



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting
March 10, 2009

Meeting Began At: 8:32 a.m.

Meeting Ended At: 9:47 a.m.

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

Members Absent: Bob Workman

Others Present: Roger Figard, Randy Hoskins, Alicea McCluskey, Tina Queen, Bill Kuester, Fran Mejer, Mike Warner, Doug Rix, Susie Filipi, Erika Nunes, Bernie Heier, Rick Haden, Larry Hudkins, Harlan Layton, Gary Irvin, Gary Aldridge.

Order No. 09-01 Call Meeting to Order. Approval of Previous Minutes.

Schorr called the meeting to order.

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

Order No. 09-02 Report of Revenue and Expenditures.

Mejer presented the revenue and expenditures report for July 1, 2008 thru February 28, 2009

Cash Held by County

- Beginning Cash Balance = \$371,832.77
- Total Revenues = \$2,584,374.13
- Total Expenditures = \$2,824,061.25
- Ending Cash Balance = \$132,145.65

Cash Held in RTSD Checking Account

- Beginning Cash Balance = \$7,829,614.09
- Interest Income = \$86,434.41
- Total Cash = \$4,227,097.14

Investments

- Total Investments = \$4,646,635.23

RTSD Cash & Investment Balance = \$9,005,878.02

Emery motioned to approve the report of revenue and expenditures. Svoboda seconded the motion. Motion approved 5-0.

Order No. 09-03 Current Budget Status, Project Updates.

Figard did an overview of the 2008-2009 budget.

- Salary - will finish ok, proposing to increase next year because City Engineer and staff salaries have went up and RTSD pays a percentage of those salaries.
- Supplies - no issues.
- Services and Charges
 1. nothing done for contractual services
 2. auditing services are mostly done
 3. legal services are ongoing
 4. stayed under \$1500 budgeted for the trip to DC
- Crossings - City
 1. Railroad has put in a new concrete crossing at Folsom and West South Street - may get bill prior to the end of this fiscal year.
 2. Many complaints regarding the crossing at Pioneers Boulevard just west of 10th Street/Highway 2, working with the railroad about the possibility of replacing the old wooden plank crossing.
 3. Adams/NW 12th - City did take bids on the bridge repair by the airport last fall. The contractor started last week. Completion date is August 2009 so there will be some carryover into the next fiscal year. Bids were close. If no contingencies are spent, money budgeted should be adequate.
- Crossings - County
 1. New set of crossings at 141st in Waverly. The railroad and NDOR worked on and are funding that project.
- CIP Projects
 1. Antelope Valley is paid out for this year.
 2. Harris Overpass is mostly done. \$1.26 million remains in the budget. There are still some bills coming in for approximately \$650,000 - \$700,000 and should have approximately \$500,000 remaining to be rebudgeted.
 3. Hickman - no expenditures thus far, will check with the County to make sure they get the RTSD any bills that they need.
 4. Southwest 40th - The City has not billed any of the \$1 million.
 5. Salt Creek Railroad Underpass - The NRD has accomplished getting an agreement with the railroad and is trying to move ahead. The money budgeted will probably be carried over to next year's budget.
 6. Haymarket - No bills received thus far. Roger will remind the City to submit bills to the RTSD before the end of the fiscal year.
 7. Quiet Zones
 - a. Cornhusker Highway - The City took bids last week and are significantly over what was estimated. In February 2007 the study report said the estimated cost to do a quiet zone would be \$259,000 which didn't include contingencies. The quiet zone along Cornhusker Highway is comprised of two different components. One is wayside horns which has to be done by a sole source contract. The second one is medians and street improvements at 33rd, 44th and 70th. In the original study, the horn estimate was \$125,000, and the quotes received two years later are just over \$159,000 which is a 27% increase. The median and street work estimate in the original study was \$134,000, and the two bids taken came in at \$191,697.52. If the quote for horns and bid for the street work are added, the

total cost comes in just under \$351,000. \$15,000 would need to be added for flagging and \$20,000 additional for construction, engineering inspection and contingencies. The total needed money is \$386,000 which is 38% over the estimate from the original study. \$278,179 is in the current budget and based on the new numbers, \$108,000 would be needed to move forward. The City cannot award the contract without action from the RTSD. There is \$500,000 in project 899905 for emergency and safety which could be considered to help fund this quiet zone. The other quiet zones need to be looked at and numbers re-evaluated.

Marvin asked why the cost for building medians is so high and if they are comparable to other bids coming in for concrete work.

Figard replied that most of the other projects are on a larger scale in which machines are used. These medians will have to be done by hand.

Svoboda asked if there are requirements to keep the street open during construction.

McCluskey replied that there were two special requirements. 70th would remain open for traffic on one side. The other requirement was to finish driveway work for the businesses that were impacted on 33rd Street prior to any other construction being done which would give it time to cure before they finished 33rd Street.

Figard asked for a motion from the Board to authorize the movement of \$108,000 from emergency and safety to this budget item so that the City is reimbursed for those costs. A revised interlocal agreement should be put together and presented at the June board meeting to formalize that transfer of money.

Stevens motioned to approve the transfer of \$108,000 from emergency and safety line item to the Cornhusker Highway Quiet Zone project. Marvin seconded the motion. Motion approved 5-0.

Order No. 09-04 SW 40th Street Paving/Viaduct.

Heier spoke on behalf of the County Board. "When the County Board selected the corner of Southwest 40th Street and O Street as the sight for the new County Jail, the Board was relying on the construction of the Southwest 40th viaduct being completed on schedule. However, the viaduct has fallen behind schedule the last several years. The project was slated for completion in 2008. The completion date was later revised to the end of 2011. But as of this date, the start of construction is not yet scheduled. Lancaster County is to commence construction of the new jail in May with a completion date of 2011. It is now imperative that we move as expeditiously as possible with the Southwest 40th viaduct. The Southwest 40th railroad crossing was closed in August 2005 with the understanding that the viaduct would be finished in less than four years. It is unacceptable to leave the important road closed indefinitely. Not only does the County need Southwest 40th open as an access route for the jail, but the local businesses and residential communities need this road for their future development and vitality. The County Board is hereby requesting that the RTSD prioritize Southwest 40th viaduct and move forward without any further delays. We would also encourage the RTSD to complete the road from the north side of the approach from the viaduct to West O Street. Thank you for your consideration."

Figard referred to the Southwest 40th handout. This project has remained a priority but some challenges have been hit along the way. For more than two years, it has been on a schedule to bid in the spring 2010 and open to traffic in late 2011. If the stretch of area is paved on Southwest 40th between West O Street and the viaduct, it will need to be done in such a way that it won't have to be

torn up or closed. The proposal is to continue the three lane roadway up to O Street. Those three lanes would be built on the east side of the right-of-way. At O Street, a lane in each direction and a separate left turn lane would be provided. A little widening would need to be done on the north side of O Street up to the first driveway which would allow widening of the rest of the roadway if the bridge is ever four-laned on the west side. The sidewalk on the far right hand side would be put in its ultimate location. Then the other two lanes could be added and would end up with two lanes in each direction, dual left turn lanes and a right turn lane if needed. Extending those lanes would cost approximately \$663,000+. The Board would need to make a decision today. There will be approximately \$500,000 of unused money in the Harris Overpass budget that could be moved to this project. The actual construction of this bridge is a year or so out and there are other capital improvement projects that we may need to make consideration on. \$650,000 - \$700,000 could be added to the budget and not delay Hickman or another project.

Marvin asked if the RTSD can build a road that far away from a bridge.

Figard replied that it would not be illegal to use those funds. There were a number of remote streets built for the 3rd and A overpass for connectivity and circulation.

Marvin thought the road would be more of a City project.

Schorr mentioned that there were talks about the State redesigning/realigning O Street and asked if these plans would compliment those plans for the roadway.

Figard replied that it would not conflict. The State is looking at a safety project that might provide turn lanes and/or a possible traffic signal at that location.

Heier thanked Figard for all the extra effort put forth for coming up with a plan to pave the roadway.

Svoboda made a motion that the RTSD fund and construct the north leg of Southwest 40th to O Street with an interlocal agreement to follow with an amendment to explore reimbursement back to the RTSD from either the City or County. Stevens seconded the motion. Motion approved 5-0.

Order No. 09-05 South Lincoln Quiet Zone Interlocal Agreement.

Figard stated that the RTSD funded this study and the City moved ahead with the design and construction. This interlocal agreement would include the City, County and RTSD. The District agreed to fund the construction. The City agreed to do the engineering and get the project built. The City agreed to own and maintain it. The County would agree to own and maintain any of the appurtenances built in the County. This agreement is longer because paragraphs 8 - 17 were requested by the County which includes some of the County's typical language when the City is doing work that moves out into the County. The District, City and County attorneys have reviewed this agreement and are comfortable with the language. The District has \$350,000 for this quiet zone and if approved, the District will pay for that. If the Board desires to move ahead, the Board would approve the interlocal agreement with a contingency that cost estimates will be reviewed by the June meeting and present any suggested amendment to the dollar amount. The work would not be done in this fiscal year and the money would need to be carried over.

Schorr asked if action needs to be taken if the cost estimates are uncertain.

Figard replied that there is a potential to bid this quiet zone before the end of this fiscal year.

Svoboda supports the South Salt Creek quiet zone, but unsure about the South quiet zone.

Marvin asked what financial obligation the Board is tied to if the interlocal agreement is approved and after the bid there are cost overruns.

Figard replied that the Board would agree to pay for the engineering and the work done to that point in time. If the bids are over what the interlocal agreement states, the Board can then choose to add money or reject the bids.

Svoboda asked about the shelf life for the cost of engineering work.

Figard replied that he would have concerns if it went over one year.

Marvin encouraged the Board to approve the interlocal agreements.

Svoboda asked what would change the transportation governing body's decision if quiet zones were approved in a relatively undeveloped part of town that will see a tremendous amount of growth and if that would change their opinion as to whether that quiet zone remains quiet.

Figard replied that as long as the safety measures that are called out for in the final horn rule that Congress passed in 2005 are met, increased development growth couldn't change that. The City of Lincoln is looking at design standards for intersections that cross railroad tracks so that the City could build these medians, etc. up front so they can be part of the project.

Marvin motioned to approve the South Lincoln Quiet Zone interlocal agreement. Stevens seconded the motion. Motion approved 4-1.

Order No. 09-06 South Salt Creek Lincoln Quiet Zone Interlocal Agreement.

Marvin motioned to approve the South Salt Creek Quiet Zone interlocal agreement. Stevens seconded the motion. Motion approved 5-0.

Order No. 09-07 Draft 2009 - 2010 Budget & CIP.

Agenda item has been delayed until the June 2009 Board Meeting. Figard will clean up the draft budget based on the discussions held today. The draft budget, CIP and cash flow sheets will be sent out to the Board Members the end of April/beginning of May to reflect changes made today.

Order No. 09-08 Petitions/Letters/Requests.

Figard stated that two letters were received, one from Waverly and the other from the Mayor. The Waverly letter has to do with a request on a quiet zone. The Mayor letter is in regards to funding on Harris Overpass.

Doug Rix - "My name is Doug Rix and I'm the City Administrator. Also with me is the new Mayor of Waverly, Mike Warner. Just wanted to update you on where we are. Approximately a year ago we hired Schemmer Associates to conduct an overpass study at North 148th Street. They are completing

the study. One of the requirements for federal funding for the overpass would be to close both the North 148th and North 141st Street crossings. There is opposition from the business community to close the North 141st Street crossing. And as Mr. Figard indicated, that was the one that was just recently reconstructed and it's in very good shape now. With the opposition, now we are looking at what we can do as far as quiet zones. I see on your agenda with both 33rd and 70th Street off Cornhusker, we have the same trains that go through Waverly and with the proximity on how Waverly is laid out, with all the residences, it affects people's quality of life and subsequently we are requesting funding for the quiet zone. I have been listening and with the overruns and the different things, if it would help you, it could wait until the next budget year. If that would help the request we would support that."

Marvin asked Rix if they would prefer wayside horns or concrete medians at that intersection.

Doug Rix - "I guess you'd have to look at cost at both options, but we really don't have a preference. We would be looking at 141st and 148th Street."

Svoboda asked if 141st Street is the street that crosses the tracks at the grain elevator.

Doug Rix replied yes.

Schorr asked if any of the research that Schemmer has done with regard to a potential overpass would be helpful to the RTSD in designing a quiet zone.

Figard replied that the issues are different, but the work that they have done may play a role.

Mike Warner - "They did some noise studies for us a few months ago and a lot of the DBs are over 100. It's loud."

Stevens requested that Figard budget some money in the next fiscal year for quiet zone studies. The Board agreed.

Figard presented a letter from the Mayor of Lincoln requesting funding assistance on the Harris Overpass.

Marvin stated that at one point in time, the City was on an 8 - 9% revolving interest rate with Lincoln Electric. The interest only loan balance continued to accumulate as equipment was bought from LES. Funding costs were significantly above the City's borrowing cost. Back in 2002, Don Herz worked through a process that provided long term savings to the City where they could borrow at 4% on a 10 year payoff. After the end of 10 years, the equipment would be owned by the City and there wouldn't be an additional capital cost. It started off at \$3.2 million in the budget. Next fiscal year it will be up to close to \$6 million. New street lights are being bought while still trying to pay off old ones. The City bought the street lights on the Harris Overpass. RTSD funded the 3rd and A Street overpass street lights.

Figard stated that 3rd and A, Hickman, and Southwest 40th are RTSD train mile tax funded projects and the lights were/will be paid for by the RTSD. With Harris, all possible funding sources were looked at and reimbursement was requested from the City on some lights. Projects where there is a bridge like Antelope Valley where there are several roads and the bridge is a little piece, the RTSD is only a small piece of the funding which is a different circumstance. In this case, Harris is much more like 3rd and

A, Southwest 40th and Hickman in which the lights are part of the project. The Harris Overpass is virtually paid for. The street lights have already been paid for by the RTSD. The City would not be asking for \$900,000 from the RTSD, because it has already been paid for. The RTSD would simply not ask for reimbursement of that money from the City. The RTSD would not be exceeding the amount budgeted on the Harris Overpass.

Svoboda stated his concern that the City used ornamental lighting on the Harris Overpass which is more expensive than traditional street lighting. The City of Lincoln should be responsible for those requirements where they did go above and beyond a typical ordinary street light.

Marvin motioned to approve that the RTSD not be reimbursed \$900,000 from the City for the Harris Overpass street lights. Emery seconded the motion. Motion approved 5-0.

Order No. 09-09 Non-Agenda Items.

No discussions.

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

The next meeting will be held on Tuesday, June 9, 2009 at 8:30 a.m.

Prepared by: _____
Tina Queen, Engineering Services