



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
March 11, 2008

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, Robin Eschliman

Members Absent: None

Others Present: Roger Figard, Randy Hoskins, Alicea McCluskey, Dick Nuernberger, Tina Queen, Bill Kuester, Bruce Sweney, Susie Filipi, Harlan Layton, Gary Irvin, Shane King, Brett Baker, Doug Rix.

### **Order No. 08-01 Call Meeting to Order. Approval of Previous Minutes.**

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

### **Order No. 08-02 Report of Treasurer.**

Nuernberger presented the treasurer's report. As of February 22, 2008 the District had investments in various banks totaling \$2,388,925.94. As of February 25, 2008, a balance of \$6,751,536.07 was carried in the District's checking account. As of February 22, 2008, the County Treasurer's balance for the District was \$50,429.82.

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

### **Order No. 08-03 Current Budget Status, Project Updates, Committee Updates.**

Figard did an overview of the most recent budget sheet dated March 10, 2008 (see attached). No money has been expended for Harris Overpass because the City has not requested money yet. \$600,000 has been given to the City for the Southwest 40th Street project. The NRD did receive a grant from the NDOR for the South Salt Creek undercrossing. Figard requested moving \$3000 from the contingency contractual services 79900.5621 to travel expenses 79900.5720 which would cover expenses for the Mid-States Highway Rail Safety Conference in Grape Vine, Texas and the NCUTCD Committee Meeting in Mobile, Alabama. More money will be put into the travel expense budget next fiscal year to cover the yearly expenses. The Cornhusker quiet zone money will partially be spent before the end of this fiscal year.

Stevens motioned to approve \$3,000 be moved from 79900.5621 to 79900.5720. Workman seconded

the motion. Motion approved 6-0.

Figard previously sent a memo to the Board about public official bond renewal. The County and City Risk Managers were contacted to check on the insurance coverage under the government and found that all members are covered. After meeting with Bill Kuester and All American Insurance, it was found that the District itself is not protected from a theft or loss scenario. Three insurance quotes were presented to the Board. The previous coverage that expired in February was \$250,000.

Marvin asked if Risk Management could expand the umbrella over the RTSD.

Kuester replied that the insurance agent said that was not an option.

Marvin recommended the \$500,000 coverage based on the minimal difference of the annual premiums from the \$250,000 plan.

Marvin motioned to approve option two for insurance which covers employee theft at \$500,000 with a \$5,000 deductible and \$50,000 for money orders and counterfeit currency. Stevens seconded the motion. Motion approved 6-0.

Figard represented project updates:

- Quiet Zone on Cornhusker; 33rd - 70th - final plans are being reviewed, still working with the Railroad on insurance and agreement issues, 35th and Adams will require a wayside horn.
- 14th and Yankee Hill - need to enter into a contract with an engineering firm to finish the design, City and County Engineers are in agreement with the supplemental safety measures, the engineering agreement will be with the District.
- South Salt Creek - on hold for one year, South Salt Creek has a new Board President and the Board is meeting tonight, several people will be attending with the goal of getting public input.
- Harris Overpass is moving along and making a lot of progress.

Figard sent the Board meeting notes from the January NCUTCD (national committee on uniform traffic control devices) Committee Meeting. The committee does work long hours working on the MUTCD (manual on uniform traffic control devices). The upcoming meeting in Mobile, Alabama is to finish the review of the MUTCD and make final recommendations to the Federal Highway Administration. This gives local government an impact on recommendations at a national level. The largest expenses for these meetings are the hotel and airline costs.

**Order No. 08-04 Amended Interlocal Agreement - Southwest 40th.**

Figard stated that the City had a desire to have an automatic three year termination clause in interlocal agreements. In the last interlocal agreement between the City and the District, the three year termination clause was included which would terminate that agreement this summer. An amendment has been prepared that removes the automatic termination clause. Every interlocal agreement still has a termination clause that allows either party to terminate the agreement with adequate notice. This was introduced to the City Council last night and will have public hearing next Monday if approved.

Svoboda motioned to approve the Southwest 40th amendment and authorize the Board Chair and Executive Director to sign the agreement and send onto the City for their approval and action. Workman seconded the motion. Motion approved 6-0.

**Order No. 08-05      Quiet Zones - Policies, Criteria and Requests.**

Figard stated the Board should have a copy on the consideration of quiet zones. The District has been working on quiet zones predominantly in the Lincoln urban area. An inquiry was received from Hickman about implementing quiet zones. Waverly is currently in a blight study. A couple weeks ago, the City Council approved a significant amount of their community as blighted. They are looking at quiet zones for 141st and 148th and grade separations. In the quiet zone policy, it states “in less populated areas, the RTSD may reduce this requirement.”

Marvin asked about the 55 mph driving speed on the highway where they are requesting a quiet zone and if that would cause any concerns.

Figard replied that would be part of the consultant evaluation.

Stevens stated that a trigger point could be used to warn drivers about what is going on ahead of them.

Workman stated that Harlan Layton sent him an excellent article from Trains Magazine about quiet zones. This article was forwarded to Waverly and some others for their information (see attached).

Figard added that the safety records of quiet zones continues to hold steady and the crash rate is not going up.

Svoboda asked about the quiet zone policy and if it is “recommended” or what has been used to identify quiet zones.

Figard replied that the quiet zone policy was prepared by staff and gave to the Board last fall. The policy is the recommendation of staff and is not set in concrete. It will not fit perfectly in the rural areas and will need to be looked at.

Shane King (Olsson Associates) - “My name is Shane King and I’m with Olsson Associates and represent the City of Hickman. As Roger indicated, the letter that has been passed on to you is more of an informational purpose and even will acknowledge that we are aware of some of the concerns that you brought up about speeds at this location and even further clarify the reason we put together a letter to give you a heads up. At this point, the City of Hickman is the entity requesting that we look at a quiet zone here does not have jurisdiction over the crossing and the Nebraska Department of Roads does. That is another issue that is...we’re looking at separately with the NDOR is at some point the City foresees growing in that direction and may take over more of the adjacent land and/or roadway facilities and so we’re kinda seeing how that would fit in to the quiet zone and timing if something could be pursued prior to that or if it would be something that would wait until the City took over any of those road facilities. The impression that I have gotten from the NDOR, they are not in favor of having a quiet zone on a state facility. That is really where we are at with that and just wanted to come before you and give you a little familiarity with the Board and how things work and we will be in contact giving you updates either way as we find out more information and more forward with things.”

Schorr asked if Hickman were annexed, would the road then be their responsibility and have the option to have that quiet zone.

King - "That is correct. The City would look into using Olsson Associates as the engineer. Again I've provided you with aerials and some information from the National Registry but we have not done any sort of field verification of any of these numbers or of the actual facility and the crossing characteristics."

Workman asked if the State completely opposes the quiet zone.

King - "They would consider that. I've spoken with the rail division there and we have not pursued this yet but they said they would entertain a letter asking them to reconsider either this location because for favor reasons, because it's only a spur or it's within the last 1/2 mile of the spur as opposed to...obviously that facility has different characteristics than a four lane divided highway that is at higher speeds. They asked for a written request for them to consider that and have an internal discussion and we have not moved forward with that request as of yet."

Stevens asked about the other two crossings in Hickman not controlled by the state.

King - "That second one is a private residence and that would fall within the 1/4 mile of another crossing so at this point right here and now, we're not looking for a quiet zone. I don't think that would qualify for a quiet zone for those two crossings."

Stevens asked if there could be another access to the private property going across 2nd Street.

King - "I think that would be a possibility in the future. In fact the long term, the way the city would like to grow, would maybe involve closing both crossings and providing access from where those properties are to the north to Hickman Road which is the state spur. Those are future considerations."

Schorr asked Figard if there are any quiet zones in Nebraska along state highways.

Figard replied that he believes there are not any in the state. If there is one on a state highway, it would be within a municipality.

Doug Ricks (City of Waverly) - "Morning. My name is Doug Ricks. I'm the City Administrator in Waverly representing the City of Waverly. It's just informational. We are in the process...we are negotiating with an engineer, Schemmer and Associates, to do a grade separation study over 148th Street or over Highway 6 in that area. That won't happen for another seven or eight years. In the interim, we'd like to be considered for quiet zones at both 141st and 148th Street crossings. We have a resident that is also running for council and it's a priority. He lives within 100' of the crossing at 141st Street. Right now, I think Roger indicated, our meeting last week we have approximately 65 trains going through Waverly daily and within five years it's expected to increase in the 120 - 130 trains a day. I noticed quiet zones are being funded from 33rd - 70th Street along Cornhusker. Many of those same trains go through Waverly. We have the same situation."

Workman stated there is a private crossing to the east and asked if that is further than a 1/4 mile.

Doug Rix - "I would think it would be within a 1/4 mile. One of the things we discussed with the consultant is possibly if there would be access to that house along 148th Street. That would be one of the things we would look at."

Workman asked if an overpass was a possibility at 148th Street.

Doug Rix - "Yes. But the time frame would probably be 2014 - 2016."

Eschlimann asked if there were any safety issues.

Doug Rix - "We worked with the University of Nebraska and they put monitoring cameras on the firestation across the road. We put in the concrete median so people couldn't...we also put up the barriers so people couldn't cross the intersection but before they did that, they had people videoed crossing the crossing on 141st when the arms were down. It has been a safety issue and we're concerned."

Schorr stated that once the consultant has been chosen and study completed, it would help to have information provided to the RTSD Board.

Figard stated that Lincoln is currently working on a standard plan for an at-grade railroad crossing. It will not be used that often but there will be one on Yankee Hill Road that will cross the line that goes to Nebraska City and connects into 91st Street on the southeast part of the community. The goal is come up with a standard that states when there is a railroad crossing, there should be raised medians of a certain length and height, gates and lights installed. Driveway spacing is also another consideration so that in the future, a quiet zone could be created without any capital cost. The Board has asked Randy Hoskins about the two crossings at 5th and B and 5th and C. The State had requested those crossings closed. A reply was received from the State stating that in an effort to compromise due to safety, fire flow and a fire hydrant, they wondered if the City would look at closing 5th and B and keep 5th and C open. This information will be discussed with the South Salt Creek neighborhood.

Harlan Layton - "Harlan Layton. 740 Skyway Road. Railroad tracks have been here for 100 years probably. Anybody living by them or whatever can expect a train anytime and a lot of them. They gotta get used to the noise. If you put quiet zones in, their quality of life goes up. They don't hear as much noise but the responsibility and the expense of keeping those up belongs then to the community.

So everybody living here will be paying for this from here on out. We drive down the road that the quiet zone is on, we still have to stop and wait for the trains to go by. It's not necessarily going to make them any safer than there are now. The gates are not going to stop anybody if they want to go through. To me, you either go over or under or close it. There are a couple crossings on South Street and Park Boulevard. For more money up front to build a road to go around those and close them, I think would be cheaper than paying for the upkeep. The Railroad don't pay nothing on this. If you close a crossing, they have to kick in some money. It's better than nothing. And I still think that South Street, Park and 44th would be better off closed than putting them in because I don't feel like everybody in town wants to pay for this and it's the taxpayer's money. I don't know for sure if we can give it back to the Railroad. Say we're not going to do it anymore because they are trying to get everything done for free and they have been since day one."

**Order No. 08-06      Draft 2008 - 2009 Budget & CIP.**

Figard referred to the three page budget, cash flow and CIP. The goal in giving the Board a draft budget is to give the Board time to think about what is in the budget, projects and come back in June to finalize the budget. Figard highlighted a few items:

- operating budget will be close in dollars to last year
- proposing \$4,500 in travel budget to cover two NCUTCD Committee Meetings and one Mid-States Highway Rail Safety Conference
- continue to provide \$300,000 for railroad crossing improvements for the City and County
- Harris Overpass shows \$5.8 million just in case the City does spend or bill the RTSD before the end of this fiscal year
- \$371,000 for Hickman based on a request from the County Engineer
- \$1 million for Southwest 40th for next fiscal year
- carry over \$125,000 for the Salt Creek railroad undercrossing
- \$100,000 for miscellaneous engineering
- continue to put \$500,000 in emergency and safety
- end this year with capital improvements and start off with about \$8.5 million
- maintain \$1.5 million at any point in time
- Antelope Valley and Southwest 40th finishes up in the third year
- Hickman - the County Engineer's numbers were not inflated, those numbers now have been inflated 3% so the District has the money to cover that
- 18th and Holdrege and 33rd at the BNSF crossing are place holders until studies are finished
- West Haymarket is listed as a new project with a ?, if that project moves ahead the District will be a desired partner

Marvin asked why the RTSD would be involved with West Haymarket.

Figard replied that there is an overpass over the main railroad tracks to the parking to the north. The District also could be asked to help pay for the relocation of the tracks, construction of new tracks and replacement of tracks in Hobson Yard.

Eschlimann asked if the City requested additional money from the RTSD for the Harris Overpass.

Figard replied that the City did ask the RTSD for an increase of \$1.8 million which is included in the \$5.8 million. The budget was adjusted mid-year because the City needed to know the District was willing to provide that money in order for the City to enter into a contract. Southwest 40th letting a contract is still a year away. Projects that could be delayed due to budget shortfalls are 18th and Holdrege or the 33rd and BNSF corridor just south of Cornhusker. The Board is committed to finishing Southwest 40th and South 68th. The Board has bonding authority and it would be possible to sell bonds to provide a large cash dollar up front to pay for a project.

Schorr asked about the 56th, Shadow Pines to Old Cheney Road project listed.

Figard replied that 56th Street from Old Cheney to Pine Lake Road is the next arterial in need of repair. The District could be requested to help participate in any upgrades to traffic signal lights and crossings.

Workman referred to the flow of funds sheet in assuming a 3% growth rate. The County Board has assumed a 0% growth rate in light of the current situation. If there is a yes vote on the bond issue this spring, the 2.6 cent lid shouldn't be an issue. If there is a no vote, the purchase of the jail will fall within that lid. The outcome of that vote will be known after the primary election in May.

Figard asked that he be advised as soon as possible regarding the outcome of that vote. He will get with the accounting staff to run some scenarios with the 0% growth rate.

Svoboda asked if it was possible to have a balance sheet so that the Board could see the revenue stream coming into the RTSD.

Figard replied that he can get that information from the County Treasurer.

Stevens stated that the only new addition to the budget is the quiet zone at 14th and Yankee Hill project.

**Order No. 08-07      Non-Agenda Items.**

No new discussions.

Schorr stated the next meeting will be held on Monday, June 9, 2008 at 8:30 a.m.

Marvin motioned to adjourn the meeting. Svoboda seconded the motion. Motion approved 6-0.

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