



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
September 9, 2008

Meeting Began At: 8:32 a.m.

Meeting Ended At: 9:35 a.m.

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

Members Absent: None

Others Present: Roger Figard, Randy Hoskins, Alicea McCluskey, Tina Queen, Bill Kutilek, Kurt Micek, Susie Filipi, Fran Mejer, Kent Morgan, Dick Nuernberger, Gary Proskovec, Rick Haden, Harlan Layton, Gary Irvin.

### **Order No. 08-17 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

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

Schorr announced that the long agenda will not be used over the next six months to test whether it is needed. If anyone finds that the long agenda is useful, please let someone know.

### **Order No. 08-18 Report of Revenue and Expenditures.**

Mejer and Nuernberger presented the revenue and expenditures report for July 1, 2008 thru July 31, 2008.

#### Cash Held by County

- Beginning cash balance = \$371,832.77
- Total Revenues = \$1,458,964.59
- Commissions Paid to the County = \$28,582.41
- Ending Cash Balance = \$1,802,214.95

#### Cash Held in RTSD Checking Account

- Beginning cash balance = \$7,829,614.09
- Interest Income = \$10,627.56
- Total Cash = \$7,840,241.65

Investments

· Beginning & Ending Investment Balance = \$2,402,330.54

RTSD Cash & Investment Balance = \$12,044,787.14

Schorr asked if the investment banks could be listed on this report.

Nuernberger replied that the individual banks would be added to the next report.

Marvin motioned to approve the revenue and expenditures report. Stevens seconded the motion. Motion approved 6-0.

Schorr thanked the City Engineering and County Treasurer offices for meeting to discuss the investment process and the potential of going to the State Legislature to allow funds to be held in conjunction with the City Treasurer. At this time, the County Treasurer will retain the funds with some additional efforts to cooperate between the two entities to make sure funds are invested quickly and safely as possible.

**Order No. 08-19      Revisit West Haymarket Budget.**

Figard introduced Kent Morgan from City-County Planning as the project manager working with the public and private side for the West Haymarket project. At the June meeting, a budget line item was proposed to assist in some of the engineering and cost estimates that the railroad needs.

Morgan stated that the City, along with 2015 Vision Group, has been working with BNSF, UP and Amtrak for the relocation of tracks in the West Haymarket area. The goal of this project is not only the long term economic development opportunity, but also to improve the railroad operations and enhance safety. The West Haymarket project comprises of an investment of about \$300 - \$400 million from private and public funding. It will include a new civic arena, a new UNL basketball practice facility, two private hotels, several hundred thousand square feet of retail and office space, more than 100 residential units, Life Center and a lot of additional private investments. To accomplish this goal, BNSF, UP and Amtrak are working to redesign or relocate a host of the facilities in that area of 150 acres. The modernization efforts will result in enhancing safety for the railroads, traveling public, and the citizens of Lincoln. It will reduce train vehicle conflicts, provide greater security for the railroads, eliminate redundant trail movements and pedestrian safety.

Emery motioned to reconsider funding for the West Haymarket study. Svoboda seconded the motion. Motion approved 5-1.

Figard recommends adding \$200,000 to the budget for the West Haymarket study and feels it is a reasonable amount that meets the mission and priority of the RTSD. The goal is to let the community know what will happen, what it will cost and where the money will come from. The District could help pay for the engineering analysis that the railroad has to do in order to make that move, consolidate tracks in those corridors, and analyze the bridge.

Workman asked where the money will go and who will make up the difference in cost.

Morgan replied that the money will go into a general fund that would be spent by the City. There is about \$3 million in that pot right now.

Figard stated that if the Board made a motion to include money in the budget for West Haymarket, he will also ask the Board to authorize the Chair and Executive Director to sign an interlocal agreement. Figard would review those costs with the project manager as they come forward. Figard and Schorr would then make recommendations of payment to the City. The RTSD provided money for quiet zone studies, Hickman Viaduct engineering, Harris Overpass and Antelope Valley. This project is consistent with other projects the RTSD has funded over the last 10 - 15 years.

Schorr asked Morgan if there would be a possibility of putting restrictions on the funds to be used for railroad studies.

Morgan replied that is possible because there are similar constraints on funding from other entities.

Stevens asked which crossings will be closed.

Proskovec replied that the N Street crossing that Amtrak travels and meets BN would go away. 2nd and J Street also has the potential of being closed.

Workman asked if the railroad is putting any money up front on this study.

Morgan replied that the railroads have expended a great deal of money and their own staff time to get to this point and have probably have spent \$1 million or more. The incentive is to help their operations long term.

Svoboda stated that the railroad gets to transfer the liability of a contaminated area to the City. The City has a much greater opportunity to access public funds nationally in order to do that clean up. He asked if there is any crash study or traffic count information.

Figard replied that information would come forward after the voters make a decision whether to move ahead on the project. The railroads say this footprint seems to work, but they have to analyze the exact degree of curves and speed limits and make sure they can operate as a business in the new track layout and what it will cost to construct it.

Proskovec added that BN came forward to the City and said they need to be sustained whole, not only as they are relocating but after the project is built. The railroads are all in concurrence with this plan.

Svoboda asked if there is a cap on the \$200,000.

Figard replied that the \$200,000 is a request to help answer the cost questions for the project. If the voters approve the project, the City and private sector would probably ask the RTSD for cost sharing in some of the physical improvements to help move tracks, add a pedestrian bridge, etc. The \$200,000 could be capped for the study only.

Stevens asked if the railroad would abandon the old lines.

Proskovec replied that the storage track and the two tracks that go in front of the depot will go away.

Morgan added that the Amtrak line will be relocated and will continue to have service.

Workman asked if the cost of this study would include the clean up of the contaminated areas.

Morgan replied that HWS and Olssons will do that work and most of that has taken place already.

Schorr asked if the new realignment would improve access to 2nd and J.

Proskovec replied that it would not. The curvature that is needed on the south end of the project is as tight as it can be. The railroad would like to operate at a maximum speed of 40 miles per hour through this area.

Marvin asked if the \$3 million in the pot includes the \$200,000 that is being asked from the RTSD.

Morgan replied that it does not include that money.

Marvin stated that this is an appropriate expenditure for the RTSD and voting against this expenditure simply has to do with the fact that the original cost of the study was set at \$2.6 - \$2.7 million and now it is up to \$3.2 million.

Stevens stated that if this moves forward, there will be substantial requests to the RTSD when it comes to doing some of the work. Any of those expenditures have not been pre-approved or committed. The RTSD has substantial ongoing projects that should come ahead of the West Haymarket project.

Workman motioned to approve adding \$200,000 to the budget for the West Haymarket study for the relocation of tracks. Svoboda seconded the motion. Motion approved 4-2.

**Order No. 08-20      Approve 2008/2009 Budget.**

Schorr stated that valuations were higher than expected.

Figard stated that the County Board gave the District the 0.026 levy. He extended his appreciation to the County Board for the ability to be able to make the RTSD needs fit within the lid limit. There are no changes in the budget except to add \$200,000 for the West Haymarket study and will not require a change in the levy. The additional dollars will come from cash reserves. There will be minor changes in the supporting documentation that will be submitted to the state auditor.

Svoboda motioned to amend the budget to include \$200,000 for the West Haymarket study. Stevens seconded the motion. Motion approved 5-1.

Svoboda motioned to approve the 2008/2009 budget. Marvin seconded the motion. Motioned approved 6-0.

**Order No. 08-21      Interlocal Agreements - Antelope Valley, Harris Overpass, Southwest 40th.**

Figard stated that an interlocal agreement is used as an additional check and balance and assurance that things are being accounted for and taken care of. Figard asked the Board to authorize the Board Chair and Executive Director to sign the agreements and be forwarded to the City for their approval. This would allow the transfer of money to those projects for the upcoming year.

Workman asked about Southwest 40th Street in conjunction with the jail and the completion of the paving along Southwest 40th to O Street. The money allotted for the jail does not take into account any infrastructure costs on either O Street or Southwest 40th Street.

Figard replied that the Southwest 40th project, as it was laid out and approved, stops pavement south of O Street about 840'. At the time the RTSD project moved ahead, the jail was not something on the forefront.

Marvin agreed that it doesn't make sense to put in a bridge and then have it access a gravel road. This is something the City and County are going to have to work out.

Stevens asked if this was part of the original plan.

Figard replied that he didn't recall costing out a project all the way to Southwest 40th Street. The goal was to get the viaduct over the railroad tracks and get the street opened back up. A rough estimate to pave 840' could run anywhere from \$300,000 - \$1.5 million. There are a number of things that could happen in this area over the next year or so. A huge new commercial development has been approved at Northwest 48th Street on the north side of the interstate. Part of the long range transportation plan in serving that whole area is the extension of Southwest 40th Street north from O Street up over the interstate which will change the traffic patterns at Southwest 40th and O Street. There will have to be more engineering analysis, studies and project activity in that area.

Marvin stated he does believe traffic can be brought down from Northwest 48th Street and have a dedicated right turn at O Street and Southwest 40th. The traffic can flow to the southern part as an interim step towards the bridge over I-80.

Figard stated that when the City deals with any new development, the development typically is responsible for picking up the off site transportation improvements that are necessary.

Workman stated that the \$65 million dollars for the jail is already accounted for.

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

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

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

Figard asked for an additional motion to draft an interlocal agreement for West Haymarket consistent with the language of this discussion and to authorize the Board Chair and Executive Director to sign that agreement after it has been reviewed by the Board Chair and Vice-Chair.

Workman motioned to approve an interlocal agreement for the \$200,000 expenditure for West Haymarket with language that the money will be used towards the relocation of tracks. Svoboda seconded the motion. Motion approved 6-0.

**Order No. 08-22 Funds Transfer Resolution.**

Figard stated that there had been some discussion about whether or not the treasurer for the District be moved from the County Treasurer to the City Treasurer. It has been decided not to pursue this. In researching state statutes, specifically Counties, money is to be transferred to certain political subdivisions within the County by the 15th of the month after the money is collected. The RTSD is not specifically outlined in that legislation. The intention is to put through a resolution to make it clear that the County Treasurer transfer the money collected by the County by the 15th of each month.

Marvin motioned to approve the funds transfer resolution marked "draft." Workman seconded the motion. Motion approved 6-0.

**Order No. 08-23 Project Updates.**

McCluskey gave an update on the quiet zones.

1. Quiet Zone - North - The design has been completed for the median improvements. There was a question of property ownership with a driveway on 33rd Street. The verdict should be back on that issue next week. As soon as this issue is resolved, a bid can be put out for the median work to be done. The notice of intent was published on July 25, 2008. After the improvements are done, a notice can be published stating that the quiet zone has been installed. At that point, the railroad has 21 days to inspect the improvements and silence the horns. There have been legal discussions with BNSF about the wayside horns at 35th and Adams. These projects being done are some of the first in the country and will be the first FRA recognized quiet zone in Nebraska. As such, issues are being worked through that are new to everyone involved. This quiet zone should be completely done by the end of April 2009. The contractor will be given 30 days to complete the medians at 33rd, 44th and 70th Street.

Marvin stated that wayside horns seem to be the cause of the time extension and that the Board should take that into consideration for future quiet zones.

McCluskey added that the wayside horns tie into the railroad's equipment so there has to be an ongoing agreement with them on how that equipment is going to be maintained and what will be done in case of failure.

2. Quiet Zone - South - This covers six intersections on the southwest corridor of Lincoln. Some of those intersections include property that is both within City and County. The contracts were signed and there will be a kick-off meeting in the next two weeks for design of those six locations which will all be medians. The contract as approved includes a 120 day design contract.
  
3. Quiet Zone - South Salt Creek - This spring a neighborhood meeting was held. There were over 50 written responses in which 48 said yes to the quiet zone. The neighborhood was told that if the quiet zone is implemented, the crossings at 2nd and J and 3rd and J will be closed as part of the quiet zone. 1st and J would get medians installed. The neighborhood was asked what should be done with 3rd and D. There was a 50-50 split between raised medians and wayside horns. The Board approved a design process to be done on both wayside horns and medians.

**Order No. 08-24 Non-Agenda Items.**

No new discussions.

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

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

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