



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
September 7, 2010

Meeting Began At: 8:15 a.m.

Meeting Ended At: 9:32 a.m.

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

Members Absent: Adam Hornung

Others Present: Roger Figard, Tina Queen, Bill Kuester, Kurt Micek, Mark Lutjeharms, Fran Mejer, Randy Hoskins, Gary Irvin, Doug Rix, Chad Neuralfen, Mike Werner, Rick Haden.

### **Order No. 10-17 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

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

### **Order No. 10-18 Report of Revenue and Expenditures.**

Mejer presented the revenue and expenditures report for July 1, 2010 thru August 31, 2010

#### Cash Held by County

- Beginning Cash Balance = \$182,556.43
- Total Revenues = \$1,906,102.89
- Total Expenditures = \$1,737,704.91
- Ending Cash Balance = \$350,954.41

#### Cash Held in RTSD Checking Account

- Beginning Cash Balance = \$4,464,180.83
- Interest Income = \$1,164.42
- Transfers In = 0
- Operating Expenses = \$3,505.19
- Construction Projects = \$2,695,662.13
- Total Cash = \$1,766,177.93

#### Investments

- Total Investments = \$7,615,834.94

RTSD Cash & Investment Balance = \$9,382,012.87

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

**Order No. 10-19 Current Budget Status, Project Updates, Committee Updates.**

Figard referred to the revised budget and cash flow sheets. At the June meeting, the Board approved a \$10,000 item for the quiet zone feasibility study in Waverly. There was a misunderstanding and that number was changed to \$70,000. It should be \$10,000. The budget approved by the Board at the June meeting stands. The RTSD wrote out a check of almost \$2.7 million to the County Engineer's office for the 68th and Hickman overpass.

Schorr asked if the RTSD is required to submit a supplemental budget for the \$60,000 change in the budget.

Figard replied no.

Figard stated the NCUTCD is working on a new manual on uniform traffic control devices to be completed in 2014. The next meeting will be held late January 2011 in Washington, DC.

A new 6 year CIP will be dispersed to the Board Members.

**Order No. 10-20 Approve 2010 - 2011 Budget & Audit.**

Figard stated that our request for 2.6 cents was approved. Therefore nothing in the budget changes.

Micek did an overview of the financial statement.

Stevens asked about the \$14 million in cash as of June 30. It does not tie into the cash and investment balances that were presented plus the money that has been spent since July 1. There are expenditures through August 31. The cash on hand and the money spent should tie back into the \$14 million.

Micek replied that you'd have to subtract out any revenues received because that would add to the balance of cash. The \$14 million includes cash, County Treasurer and property taxes received.

Stevens asked Micek if he fills out the general budget form.

Micek replied yes. It is compiled from the information received. The numbers tie back into the budget and expenditures.

Workman motioned to approve the 2010 - 2011 budget. Carroll seconded the motion. Motion approved 5-0.

Carroll motioned to approve the auditor's report. Emery seconded the motion. Motion approved 5-0.

**Order No. 10-21 Project Interlocal Agreement Revisions.**

Figard stated that the RTSD must rebudget every year for money on a project. The RTSD has always budgeted the full amount of the project for the upcoming year. The project initiation interlocal agreement would be done after an agreement is made to do a project. An annual funding interlocal agreement would be done for funding on a fiscal year basis.

Kuester added that the forms are designed to reflect how the Board really acts. The project initiation interlocal agreement would include an estimate of how much the project might cost. All interlocal

agreements will be presented at the same time because it is tied to the budget. These forms are designed for projects involving the City of Lincoln. When the County is involved, the interlocal agreements will need to be revised to add a few other paragraphs required by the County.

Figard suggested that interlocal agreements should be presented at the June board meetings because there are some expenditures that might occur between July 1 and the September board meeting. Project initiation agreements could be brought forth at anytime.

Emery motioned to approve both the project initiation and annual funding interlocal agreement revisions. Workman seconded the motion. Motion approved 5-0.

### **Order No. 10-22 Interlocal Agreements**

Harris Overpass - There are a couple of temporary crossings constructed to cross the railroad tracks during construction. The railroad needs to remove those and bill the RTSD. Figard will check into whether there is a 90 day limit on bill submission.

Carroll motioned to approve the Harris Overpass interlocal agreement. Workman seconded the motion. Motion approved 5-0.

Southwest 40th - Stevens asked for an update. Figard replied that over the last 18-24 months there have been significant changes. The paper misquoted Figard in regard to this project being the most frustrating one of his career. He stated that the last 18-24 months have been the most frustrating in regards to this project. Figard will have an updated schedule in the next 30 days to complete right-of-way appraisals, finish final design and have a projected bid date and completion date of the project. It will take approximately 18-24 months to secure the appraisals and right-of-way. The City of Lincoln is no longer allowed to bid its own projects that have federal aid. The plans must conform to State specifications, be submitted to them for their review, and then forwarded to FHWA for their review and approval. There has been a significant crack down on exact intent, law and rules of federal aid projects in which the State won't review and approve anything until environmental documents are approved. FHWA can ask you to back up and start over if any environmental document is over three years old. The State of Nebraska is looking at a possible safety project and the potential of a traffic signal being constructed at the intersection of O Street and Southwest 40th. This will change the geometrics and alignment as Southwest 40th comes up to O Street. The Board approved adding funding to pave from the north end of the viaduct up to O Street. In order to make that line up, it requires some temporary construction and grading onto a property on the north side of O Street on the east side of Northwest 40th. This also complicated the federal process in holding things up.

Carroll motioned to approve the Southwest 40th interlocal agreement. Workman seconded the motion. Motion approved 5-0.

18th & Holdrege - The final design is done. The City has taken bids and construction will start this coming Fall. It may be done by Thanksgiving. Stevens asked why the project cost has went up since the original project initiation. Figard replied that the City paid for all the public process, planning and pre-engineering before the Board approved moving into design. It's not unusual for Figard to bump up the budget in the upcoming year to prepare for contingencies and unknowns.

Carroll motioned to approve the OL & B Railroad @ 18th interlocal agreement. Workman seconded the motion. Motion approved 5-0.

South Salt Creek - Two fiber companies have equipment between 2nd and J and 3rd and J. Access needs to be maintained to those two properties. The 3rd and J crossing still needs to be effectively closed for public use to implement the quiet zone. The fiber companies have operating agreements with the BNSF. The fiber companies stated that those agreements cover the situation with 3rd and J in giving them the right to cross. BNSF has indicated that they don't believe that is true. An agreement will need to be made between the entities to agree to a private crossing agreement for that location. There will be gates similar to the ones on the interstate ramps. The gates will be closed all the time and padlocked. Only the two fiber companies and BNSF would have keys to those locks. Figard met with Police and Fire regarding emergency access. Police and Fire stated that the closure of 2nd and J and 3rd and J will not change the way they provide emergency services into that area. Stevens stated that this project will have a 50% overrun which he feels is excessive. He added that the Board needs better cost estimates.

South Lincoln - There was a request from the County that the crossing at 27th and Saltillo be removed. There were challenges with farm equipment not being able to get through that crossing with the regular implementation of a raised median. Rick Haden worked on some alternatives and has found one that will provide an opportunity for farm equipment to get across. To widen out each side of the roadway so that equipment could get across and not be over the top of the median would require moving the gate and lights which amounted to \$250,000. The best option was to widen out the pavement on the approach side and neck it back in to leave the gates and lights where they are. The County Engineer's office is not in opposition of this proposal. The railroad has not yet concurred with this alternative. Haden added that the most feasible option is raised medians. Raised medians have "Keep Right" signs that are in a fixed position at the end of the median in each direction. The best option is to widen the pavement so they can get around the "Keep Right" signs at the end of the island and then when they get back to the crossing, they could scuttle the median just like they do going down the center of the roadway today. Haden met with the agriculture people that are the primary users of the crossing. They were accepting of this alternative. It does require relocation of a driveway that goes to a sod farm. Schorr asked if more specific costs could be provided at the next board meeting. Figard replied yes. Haden added that this alternative provides a 22' travel width. Figard will send out a more formal communication to the Board outlining the four options with the costs. Stevens stated that there is a 40-45% increase over what was initially estimated.

Workman motioned to approve both the South Salt Creek and South Lincoln quiet zone interlocal agreements. Carroll seconded the motion. Motion approved 5-0.

### **Order No. 10-23    Waverly Quiet Zone Budget Request.**

Figard stated that the RTSD did receive a letter from Waverly requesting the RTSD's support and funding for a quiet zone. The Board approved \$10,000 for The Schemmer Associates to work with the RTSD to evaluate several object activities going on over the last few years. To date, about \$8,000 has been spent. Mark Lutjeharms presented copies of the executive summary of the public meeting held on August 5. Funding numbers listed are not absolute. Three options were presented to Waverly. A questionnaire was presented to those attending the public meeting in Waverly, and the quiet zone was identified as the number one project the community felt should move forward. Figard referred to the draft interlocal agreement enclosed in the packet. The RTSD had paid for the feasibility study in last year's budget. \$30,000 was budgeted and around \$22,000 was spent. The Board added \$10,000 to do a public meeting this summer.

Mayor of Waverly Mike Werner, Chad Neulhafen (President of Waverly City Council) and Doug Rix (City Administrator and Clerk of Waverly) introduced themselves.

Werner presented resolution 10-19. At the Waverly City Council meeting to be held on September 7, there is an agenda item 5C to consider resolution 10-19 to pursue quiet zones at the North 141st Street and North 148th Street crossings. The City of Waverly paid \$107,000 to The Schemmer Associates for the viaduct study to be done. The north businesses in town are opposed to the viaduct.

Neulhafen added that putting in a viaduct would divide the town. There are projections that rail traffic will increase. A quiet zone is the best and cheapest alternative.

Rix stated 1) Waverly's current valuation is \$213 million 2) annual revenue generated from the Waverly taxpayers is a little over \$56,000 and 3) Waverly's valuation has tripled over the last 11 years. Rix confirmed the estimate of \$871,000 for the quiet zone.

Schorr asked about the \$70,000 budget request.

Figard rounded \$871,000 up and budgeted \$900,000 for the total project. \$70,000 for this fiscal year would be for preliminary engineering and to work out some issues. From the current budget approved, \$70,000 could come from the \$100,000 located in the 899172 Miscellaneous Engineering line item. The interlocal agreement would say the Board's intent is to budget the remaining \$830,000 in the following fiscal year. To date, the Board has been very good about following through with its intentions.

Workman motioned to approve the budget request of \$70,000 for the Waverly quiet zone and for that \$70,000 to come out of Miscellaneous Engineering and/or Emergency and Safety funds and also to budget \$830,000 for next fiscal year should the interlocal agreement be approved between the City of Waverly and the RTSD. Carroll seconded the motion. Motion approved 5-0.

Stevens asked if this project could be accelerated.

Figard replied that he would need to sit down and talk with some people on how to streamline or expedite the process. Figard suggested sitting down with Stevens to get some ideas and thoughts.

**Order No. 10-24 Petitions/Letters/Requests.**

No petitions/letters/requests to discuss.

**Order No. 10-25 Non-Agenda Items.**

No public comment.

Workman motioned to adjourn the meeting. Emery seconded the motion. Motion approved 5-0.

**Next meeting will be held on Monday, December 6, 2010 @ 8:15 a.m.**

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