



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 7, 2010

Meeting Began At: 8:22 a.m.

Meeting Ended At: 9:40 a.m.

Members Present: Doug Emery, Eugene Carroll, Bob Workman, Adam Hornung

Members Absent: Deb Schorr, Ray Stevens

Others Present: Roger Figard, Tina Queen, Bill Kuester, Kurt Micek, Mark Lutjeharms, Fran Mejer, Susie Filipi, Harlan Layton, Gary Irvin, Doug Rix, Mike Werner, Dick Nuernberger, Rick Haden, Teri Gonzalez, PC Basil.

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

Emery called the meeting to order.

Carroll motioned to approve the previous minutes. Workman seconded the motion. Motion approved 4-0.

### **Order No. 10-10 Report of Revenue and Expenditures.**

Mejer presented the revenue and expenditures report for July 1, 2009 thru April 20, 2010

#### Cash Held by County

- Beginning Cash Balance = \$388,289.62
- Total Revenues = \$4,755,572.17
- Total Expenditures = \$2,890,389.41
- Ending Cash Balance = \$2,253,472.38

#### Cash Held in RTSD Checking Account

- Beginning Cash Balance = \$4,017,669.57
- Interest Income = \$24,724.17
- Transfers In = \$3,125,472.47
- Operating Expenses = \$37,737.57
- Construction Projects = \$2,862,062.09
- Total Cash = \$4,268,076.55

#### Investments

- Total Investments = \$7,615,834.94

RTSD Cash & Investment Balance = \$11,883,911.49

Workman inquired as to what interest rate is on investments.

Nuernberger replied under 1%.

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

**Order No. 10-11 Current Budget Status, Project Updates, Committee Updates.**

Figard highlighted an error on the draft budget. The management salary should be \$40,000 instead of the \$19,576.90 listed.

Figard went over a couple project updates:

- pedestrian bridge @ 18th & Holdrege - City has taken bids and Hawkins was awarded the contract, completion date for the project will be late December 2010.
- SW 40th - continuing to work on rights-of-way

Discussion on the Waverly Quiet Zone:

Figard introduced Mark Lutjeharms with The Schemmer Associates as the consultant who has worked on both the quiet zone and the possibility of a viaduct project, pedestrian overpass and closure of the two at-grade crossings.

Lutjeharms went over the maps of the proposed improvements for the quiet zone and the associated costs (see attachment). Highlights:

- 141st Street crossing - cost was bumped up \$230,000 because it did not have the required circuitry that FRA required.
- 148th Street crossing - highest cost is acquiring right-of-way to realign Woodstock Boulevard to provide sufficient separation between the crossing and intersection. The circuitry is sufficient.
- Private Drive crossing - closure of driveway, property owners are open to discussions, would require a new roadway to the north of Millard Lumber and Waverly Coop.

Emery asked what was done previously for the viaduct study.

Lutjeharms went over their viaduct study. Seven different alternatives were reviewed. From an engineering standpoint, a grade separated crossing at 148th Street was recommended. It would require the closing of 141st Street. There was some opposition from the residents and business owners on the north side of Highway 6. There were concerned about the at-grade access at 141st Street. Not sure on the total project cost but thinking it would amount to approximately \$10 - \$12 million. The document was forwarded to NDOR for their approval. Until the City provides some direction as to whether they have public support and are ready to move forward, NDOR will not give their approval for that document. There would still be a safety concern even with a quiet zone in place.

Figard stated that the Board should hear from the Mayor of Waverly to discuss their concerns about being frugal with the District's money and resources used for a viaduct project.

Mike Werner (Mayor of Waverly) and Doug Rix (Administrator for the City of Waverly) introduced themselves. Werner stated that the quiet zone would be a huge improvement of life for Waverly. He would like to see money spent wisely and would hate to spend money on a quiet zone at 141st Street when ten years down the road, an overpass or viaduct becomes a reality. The viaduct with the pedestrian overpass would be around \$14 million. The reason for the viaduct at 148th Street is due to the increase in traffic, growth of the City and safety concerns.

Workman asked if there was any consideration for doing a pedestrian walkway at 141st and forgetting the vehicle bridge or doing one overpass to take care of 148th and 141st somewhere other than those two crossings.

Werner replied that all seven alternatives were displayed to the public. 148th Street was chosen to keep the town connected if 141st Street closed. The viaduct did include a pedestrian overpass at the 148th proposal. It also included a pedestrian overpass somewhere near 141st. Cannongate is owned and maintained by the County. Don Thomas from County Engineering is going to investigate adding a pedestrian crossing.

Figard suggested to the Board that the RTSD be a facilitator to push NDOR, Waverly and the Railroad to get together to look at all the different options and make a decision on what should be done. His opinion is that the quiet zone is pricey, and the viaduct long term would be a better solution. If the viaduct is determined to not be an option, the quiet zone could be a second option.

Workman agreed that the quiet zone is expensive, but so is \$14 million for a viaduct. The quiet zone could delay the overpass ten years. The interest rate on \$14 million is a lot.

Figard would like to have an update at the September meeting as to what is being recommended.

Figard stated that with the arena project passing, there is some increased pressure to get the vacations and closure done at 2nd and J. The RTSD will be sitting down with the neighborhood soon. There will be a vacation ordinance coming through Planning Commission and City Council. The RTSD and City Council approved the closure of those crossings nearly two years ago by resolution.

Figard also stated that he will be attending the NCUTCD conference held June 30 - July 3 in Chicago. The new manual was just released. Updates are already being discussed.

### **Order No. 10-12 Election of Officers.**

Figard recommended that the Chair and Vice Chair should be from separate sides. The current chair and vice-chair have served well.

Carroll motioned to nominate Deb Schorr for Board Chair. Workman seconded the motion. Motion approved 4-0.

Workman motioned to nominate Doug Emery for Vice Chair. Hornung seconded the motion. Motion approved 4-0.

Hornung motioned to nominate Eugene Carroll for Secretary. Workman seconded the motion. Motion approved 4-0.

**Order No. 10-13    Review/Renew Legal Service Contract & Accounting/Auditing Contract.**

Figard recommended to the Board to renew both contracts.

Workman motioned to approve the legal service contract with Crosby Guenzel and the accounting/auditing contract with Micek and Crouch. Carroll seconded the motion. Motion approved 4-0.

**Order No. 10-14    2010 - 2011 Budget & CIP.**

Figard highlighted the following budget items:

- correct total salaries to \$48,000
- 56th & Old Cheney - nothing in the current year, \$1 million is budgeted for 2012/13
- 91st & Yankee Hill - \$500,000 budgeted, connection of the realigned Yankee Hill Road up to 91st near Highway 2, new crossing across the OPPD tracks and close the old crossing on the southwest edge of Cheney
- pledge to the Board - as new crossings are built or upgraded, they will be built so that quiet zones can be implemented at a later time
- W Pioneers - County project, the County Engineer and NDOR have an agreement with the Railroad to upgrade the crossing, asked the RTSD to share in the local cost estimated at \$20,000
- Antelope Valley - done as far as the RTSD is concerned
- Harris Overpass - \$100,000 shown but not expected to be spent, still want money in the budget because the contract is not yet closed out, Railroad is still working on final bills, may actually get a reimbursement
- 68th Street - moving ahead, amount budgeted went down because the County is getting money from NDOR directly, the RTSD doesn't need to front end the money and get reimbursed later, cost for the viaduct did go up
- Southwest 40th - spent very little, money is being rebudgeted
- Salt Creek RR Underpass West of 1st & J - budgeted \$125,000
- 18th Street - budget has been increased, Figard doesn't expect to spend all the money but wants to make sure there is enough money in the budget to cover everything needed
- 33rd & BNSF Crossing - as City goes through the Comp Plan update and re-evaluates the long range transportation plan, that will be the time for the City to determine what is going to happen with the crossing at 35th and Adams and 33rd, will probably see some revisions in the layout for the transportation system
- Quiet Zone South Salt Creek - increased the budget because 3rd & J will need gates to allow two fiber companies to get to their boxes
- Quiet Zone 14th & Yankee Hill - leave at \$600,000
- Quiet Zone Waverly - \$10,000 to coordinate activities, meetings, etc., try to make final decisions at the September or December board meeting
- Haymarket - City will continue to ask for money, no recommended budget yet, there have been some bicyclist concerns, the railroad would be relinquishing the tracks through the agreement with the City, will cost approximately \$250,000 to remove the tracks and replace the pavement, might be bringing to the Board at a later date

Workman asked about the Harris Overpass design and the barrier constructed.

Figard replied that the new design would cause damage to a vehicle but would also redirect the vehicle to stay in the same lane.

Carroll motioned to approve the budget as revised and forward to the County Board with a maximum levy request of 2.6. Workman seconded the motion. Motion approved 4-0.

**Order No. 10-15    Petitions/Letters/Requests.**

Figard presented one letter regarding 14th and Saltillo. This is a narrow, rural County road. The gate and lights for the railroad don't sit very far off the curb. If a median is put in, the lanes would be very narrow. There was some opposition from some of the farmers in the area in asking how they were going to get their farm equipment across the railroad track with a median in place. The County reviewed the issue. The Board previously agreed to the concept of raised medians on the South Lincoln Quiet Zone. The County Engineer's office suggested that if the raised median is the only option for the RTSD Board to consider, the crossing at the far south end should be dropped out of the quiet zone. There is space from Saltillo to 14th and Yankee Hill to maintain the quiet zone from there on in.

Carroll stated that he doesn't feel that this particular crossing should be taken out of the quiet zone.

Emery agreed with Figard that wayside horns should not be an option.

Figard will bring this back to the September Board meeting for discussion and action. There is not much farm traffic, but they will have to drive three miles south or one to two miles north to get across. The option for a wayside horn would run about \$150,000. Everyone agreed that this crossing should be quieted without the wayside horn option. Figard will meet with the County Engineer's office and the local farmers to find some alternatives.

**Order No. 10-16    Non-Agenda Items.**

Gary Irvin - "I live at 645 D. I would just like to bring it to your attention with the new arena and the realignment of the tracks and stuff, this is supposed to be the Board that takes care of all the safety and stuff, make sure that is all put in a safe way so we don't have any derailments and have any catastrophes there. From what I'm seeing, that is going to be a tight corner and so we need to be very vigilant in how they put that in and be careful of what goes on."

Harlan Layton - "Harlan Layton, 740 Skyway Road. With the arena supposed to be going in, etc. and you're moving the tracks, I would think that you would try to get rid of the Amtrak from at least Yankee Hill into here and run it through the south side of the yard. If Yankee Hill is not going to be used in freight service, a guy can eliminate that line all the way to Denton and put it in on the south side of the yard and let the railroad pay for part of it too. We've already had people killed there with Amtrak. Amtrak line runs from Denton, comes through, crosses Yankee Hill brick and keep coming in to town and crosses A Street west of Salt Creek and crosses F Street down here someplace. To me, it ought to be moved."

Teri Gonzalez - "Teri Gonzalez, 349 South 1st Street. I just wanted to make sure that I took my notes right. Roger said that the quiet zone on 2nd and J had been approved two years ago. Is that correct?"

Figard replied that the closing and actual street rights-of-way of 2nd and J and 3rd and J were approved by the City Council.

Teri Gonzalez - "Then you said that with the arena coming, it's pushing it up. Is that right? Just wanted to make sure I wrote the right thing."

Figard replied yes.

Teri Gonzalez - "I live at 1st and L and we all know I have a concrete company 50 feet from me so I'm basically just here for the South Salt Creek. I'm just wondering if the arena wasn't there, does that mean it would take longer to put in that quiet zone?"

Figard replied that it wouldn't take any longer to do the quiet zone. The entities involved weren't requiring the physical vacation of the street right-of-way at 2nd and J and 3rd and J Street. With the arena project moving ahead, the railroad wants the City to vacate the right-of-way. To do that, the paperwork has to be done and forwarded to and recommended by the Planning Commission. The paperwork is being pushed away, but the timing of the quiet zone remains the same. The arena is not driving the completion of the quiet zone.

PC Basil - "PC Basil with the South Salt Creek community. My concern is also with the quiet zone on South Salt Creek. As I understand it, there is going to be realignment of the tracks and with the population density, kids especially down there, I was hoping a permanent speed restriction could be applied along that quiet zone because as we know trains take a while to stop. If you have a slower speed restriction going through the densest part of the neighborhood, it would be easier to stop in case of an emergency, kids crossing the railroad tracks and stuff like that. As we know, the railroads also haul a lot of hazardous material. The slower you go, the less chance of capsizing poisonous gas for instance in the populated area. Also there is an issue with 5th Street. It's an industry track that services ADM, the old Gooch Mill. It's not often, but maybe twice a day, all the crossings are open and the whistle on the engine blows and that is just as loud as the freight trains going over 3rd and D. That's an issue that should be addressed. Otherwise it's going to be a sudo quiet zone because you know twice a day, you're going to have this noise sometimes late at night. That is something to consider."

Emery stated that the area will get better with a quiet zone, but it will not be totally quiet.

PC Basil - "There is a solution for that. I work for the railroad. There is a solution and it is something that if you investigate a little closer, there is a solution to eliminate the noise on 5th Street. I can send you guys a letter."

Figard stated that the Interstate Commerce Commission and Railroad regulate the speed of the trains.

PC Basil - "Right now it's 10 miles per hour around the curve. If they realign the tracks and all of a sudden they say well we can go 20 miles an hour north to south."

Figard stated that only the tracks in the Haymarket area will be realigned.

PC Basil - "It's something to keep in mind because when I asked before, if the closing of the crossings had anything to do with the arena and you said no, it was just conserving the quality of life. Then I read in the paper that was one of the conditions of the negotiations going on with the arena. It comes out that the closing of the crossings was one of the....you understand what I'm saying?"

Figard replied that for once, the RTSD got credit over on Haymarket for doing something that was already planned to be done. This Board clearly approved the South Salt Creek quiet zone with closing 2nd and J and 3rd and J before the arena project moved ahead.

Figard added that bids were intended to be open for the South Lincoln Quiet Zone this month. In the bid package, it needs to either show the south crossing as an alternative or have a special put in that indicates that it would be the last thing worked on. The City would have the right to take it out or leave it in while an option is determined for the Saltillo crossing.

Roger thanked Workman for his service on the RTSD Board.

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

**Next meeting will be held on Tuesday, September 7, 2010 @ 8:15 a.m.**

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