



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
December 8, 2008

Meeting Began At: 8:30 a.m.

Meeting Ended At: 9:40 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, Kurt Micek, Bill Kuester, Fran Mejer, Dick Nuernberger, Harlan Layton, Gary Irvin, Steve Lareck, Gary Aldridge, Joan Ogren.

### **Order No. 08-24 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

Stevens motioned to approve the previous minutes. Marvin seconded the motion. Motion approved 6-0.

### **Order No. 08-25 Report of Revenue and Expenditures.**

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

#### Cash Held by County

- Beginning cash balance = \$371,832.77
- Total Revenues = \$1,955,846.81
- Total Expenditures = \$2,238,485.60
- Ending Cash Balance = \$89,193.98

#### Cash Held in RTSD Checking Account

- Beginning cash balance = \$7,829,614.09
- Interest Income = \$54,749.81
- Total Cash = \$7,160,725.41

#### Investments

- Total Investments = \$4,602,330.54

RTSD Cash & Investment Balance = \$11,852,249.93

Nuernberger stated that the RTSD is getting about 2% on investments.

Figard stated that the RTSD has paid out \$703,399 for the Harris overpass with about \$3.6 million of budgeted money left for the City to bill out. The money listed under 899011 in the amount of \$4,219.02 needs to be transferred to 899027.

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

#### **Order No. 08-26      Review of Audited Financial Statements.**

Figard stated that the review of audited financial statements was not presented to the Board at the last meeting as it should have been.

Kurt Micek presented the review of audited financial statements.

- did not find any financial/internal control deficiencies that would be considered material weaknesses
- did not detect any non-compliance matters with laws and regulations
- total assets = \$12,615,830 as of June 30, 2008 which amounts to cash, investments, and property taxes receivable
- CDs - 2.11% - 5.15% and on a 12 month basis
- with municipalities there are safe keeping receipts that can go beyond \$250,000
- the banks devote treasury investments to be insurance on municipalities

Stevens motioned to approve the review of audited financial statements. Marvin seconded the motion. Motion approved 6-0.

#### **Order No. 08-27      2009 Meeting Schedule.**

Figard stated that the March meeting includes the draft budget and update on the CIP. In June the Board approves the budget and sends a levy request to the County Board. In the September meeting, the final budget is approved. Election of officers takes place in June.

Stevens stated that he will not be able to attend the June meeting.

Schorr withheld the approval of the 2009 meeting schedule. The Board will meet as planned on Tuesday, March 10, 2009.

#### **Order No. 08-28      Project Updates.**

Figard went over some of the project updates.

- Cornhusker Highway Quiet Zone 70th Street crossing - railroad didn't have all the electronic equipment, regulations have been re-reviewed, have a verbal confirmation but waiting for something in writing that the 3rd track would not have to have constant warning circuitry, will still have to confirm that the FRA would concur in the agreement
- still working on details on a driveway closure and parking lot issues just north of 33rd on the west side
- pulling together the documents for the 35th and Adams crossing

- the far south quiet zone that runs from Saltillo up into the City - have about 30% drawings completed, one location at Pioneers St with a driveway issue which is tight against the railroad tracks and creating issues and concerns for access and ability to quiet that crossing, wayside horn would be an option, reluctant to say that should be the alternative
- South Salt Creek - contract in place, just getting started in some additional design and working with the neighborhood association

Figard stated that people have been sensitized to the sound of the horns.

Schorr stated that representatives from Hickman still want to be on the list to be considered for a possible quiet zone.

Figard stated that Hickman still has some jurisdictional annexation issues to work out with the Department of Roads on the spur and crossing. Hickman would need to come to the Board or submit some information for the RTSD to consider a quiet zone.

Figard asked BNSF to submit a letter saying that they are willing to accept the 3rd track without constant warning circuitry on 70th. Once that letter is received, it would be resubmitted back to FRA saying that the requirements have been met to create a quiet zone. FRA would then have to rule on that.

Emery asked about when the islands will be poured.

Figard replied that FRA concurrence will be needed to create the quiet zone. The installation of the medians are part of that. Bidding has not moved forward because of the uncertainty of what happened at 70th Street. The safety of these crossings are improved if the medians are put in even if the area is not quieted. There would be a benefit to the community of putting the medians in even if the area hasn't been quieted. The Board would have to concur in that expenditure before anything could be done. Each crossing could be bid separately but it is more cost effective to bid all three together, but it would be possible to drop 70th from the bid.

Workman added that he is in favor of moving ahead without 70th if the letter from the railroad is not received soon.

Marvin mentioned the newspaper article titled "Bridge Over Troubled Girders" in regards to the 17th and Holdrege bridge. He asked what the plan is for this bridge and what decisions the RTSD can make in reference to this bridge.

Figard replied that the RTSD is a funding agent for the City and County on projects. The decision for the Holdrege bridge lies mainly with the City. The RTSD hasn't spent any money to date on the study.

There is a public process for the review and approval of projects within the City process the members can participate in, but not formally being part of the RTSD Board. Replacing the bridge is not off the table. The engineering report by Olsson Associates has indicated traffic could be handled in circulation without replacing the bridge. The bridge could be removed and not replaced until a later time. With the bridge being closed, there is still a pedestrian concern. An option would be to consider funding of a pedestrian bridge and not replacing the vehicular one. If the bridge is removed, people will be trespassing across the tracks. There are not many trains that travel this track. The at-grade option is not

a great solution to the problem. There would be some added costs to pay for storage. The at-grade crossing is an expensive option and creates conflicts. The real issue is the circulation for the university. There are a couple concerns with the leaving the bridge and using it for pedestrian use only. There is material dropping down on the railroad tracks. The \$37,000 estimate would not include fixing this

Emery stated that the vehicular traffic won't be known until the Big X is open.

Stevens asked if the bridge is open for pedestrian traffic.

Figard replied no. Jersey barriers were installed because someone was moving the barricades out of the way so vehicles could drive on the bridge.

Stevens asked when the Big X will open.

Figard replied either summer or fall of 2009.

Schorr asked that the Holdrege bridge discussion should be on the March agenda.

#### **Order No. 08-29      Non-Agenda Items.**

*Harlan Layton - "Harlan Layton, 740 Skyway Road. At 18th and Holdrege, it's been blocked off and people have found another way to get around and they are used to it now. To me, the bridge should come down, the road closed at 19th and if they want trails and they want to put a bridge over there, let them foot the bill just like they are on 27th Street putting that overhead and not out of the money that we're trying to save to make crossings safer. 44th Street should be closed. You can go four blocks to 48th and get under. They should be looking to get an underpass under 33rd so we can end up closing 33rd and Adams at 35th. It's part of the Antelope Valley. They can come to it down the road. That would eliminate that. As far as silent crossing, it may make their quality of life better to people around there, but it does not make anyone else's that pulls up to that crossing and still got to wait until the train goes by and everybody in town is going to foot the bill. I don't care what they're saying, but it's going to cost you and everybody that is 40 miles away from the railroad is still going to be paying for it. They are going to be wanting silent crossings from here to whatever and I don't agree with it. I think it's a waste of money. You've got three safe crossings, one that goes over the railroad, one that goes under and there's no crossing there period. Silent crossings do not make it safer and the railroad does not pay for any of that. If you close a crossing the railroad has to kick in some money but it doesn't amount to much, but they want everybody to take care of them. We gave the ground years ago to build the railroad."*

Workman stated if the bridge at 18th and Holdrege is removed, he agrees that there should be some consideration to leaving the structure in tact to do a pedestrian bridge.

*Harlan Layton - "They get the trails and parks and stuff gets donations and this kind of stuff. The cement plant underneath there, they get cars in there all the time and are setting all the way around that thing underneath there. Until they leave out of there, there's going to be cars setting there and you know what people do. They did it on 14th and everything else. They crawl through tracks to go to football games. That is what is wrong with people. The difference between us and animals is here. Animals have a little more sense that some people got."*

Steve Lareck - *"Hi. I'm Steve Lareck - 920 South 8th Street. And I was wondering if rather than having plastic barrels that could be easily moved, if we can still allow pedestrian and bike traffic by putting up concrete barriers that would prevent automobile and vehicle traffic and yet allow pedestrians and bikes to move safely. To me that seems like a safer solution that would allow continued flow of pedestrian traffic. And we have all those big concrete things around the federal building. Of course you don't want something that is immovable/permanent but ya know I would think a big block of concrete would allow people to still use that bridge for safe purposes."*

Schorr asked Figard to describe jersey barriers.

Figard replied that a jersey barrier is a large concrete shaped barrier similar to barriers placed in the middle of a lot of interstates. Moving the barriers so that pedestrian traffic can get through would have to be reviewed with staff.

Steve Lareck - *"Then I have a question. I guess the new administration may come out with some kind of works projects that allow cities and states to build new infrastructure. I wondered how we are set to be prepared. They say that the money is going to be there in a short time and the first come, the first serve. I hope we're prepared to deal with that issue. And I guess partly Roger was talking about getting ideas for future investments and so I think we should be ready to run if the opportunity arrives."*

Figard stated that the City and Public Works have been working on a list of projects with the Mayor and administration. The difficulty is getting the project ready for construction within 90 days. Right-of-way may not be obtained yet, agreements ready, etc.

Schorr added that the County has the one and six road plan and would be ready to go immediately on roads and the jail.

Stevens stated that the County Board had discussions at the last staff meeting with the jail being high on the list. Another item on the list is South Beltway. It may not be ready to go, but it is a project that is in a near term time frame even though the State is taking it off their plan. The County Engineer is also supposed to provide a list of projects that are ready to go.

Marvin stated that on the City side, the market ready project is Antelope Valley.

Figard added that there hasn't been a lot of resurfacing and maintenance of some streets and should be done in conjunction with this.

Workman stated that East Beltway should be on the list also.

Gary Aldridge - *"Chairman Schorr, members of the Railroad Transportation Safety District. For the record, Gary Aldridge, 7112 South 45th Street, Lincoln, Lancaster County, Nebraska 68516. I recently received the annual greeting and salutation from the Lancaster County Treasurer property taxes due and payable in calendar year 2009. Actually I received two. One for a residence, one for a small business....a very small business. The property tax statement, like an accordion, seemed to almost reach the floor. There were 18 separate line items. Each district tax levy authority, each demanding money, each convinced absolutely I'm sure that only they were the true salvation for mankind. One was a levy for the operation of this district. Most can see government as necessary. Government*

*provides legitimate services. I, like most, realize that taxes are an essential obligation of citizenship. At the last session of the Railroad Transportation Safety District, public money was obligated for certain feasibility work. With respect to that action and obligation, I think the RTSD is a wee bit confused. I would caution against any expectation that an empty cup extended by others will be filled with public money from RTSD. However, it seems that may be the current RTSD path. It seems the RTSD believes that if it can do something, well then it must do something. You people want to be all things, to all people, at all times, for all reasons. I did not and do not subscribe to that concept under any definition of legitimate function of government.....But like a duck struck upon the head, RTSD is confused about the role and mission of government. RTSD is not and cannot be all things to all people at all times. And because RTSD can do something, does not mean RTSD must do something. The \$200,000 collected by RTSD as taxes and then obligated to study whether private property should be vacated and used for other purposes is not legitimate function of government. And perhaps if more were grumpy about the use of public funds, this type of foolishness would occur less. One final observation, with respect to Roger Figard. A Journal Star news item on 14 September 2008 says Mr. Figard, a City of Lincoln employee, "heads the RTSD." About this perhaps the Journal Star is mistaken. Even Journal Star super powers are from time to time limited. When I read that story about RTSD, several questions occurred to me and being unschooled in the subtleties of government, I assumed that perhaps I could or should talk with Mr. Figard just for clarification. I contacted Mr. Figard's office by telephone on 16 September 2008. I left a "please call at your convenience" message with Tina. I'm still waiting for that phone call. Perhaps my expectations are merely child-like, making believe that a public employee would from time to time actually talk to the public. This absence of colloquy seems to be the norm rather than the expectation in City/County government. This suggests Mr. Figard, with respect to RTSD, may be overwhelmed with other tasks, but maybe that is a future agenda discussion I am for elected RTSD members. Thank you."*

Workman stated that there has been an exponential drop in deaths at railroad crossings because many at-grade crossings have been eliminated. Dan Laden, a very good friend, was killed in 1972 at the 27th Street crossing. This will never happen again because of the RTSD. The RTSD is here for a purpose and the funds have been spent very wisely.

Joan Ogren - *"Joan Ogren, 9811 South 64th. I appreciate your quiet zone and let you know that there is support out there for that. And Mr. Figard, I want to tell you about your term "sensitized." I was sensitized at 6:14 this morning by the train, and I live 3-1/2 miles away from there within your five mile perimeter what you were talking about. So I want you to know there is support out there for your quiet zones. And I can't help bringing up the point, this is from the last article from your last meeting. There is this term in here that says the wayside horns, I'm curious to know what the decibel is. Is that the DB? Could you give me a hand here a minute? I have the potential quiet zones, the horns, is that what DB means?"*

Figard responded yes.

Joan Ogren - *"I should have checked with you beforehand on that. The perimeters here for the decibels for trains. I'm curious to know what the decibel for the wayside horns are. I guess where my curiosity is if the wayside horns are going to be acceptable, why are we even allowing these trains to be blasting these whistles in the first place? I realize that the arms and all of that are going to go along with, that but I'm just curious to know why do I have to 3-1/2 miles away have to be blasted by these. Why does that decibel have to be so loud on those trains? I was out at Kohl's the other day, and I'll tell ya I*

*about got knocked off my feet with that train that went by down in there. Holy cow. I guess in our modern day and age, why do we even have to have that. I realize that all of these trains, and I've listened to every one of them that goes on the south corridor out there. Some of them are very low and timid. Some of those engineers are just very kind and just kind of tap on that thing. I realize two long, one short, one long. I listen to it all night long but I just want to...is there some way that maybe we can de-sensitize some of this racket by maybe addressing the horns on these trains? Isn't there some way that those men or women that are driving these trains can maybe play with that a little bit more and lower that?"*

Figard replied that they are mandated by federal law on the levels and the length and the location. It took Congress and the Federal Transit and Rail Authority ten years to work out the conditions of the final horn rule. To go back and suggest that the rule be changed would be an uphill battle. There really isn't much that can be done. The railroad does work with its employees to make sure they are only doing what the law requires. This information can certainly be passed on to the Railroad. The wayside horns primary has to have a 92 - 95 decibel. The primary advantage is that the wayside horn is pointed straight down the street 90 degrees away and will seem much less loud than the train horns. The RTSD cannot arbitrarily decide that the train horns are going to be quieter or not blow at these crossings. It is a federal requirement.

*Joan Ogren - "I guess that's where I'm kind of wondering. It says that the horns are much quieter, that the focus to sound toward the vehicles. It has to be within six blocks or a 1/2 mile. Well I'm just thinking if traffic is moving down Saltillo, why do we people three to four miles away have to still be blasted by these sounds? I realize I'm going around and around on this, and I guess I just don't quite understand why they have to be so loud. I just came back from Europe. I traveled over there. I travel there all the time and they get one little blast, one little blast before the crossing and that's all they get. Now that's not to say that we have to do what they do. I think it was Mr. Marvin brought up a point and is on my mind also last time I was here which was quite a while ago. He brought up why can't we have better lighting along Saltillo. When I think about when you go down Highway 2 and you see all these roads about trucks must be in this lane and that lane, talking about infrastructure and building new crossings, I can't imagine that in our modern society we can't come up with better ways of alerting intersections than this 96 or whatever it is 100% decibel. It about knocks you off your feet when you're out there. That's just my comments."*

Schorr stated that Workman has advocated the quiet zones.

*Joan Ogren - "I don't think I'm big enough to take on the FRA, and I don't know who's the go between between the FRA and the City infrastructure but I just can't help thinking in modern tools and technology, we certainly can do something about it. I know even lawnmowers have standards and so of course do trains. I appreciate that."*

Schorr adjourned the meeting.

The next meeting will be held on Tuesday, March 10, 2009 at 8:30 a.m.

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