirkham Michael has shown is about as tight as possible.

Marvin asked what federal dollars are being contributed.

Humphrey replied \$7.2 million which includes train mile max, rail safety and pc funds. The contribution from the railroad is \$1.8 million. There also some County funds. The agreement for this project was signed in 2005.

Schorr asked if the railroad has a right to request all these changes after the agreement was signed in 2005 for \$8.5 million.

Haden replied that a second cost estimate was put together to identify the additional costs with regards to the additional length. The railroad did agree to pick up that cost. A meeting will be set up with the railroad to carry forward the message of the Board.

**Order No. 07-30      Quiet Zone Update.**

Haden stated the north quiet zone plans are nearing completion. The plans will be submitted to the City this week. A notice of intent will be prepared to establish the quiet zone which will go to the Federal Railway Administration and Dept. of Roads notifying them that the City is anticipating moving forward with a quiet zone in the north corridor. They have 60 days to respond. The notice to establish a quiet zone will also occur while we are negotiating with the railroad on the Adams Street crossing that will require wayside horns. This will require a railroad agreement. The crossing at 44th Street may require some railroad work as well. The construction of the improvements will take approximately four weeks and could begin in the Spring. After the improvements are in place, the raised medians and wayside horn in particular, the City will send out the notice of a quiet zone establishment. This will notify the railroad that they have to silence their horn within 21 days. The anticipated date for the quiet zone to be in effect will be the end of May 2008.

Workman added that it is very important to keep a schedule. Implied promises were made to have this done Fall 2007.

**Order No. 07-31      LB79 - Closure of 5th & B and 5th & C.**

Hoskins stated that during the past legislative session, LB 79 was passed. LB 79 means that any unsignalized crossings within 1/4 mile of a signalized crossing need to be closed. NDOR found seven crossings within the City that met that criteria. A diagnostic review was done of all the locations. The County location was the only access into an area and because of that, the crossing stayed open. Two of the City crossings had already been closed but did not show up on the NDOR listing. Three locations were allowed to stay open due to circumstances. Two crossings have been recommended to be closed which include 5th and B and 5th and C. The track runs north and south in 5th Street and is a double track.

Marvin asked if consideration was made in regards to emergency vehicle access.

Hoskins replied it was only taken into account if that was the only way to get into an area. A notification of street closure was sent out to different entities to get their comments. Comments were received from Fire, 911 and the Police expressing concerns with this closure. The Fire Department was concerned about a hydrant on one side of the tracks that may be difficult to access. In order to keep the crossing open, an engineering study has to be done showing specific reasons why the crossing cannot be closed.

Marvin asked if Randy had any discussions with the South Salt Creek Neighborhood Association.

Hoskins replied that has not occurred. The State should probably handle those discussions. Svoboda asked what the specifications were for the other three crossings they chose to keep open.

Hoskins replied that those are seldom used spurs that cross arterial streets. They are located on 70th Street and Fletcher between 56th and 70th.

Schorr asked what the time frame is regarding the requirements of these crossing closures.

Hoskins stated that the deadline was October. In order to talk with the Board about the closures, an extension was granted but they would like to keep moving forward.

Schorr stated that it would be good to have a letter from Fire, 911 and Police expressing their concerns to help sway these closures.

Hoskins stated that the hydrant was not brought up as an issue during the diagnostic review.

Svoboda asked if trip counts were done at these crossings.

Hoskins replied the B Street has 200 vehicles a day and C Street has 190 vehicles a day.

Marvin asked Gary Irvin to come up to speak on behalf of the South Salt Creek neighborhood.

Gary Irvin - "I think if I'm right about the one you're talking about, it's a spur. It feeds the ADM and it's not used that much. If you're using the criteria of it being a spur of not closing the other ones, why close this one. The other thing is and in the off chance you would have someone going into ADM and then you have the other two tracks blocked because of a train, you've actually created a place where nobody can get to. You have tracks on both sides of that then. It's not going to happen very often but it does happen and it's usually at night which is a bad time to have it blocked. Eventually from what I'm understanding that is to be closed in the future. It's just kinda like that the diagonal coming in from the Amtrak that is to be closed eventually but I haven't seen anything as to a time table yet. As far as I'm concerned and the Board, we'll oppose as far as trying to close those."

Marvin asked if Randy could use the same argument in regards to the spur.

Hoskins replied that a more powerful argument would be the fact you could isolate this area. According to NDOR, there are four trains a day on this track.

Stevens asked Gary Irvin if either B or C could be closed and not isolate that area.

Gary Irvin - "Not really because D Street is the only one we gotta cross the main track and those would be, you're talking about a lot of gravel roads through there that don't get plowed a lot, get very soft during rain periods and stuff. It's mainly paved up C and D but in between trying to get to D Street would be real hard."

Svoboda asked if an engineering study was required on the ones that remained open, would it be required for B and C and how much would an engineering study cost.

Hoskins replied that they were not specific about what sort of engineering study would be required. It would have to be a study signed by an engineer. It is possible to do this study in house.

Marvin asked if Hoskins would be willing to try and keep these crossings open.

Hoskins will talk to NDOR.

Schorr asked Gary Irvin to provide a letter to Randy Hoskins in opposition of the closures and asked Hoskins to ask Fire for a letter stating the same.

Hoskins will get that information together and submit it to NDOR.

**Order No. 07-32 2008 Meeting Schedule.**

Schorr announced the 2008 RTSD Board meeting schedule:

- Tuesday, March 11 @ 8:30 a.m.
- Monday, June 9 @ 8:30 a.m.
- Tuesday, September 9 @ 8:30 a.m.
- Monday, December 8 @ 8:30 a.m.

**Order No. 07-33 Non-Agenda Items.**

Virgil Dearmont from County Engineering requested to move up funding for utility relocation for the Hickman Overpass. See attachment. All the water that Hickman receives comes from a well south of town. The consultant has advised Hickman that the line that occupies part of the right-of-way would have to be moved due to the weight of the fill required and the proximity of the pile driving, etc. Problems were sited on the quality of water. County doesn't have the money right now to cover the relocation. The current estimate for the project would go down in the CIP. The estimate for the project included the money that is currently be asked for.

Hoskins added that the RTSD cash balance spreadsheet shows at the end of 2009, \$3.4 million should be available. He does not see this request from the County as being a problem.

Stevens motioned to approve moving the utility relocation work up one year from 2010 to 2009. Workman seconded the motion. Motion approved 5-0.

Schorr asked for public comment.

Schorr stated the next meeting will be held on March 11, 2008.

Meeting adjourned.

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