



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 9, 2008

Meeting Began At: 8:30 a.m.

Meeting Ended At: 9:15 a.m.

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

Members Absent: Bob Workman

Others Present: Roger Figard, Randy Hoskins, Alicea McCluskey, Tina Queen, Bill Kuester, Kurt Micek, Bruce Sweney, Susie Filipi, Fran Mejer, Murthy Koti, Harlan Layton, Gary Irvin.

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

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

Order No. 08-09 Report of Treasurer.

Mejer presented the treasurer's report. As of June 1, 2008 the District had investments in various banks totaling \$2,388,925.94. As of May 28, 2008, a balance of \$6,592,494.86 was carried in the District's checking account. As of June 1, 2008, the County Treasurer's balance for the District was \$2,234,551.12.

Mejer presented a report dated July 1, 2007 through May 31, 2008 which itemizes and sums up all the RTSD cash and investments (see attached).

Marvin asked about the money budgeted for Commissions.

Figard replied that the County gets a certain commission for collecting funds and transferring them. This detailed report is being provided at the request of Ken Svoboda. This report will be updated and presented on a quarterly basis.

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

Order No. 08-10 Election of Officers.

Marvin motioned to approve Deb Schorr for President. Stevens seconded the motion. Motion approved 4-0.

Stevens motioned to approve Ken Svoboda for Vice-President. Marvin seconded the motion. Motion approved 4-0.

Marvin motioned to approve Bob Workman for Secretary. Eschliman seconded the motion. Motion approved 5-0.

Order No. 08-11 2008-2009 Budget & CIP.

Figard discussed adding \$200,000 for the West Haymarket project in year one. Stevens had said that the County was using a zero growth projection for 08-09 and perhaps reduced the growth rate for subsequent years. The business office prepared cash flow sheets that show using zero growth in 08-09 and then 1.5 from there on out using the levy of 0.026, 0.024, 0.022, 0.020, 0.016. The base for six years is about \$32,000,000. If there is a zero growth rate, the first year would drop down to \$30,000,000. At 0.024, it would drop down to \$28,000,000 and so on. Figard recommends asking for 0.026 in the budget. The levy will affect the schedules on Southwest 40th and Hickman viaduct.

Stevens asked how the extra \$200,000 for West Haymarket ties into the RTSD's mission.

Figard replied that it allows engineering to be done that would speak to the costs for relocating, coordinating and rebuilding parts of the railroad that would facilitate the construction of West Haymarket. The proposed arena convention center has a scenario in which there is an elevated bridge over the railroad tracks that would allow people to come down into the depot area to get out to parking. If the arena and the convention center would move ahead, it would allow the potential for other grade crossings in the area to be closed and fits within the mission of trying to reduce conflicts and improve safety.

Eschliman asked what would happen if the vote doesn't pass.

Figard replied that this work needs to be done to help the City answer questions about what things would cost, what work would be done, etc. This money is for the railroad to do their early preliminary engineering to tell the City what it is going to cost to consolidate and move their tracks. If the bond issue fails, no money would be budgeted in the future.

Stevens asked if the railroad has any interest in helping with that.

Figard replied that the railroad is a willing partner but doesn't feel it's a priority to move ahead on their own initiative.

Svoboda stated that this money is also being used to facilitate development. If the arena is dropped by the voters, there is still a potential for development.

Schorr asked how many tracks would be impacted by the proposed development.

Figard replied there are dozens between the Depot and to the main line. There is around 15,000' of track that will be affected. The goal is to have three main lines.

Stevens stated that the RTSD's charge and mission really doesn't include providing for development or for relocating tracks for the convenience of the City. The RTSD was set up for safety purposes of rail crossings.

Figard stated that this would allow for other grade crossings further south to eventually be closed or consolidated. It is helping an expenditure that would allow future grade crossings perhaps to be closed, change of track configuration that goes through the South Salt Creek neighborhood, reduction of some tracks in N Street and some areas near Watson Brickson Lumber. This can improve the safety while perhaps facilitating development.

Schorr asked how much it would cost to relocate and consolidate the tracks and at what point would those funds be needed.

Figard replied that the number is unknown and is why the preliminary work needs to be done. I'm sure the City and community will come back to the RTSD and ask for some funds.

Stevens asked why there is an extra \$739,000 budgeted for the Harris Overpass project. This budget was increased to \$5,800,000 a year ago. \$739,000 has been spent and should be reflected in the budget.

Stevens motioned to approve a budget amendment to include a reduction of \$739,161.51 for the Harris Overpass project that was spent in the 07/08 fiscal year. Marvin seconded the motion. Motion approved 5-0.

Stevens stated that it is not the responsibility of the RTSD to provide money to do a study for West Haymarket. If the project is brought forward and includes consolidation of the tracks and safety, then the RTSD could discuss helping at that time.

Stevens motioned to approve the removal of \$200,000 for West Haymarket from the budget. Eschliman seconded the motion. Motion approved 3-2.

Svoboda motioned to approve the amended budget with an 0.026 levy recommendation including the reduction of \$739,161.51 for the Harris Overpass project and the removal of \$200,000 for West Haymarket. Stevens seconded the motion. Motion approved 5-0.

Order No. 08-12 Review/Renew Legal Service Contract & Accounting/Auditing Contract.

Figard stated that these two service companies have served the District well. There was a slight adjustment in the rate for Crosby Guenzel. It had not been adjusted since 2004.

Svoboda motioned to approve the legal service contract with Crosby Guenzel and the accounting/auditing service contract with Micek and Crouch. Stevens seconded the motion. Motion approved 5-0.

Order No. 08-13 Review Possible Legislative Change on District's Treasurer.

Figard referred to the current statute that clearly requires or indicates the Treasurer of the District shall be the Treasurer of the County of such District. A proposed amendment would give the District flexibility. If the District is managed through interlocal agreement, such as Lincoln/Lancaster County, it would allow the City Treasurer to provide administrative and accounting services and have them serve as the District's Treasurer. This legislation is not mandatory. It would require the Board to take specific action if this legislation was passed. It would make some of the bookkeeping and the accounting and tracking of the cash a little simpler. Coordination with the Public Works Business Office and the City Finance Department is a little clearer than the interaction with the County Finance Department. It has been discussed with Dennis Meyer and he did not seem to have any difficulties. It has also been discussed with Dick Nuernberger. He is fine with this and thinks that when the District went to having the City manage, it should have changed the legislation at that point. Don Herz, the City Finance Director, is more than willing to have the City pull that into the umbrella of the City.

Schorr stated that she would like to address the County Treasurer and the Deputy Treasurer before making any decisions.

Marvin motioned to delay action on the legislative change on the District's Treasurer and to revisit it at the September meeting. Stevens seconded the motion. Motion approved 5-0.

Order No. 08-14 Project Updates/Status.

1. Quiet Zone - BNSF; 33rd - 70th
 - finishing up the final plans
 - A notice of intent should go out at the end of this week or next week to create the zone as plans are finished.
 - still waiting to hear back after the second round of discussions on the agreement with the Railroad for the wayside horns at 35th and Adams
 - Kirkham Michael continues to be helpful and assertive in finishing things up.
 - The goal is to get this constructed this construction season

2. Quiet Zone - 14th and Yankee Hill
 - The Board had previously authorized the District to negotiate with Kirkham Michael to do the construction plans. There was a recent change in staff, but recommend to the Board to continue with the previous action. If the Board feels otherwise, specific direction from the Board would be needed. The goal is to start construction in the summer of 2009.

Svoboda stated that just because construction is done doesn't mean the horns stop blowing. The FRA needs to review it.

Figard added that as long as the approved supplemental safety measures are used and notification has been made, they have to accept it. There is a 60-day period of time that the Railroad can delay silencing the horns. The 60-day period can start before construction is done.

Svoboda motioned to continue to work with Kirkham Michael on the 14th and Yankee Hill quiet zone. Stevens seconded the motion. Motion approved 4-1.

3. Quiet Zone - South Salt Creek

- A public meeting was held a couple weeks ago. Urban Development and Engineering Services chaired that meeting and consultants were there to help out. Over 50 citizens showed up. There is positive support from the neighborhood to continue ahead with the quiet zone.
- There were three options that the neighborhood could choose from for 3rd and D - 1) closure 2) wayside horns or 3) medians which require closure of parts of 3rd Street north and south from D. Very few supported the closure of D Street so people were asked for a preference between raised medians and wayside horns. There is an even distribution of comments.
- Figard requested that the Board authorize moving ahead in getting proposals to do the design for the two options proposed for 3rd and D and continue to interact with the neighborhood.
- The Board will get copies of the response sheets in the upcoming weeks.

Schorr asked how viewers can get their responses in before tomorrow's deadline.

Figard replied that they can call or email. The information is listed on the website. If the Board decides to move ahead with a quiet zone in that neighborhood, the Board should be as knowledgeable as possible to make a decision as to which option at D Street to implement

Stevens noted that one of the maps shows closing three driveways if raised medians are put in.

Figard stated that the X's show driveways that might be closed. The legislation does not mandate that a residential driveway be closed. There is a possibility of incorporating a community parking area as another option. These driveways do not have to be closed, but would improve safety.

Marvin stated that the property owner would be restricted in terms of the direction that they are going and would change the flow of that individual residence.

Marvin motioned to authorize the Executive Director with the Board Chair concurrence to scope, negotiate, and sign a design contract ~~with Public Works and Utilities, Engineering Services~~ to include both options including raised medians and wayside horns. Stevens seconded the motion. Motion approved 4-1.

4. Southwest 40th

- on track and working on the agreements with the Railroad
- current proposed schedule for construction should be met

5. Hickman Viaduct

- handout from Virgil Dearmont (see attached)
- project on track and do not foresee any problems
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6. Salt Creek Railroad Underpass
 - still in budget
 - the NRD continues to work with the Railroad

Order No. 08-15 Travel/Conference Updates.

Figard stated that he attended the Highway Rail Safety Conference with Rick Haden in Grapevine, Texas. Figard extended his appreciation and gratitude to the Board for funding that trip as well as the NCUTCD Technical Committee meetings. The pressure all across the country is to cut travel. Meeting with people, talking about ideas, and seeing what other people are doing pays hundreds of thousands of dollars in dividends that are very difficult to quantify. One point that was raised is if quiet zones are a quality of life issue, would it perhaps increase the value of the property. The Railroads are looked at as a big entity that is noisy. At a time when infrastructure costs are going up, the Railroad would suggest that they move freight four to six times more efficiently than trucks.

The next meeting for the NCUTCD Technical Committee will be in Mobile, AL from June 18 - 21, 2008. The committee's responsibility is to finish the review and send all final comments to the new revised Manual on Uniform Traffic Control Devices back to FHWA.

Order No. 08-16 Non-Agenda Items.

No new discussions.

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

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

Prepared by: _____
Tina Queen, Engineering Services