



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 16, 2009

Meeting Began At: 8:13 a.m.

Meeting Ended At: 9:26 a.m.

Members Present: Deb Schorr, Ray Stevens, Doug Emery, Eugene Carroll

Members Absent: Bob Workman, Adam Hornung

Others Present: Roger Figard, Alicea McCluskey, Tina Queen, Bill Kuester, Tony Jerina, Fran Mejer, Susie Filipi, Rick Haden, Linda Beechum, Harlan Layton, Gary Irvin.

### **Order No. 09-10 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

Stevens motioned to approve the previous minutes. Emery seconded the motion. Motion approved 3-0. Carroll abstained.

### **Order No. 09-11 Report of Revenue and Expenditures.**

Mejer presented the revenue and expenditures report for July 1, 2008 thru April 30, 2009

#### Cash Held by County

- Beginning Cash Balance = \$371,832.77
- Total Revenues = \$4,752,378.31
- Total Expenditures = \$2,864,528.77
- Ending Cash Balance = \$2,259,682.31

#### Cash Held in RTSD Checking Account

- Beginning Cash Balance = \$7,829,614.09
- Interest Income = \$101,996.98
- Total Cash = \$4,046,643.25

#### Investments

- Total Investments = \$4,646,635.23

RTSD Cash & Investment Balance = \$10,952,960.79

Emery motioned to approve the report of revenue and expenditures. Stevens seconded the motion. Motion approved 4-0.

**Order No. 09-12      Current Budget Status, Project Updates.**

- Haymarket - \$200,000 left but the District has received a bill from the City and it has been verified, this money will be spent before the end of the fiscal year
- Quiet Zone; 33rd - 70th - most of the median work is done at 33rd, 44th and 70th, need to make sure the expenditures the City has made get transferred over, there is an interlocal agreement later on in the agenda to increase the overall budget to cover the increased costs, the \$272,000 left plus the \$150,000 need to be combined to give a total project cost, whatever is not spent will need to be carried over and added to the \$150,000
- 68th @ Hickman - remaining balance of \$370,000, have received a bill from County Engineering for \$359,371 that is in process to be paid
- Quiet Zones - A letter was recently sent to a number of interested citizens regarding the Cornhusker corridor. There is a one month delay in the installation of the wayside horn at 35th and Adams because of the insurance agreement in getting a contract signed between our supplier and the railroad. The horns will be installed the week of July 13th. The horns should be silenced by the middle of August. South Salt Creek - continuing to work on the design and plans as well as the far South project that would run from South Street to Saltillo, coordinating the work at 14th and Saltillo with the County's resurfacing stimulus projects.
- Reminder that Roger will be attending the NCUTCD meeting in the next couple days.

Stevens asked about the South Salt Creek deficit.

Figard replied that money from emergency and safety will be transferred down to cover that negative. Next year, those will be budgeted separately and emergency/safety will be reduced.

**Order No. 09-13      Election of Officers.**

Stevens motioned to nominate Deb Schorr for Chairperson, Doug Emery for Vice Chairperson and Bob Workman for secretary. Carroll seconded the nominations. Motion approved 4-0.

**Order No. 09-14      Review/Renew Legal Service Contract & Accounting/Auditing Contract.**

Figard stated that the Crosby Guenzel contract calls for an annual \$500 retainer to provide legal services. The rate is \$130 per hour and \$75 per hour for associates. Crosby Guenzel has served the District well. Fees have remained the same as last year.

Figard stated that the Micek and Crouch contract provides an audit of financial statements and government activities for the District year ending June 2009. Additionally they will assist the District in the preparation of the budget for the year June 30, 2010. The fees are not to exceed \$8,300. Micek and Crouch has served the District well. The District budgeted \$9,000 just in case additional services are needed.

Stevens motioned to approve the legal service and accounting/auditing contracts. Carroll seconded the motion. Motion approved 4-0.

**Order No. 09-15 2009 - 2010 Budget & CIP.**

- Operating budget - asking for \$73,400 up from \$66,900 due to the City Engineer's salary increasing, by interlocal agreement 25% of the City Engineer's salary is to be reimbursed by the District
- Supplies remain the same. Other services and charges went up \$1,000 which reflects the proposed increase for auditing.
- Crossings for City and County - had proposed \$300,000 last year and proposing the same this year.
- Reminder that the budget for the RTSD does not carry over like capital budgets for the City. Any money not expended stays in the bank account and must be reappropriated.
- Capital budget - total construction projects to date shows \$7,190,000, may need to make some slight adjustments due to remaining balances that don't get spent.

Schorr asked about the \$500,000 budgeted for project on 91st and Yankee Hill.

Figard replied that the County Engineer's office secured right-of-way between 84th and Cheney that curves to the left and curves up to cross Highway 2 at approximately 91st Street that goes through the Korver Development and connects to 98th Street. The agreement the County did closes the at-grade crossing on the southwest corner of Cheney. This money is to pay for the crossing material, gates, lights and improvements that will be necessary when that road is completed. This is consistent with the County Engineer's long range planning to close that old crossing and circle Yankee Hill into 91st and connect up the arterial.

Stevens asked if Figard could provide maps/drawings at the next board meeting.

Figard replied that yes he would provide those at the next meeting.

Schorr asked why there is still \$400,000 budgeted for the Harris Overpass.

Figard replied that there is just under \$600,000 of unexpended budget for that project. Any time a contract is closed out, it takes a while to get all the bills done. Not all of the final payments to the contractor have been paid. \$400,000 is budgeted for any bills that are still coming in after the end of this. The \$400,000 is part of the \$600,000 that is not expended.

Figard recommended that this budget be approved and forwarded to the County Board with a request of the 2.6 cents within the 15 cent lid. Once Hickman and Southwest 40th are done, unless there are other projects that come up, a reduction in the levy could be considered. It is important for the next two upcoming years because funding will begin for Hickman and Southwest 40th.

Stevens stated that there is a disconnect on the operating expenses. The operating expenses shown are \$4,500 less than what was approved. The cash flow sheet is based on a valuation growth of 1.5% for 2009 - 2010 and 1% for the next two years. The County Board is looking at substantially less of an increase.

Figard stated the operating expenses sheet will be fixed and he will visit with Dennis to update what projections should be used. Cash flow never goes below \$1.5 million and the lowest for the current budget is \$3 million. There will be no financial problem to change the percentage.

Stevens motioned to approve the 2009 - 2010 budget and CIP and request a levy of 2.6 cents. Carroll seconded the motion. Motion approved 4-0.

**Order No. 09-16 Hickman Southeast Supplemental Agreement.**

Figard state that this is an agreement with the State of Nebraska and has to do with the Hickman Viaduct project. As part of the planning, the County believes they need to resurface and pave 82nd Street as a detour route while the viaduct is being constructed. There is also a BNSF crossing on Panama Road just west of 82nd Street. The County and NDOR wants the gates, lights and circuitry at that crossing to be upgraded to provide additional safety for cars, school buses and pedestrians. The County and NDOR has put together an agreement to provide new gates and lights and update the circuitry. The estimated cost of that project is just under \$310,000. 85% of that comes from federal rail funds that the NDOR administers. 10% comes from the railroad. The RTSD would provide a local share. They have asked for the District to participate at the rate of 5% which is estimated to be \$15,500. The money would come out of County Crossing line item.

Emery asked what the time frame is to build the overpass.

Figard replied it will take a full year, possibly a year and a half.

Schorr asked why only \$10,000 is being carried over for the South 68th/Hickman Overpass project.

Figard replied that in 2010 - 2011 there will be \$5.7 million budgeted for the construction of that project.

Stevens motioned to approve the Hickman Southeast Supplemental Agreement and to authorize the Executive Director to sign that agreement on behalf of the RTSD Board. Carroll seconded the motion. Motion approved 4-0.

**Order No. 09-17 Southwest 40th Interlocal.**

Figard stated that interlocal agreements are used to authorize a transfer of funds to either the City or County. At the previous board meeting, the Board did approve adding additional funding to pave 800 - 900' north of the viaduct to O Street. This agreement will go onto the City to be approved by resolution that \$2.4 million in the 2009 - 2010 budget support the construction, continued right-of-way design, and getting ready for construction of that viaduct. The primary construction money for Southwest 40th is in 2010 - 2011 budget. This project is funded by federal dollars made up of both those that are eligible for this City or RTSD, federal bridge dollars that are typically eligible for the County to rebuild the middle creek bridge, RTSD, and State of Nebraska (train mile tax).

Stevens motioned to approve the Southwest 40th Interlocal agreement and authorize the Chair and Executive Director to sign the agreement. Carroll seconded the motion. Motion approved 5-0.

**Order No. 09-18 Cornhusker Highway Quiet Zone Interlocal.**

Figard stated that this is an amendment to the original interlocal to include the additional construction costs of \$108,000. This would be an acknowledgment of the previous action of the Board.

Emery asked if a road map will be determined in regards to quiet zones to shorten the process.

Figard replied that it has been a learning process, but this is a time where the environmental issues and oversight and regulations by the federal government are changing. The NCUTCD has been debating for two years on updating the MUTCD which is a document that is used regularly by the railroad asking local entities to improve signals, gates, lights and circuitry.

Stevens motioned to approved the amendment of the Cornhusker Highway Quiet Zone Interlocal and authorize the Chair and Executive Director to sign the agreement. Carroll seconded the motion. Motion approved 4-0.

**Order No. 09-19 Waverly Quiet Zone Study.**

Figard stated that as the District has undertaken RTSD studies, the District has been the agreement/contract holder with the consultants for the study and once it has been determined that a study is feasible and economical and the Board chooses to budget for that project, the Board either works with the City or County to manage the design and construction project. The Schemmer Associates has done significant grade study and other railroad work over the last couple of years for Waverly. It is efficient and appropriate to request a Request for Proposal from The Schemmer Associates to do the feasibility study in the amount of \$30,000. Doug Rix is agreeable that the District should move ahead with the feasibility study. The District would collaborate with Waverly throughout the process and would be part of the decision making of whether or not to move ahead.

Stevens mentioned that in Doug Rix's letter that there is opposition to close 141st Street and asked if that is a requirement if the overpass went ahead.

Figard replied that if an overpass is built as 148th, 141st would need to close. The community was not very receptive to that so in the interim, they have asked about a quiet zone.

Linda Beechum - "That is correct. It's actually a ruling I put in place when I was the State railroad liaison engineer for the Department of Roads in the 90's as part of really trying to get full safety. If you build a viaduct, it'll leave the adjacent crossing open. People will use it out of convenience or habit and we were not seeing the reduction in fatalities that we should have for the funds that were expended. That is now an adopted policy of the Department of Roads to look at crossings within a quarter mile of every viaduct location and close as many of them as possible. We have conducted this viaduct study and there was a lot of push back from the community in terms of the idea of closing 141st. The community has said that out of why they were starting the viaduct study in the first place was the opposition to the train horns and so now with the reaction from the public to the results of the viaduct study, Doug Rix and the City leaders are asking for a quiet zone study."

Figard stated that the train traffic will possibly increase to 100+ trains a day on that corridor 10 - 15 years down the road.

Emery motioned to approve the authorization of the Executive Director to request a proposal from The Schemmer Associates to negotiate an engineering agreement for the study and to authorize the Chair and Executive Director to sign the agreement within the context of the \$30,000 budget item. Carroll seconded the motion. Motion approved 4-0.

**Order No. 09-20 OL & B Railroad & 18th Street Interlocal.**

Figard stated that this is a proposed interlocal agreement for the Board's consideration that would embody the request from the Mayor's office. The 18th and Holdrege Street bridge has been closed since late last fall. The administration has made a decision to not replace the Holdrege Street bridge as a vehicular bridge, but to remove the existing bridge and construct a pedestrian trails bridge which would connect the trails as they come into Antelope Valley. It is crucial with the OL & B railroad coming into that area, there is a way to accommodate pedestrians east-west in the corridor from the University to the neighborhood. In the 2009 - 2010 budget, \$250,000 would pay for the demolition of the existing bridge this fiscal year and start on the design, engineering and any right-of-way needed for the pedestrian structure. In the 6 year CIP, \$575,000 is listed in budget year 2010 - 2011 for the construction of the pedestrian bridge. If the District funds the construction, the Parks Department would take over ownership, operation and maintenance of the pedestrian bridge. The goal is to start construction in 2010 - 2011. It is recommended to negotiate with the consulting firm, Olsson Associates, who did the study and analysis to also do the design and construction of the project.

Stevens stated that it is currently being used as a pedestrian overpass so risks need to be evaluated between using the current bridge as a pedestrian overpass for a period of time or having people walk across the track because there is no overpass. Destruction of the current bridge could be delayed until design is done and right-of-way agreements in place but there is a risk associated with that as well.

Figard stated that the City has to analyze everything as they put together a demolition contract and layout of schedule for the new bridge.

Schorr asked that this item be put on the next board meeting's agenda for an update and also hear from Olsson Associates if appropriate.

Stevens asked if it would appropriate to delay the demolition until after the next meeting.

Figard replied that the City would have to put together a demolition contract, but not sure how long that would take. There is a lot going on with stimulus projects. It is conceivable that the City could have a demolition contract in place prior to the RTSD September board meeting. The Board action today would be to agree to fund the demolition and a pedestrian bridge. A schedule update could be given to both the County Board and the City Council before moving ahead with the demolition contract.

Stevens motioned to approve the OL & B and 18th Street Interlocal Agreement and authorize the Board Chair and Executive Director to sign the agreement. Emery seconded the motion. Motion approved 4-0.

**Order No. 09-21 Antelope Valley East Leg Interlocal.**

Figard stated that this will be the last annual funding interlocal agreement between the RTSD and the City for Antelope Valley. \$2 million is budgeted for the 2009 - 2010 fiscal year that would go directly to finishing up the east leg bridge which is slated to be done late this year. The District has been an outstanding local funding partner to the Antelope Valley project.

Stevens motioned to approve the Antelope Valley East Leg Interlocal Agreement and to authorize the Board Chair and Executive Director to sign the agreement. Emery seconded the motion. Motion approved 4-0.

**Order No. 09-22 Petitions/Letters/Requests (as received).**

Figard presented the new Executive Order approved by the Mayor to promote traveling from Lincoln if it is within \$100 of travel outside of Lincoln and asked the Board if the RTSD should adhere to the same rules and regulations.

Emery replied that it makes sense to adhere to the Executive Order.

Schorr agreed and asked that it be added to September's board meeting agenda.

**Order No. 09-23 Non-Agenda Items.**

Gary Irvin - "From South Salt Creek. Roger and I discussed this before and was looking at the thing here at Salt Creek Underpass at 1st. We're talking about closing 2nd and J and all that as far as a quiet zone. But can we force the railroad to get the underpass that they've got underneath the tracks repaired and to a better grade? Roger and I have talked about it. It's one of those safety issues that maybe needs to come from this Board too as to approaching the railroad because from what I understand Roger, doesn't that belong to the railroad? Can we somehow put a burden on the railroad's side to get that thing fixed to the point that we can use it? It's dark and half full of mud most of the time and we've been fighting this for how many years. I'm just bringing it up to this Board because that is part of your objectives is safety and stuff and we're going to close the railroad crossings so we need to make it safer for the pedestrians too."

Figard replied that we can continue to look at it and work with the railroad to do what we can, but don't think we can force the railroad to do this maintenance. If much gets done with the underpass, it will probably on the dime of the City or this Board. Not sure how much it would cost to repair. Once we get through stimulus, we could do some preliminary analysis of what the opportunities might be. The District did do a preliminary study to look at an overpass, but that didn't go anywhere. It's a regular maintenance headache for Street Maintenance.

Harlan Layton - "740 Skyway Road. At Hickman on the west side of town, there is a park where there are ballfields and recycling and everything is over there and they have to cross the railroad tracks from a main street or one of the main streets coming out of Hickman to the west. To me, once that viaduct gets in there will be a double main line up through there. What creates a problem with kids going back and forth to the park because you can have a train going northbound, gates are up, everything, it clears and they don't wait on the gates, they just take off and there's a southbound and somebody is getting killed. I think there should be something figured out to eliminate that crossing, either come in from the south off of 68th Street or Stagecoach Road up to the park and you have to cross a bridge, there's a creek that runs on the south and west side of the park. If you come off of State 55G north of the park and west of the railroad, if you could down through there and eliminate that crossing. If you want to put a pedestrian crossing up over the railroad track, fence it so that they gotta use or they can't get across but somebody is gonna get killed there I think. That way they can come out that main road to the north and go into the park and get out. But that crossing is gonna be double main line as soon as they put in that viaduct. The railroad doesn't want to do anything from Panama to 68th until they got an ok cut the first hill and then the next thing we know, it's double main line from Panama to 68th and it's gonna be double main line clear into town so that crossing going into that park is gotta have something done to it because somebody is gonna get killed. I've wrote a letter on this before and suggested the same thing but I couldn't find it."

Stevens motioned to adjourn the meeting. Carroll seconded the motion. Motion approved 4-0.

The next meeting will be held on Tuesday, September 1, 2009 at 8:30 a.m.

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

Minutes 6-16-09.wpd