



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 6, 2011

Meeting Began At: 12:30 p.m.

Meeting Ended At: 1:42 p.m.

Members Present: Deb Schorr, Eugene Carroll, Adam Hornung, Larry Hudkins, Brent Smoyer

Members Absent: Doug Emery

Others Present: Roger Figard, Tina Queen, Susie Filipi, Liz Thanel, Bill Kutilek, Kurt Micek, Mark Lutjeharms, Mike Werner, Doug Rix, Harlan Layton

### **Order No. 11-08 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

Carroll motioned to approve the previous minutes. Smoyer seconded the motion. Motion approved 4-0. Hornung was absent during this motion.

### **Order No. 11-09 Statement of Receipts & Disbursements & Investment Detail.**

Thanel presented the statement of receipts and disbursements and investments for July 2010 thru June 2011. An estimate of \$60,000 - \$70,000 will be left over from revenue.

Hudkins motioned to approve the statement of receipts, disbursements and investment detail. Carroll seconded the motion. Motion approved 4-0. Hornung was absent during this motion.

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

18th & Holdrege - almost done, some sodding and clean up to do

Harris Overpass - no budgeted money, may get some money reimbursed from the City

Hickman - half of the bridge is poured

Lincoln South Quiet Zone - medians, paving, etc. complete, a median and driveway are not completed at Saltillo and 27th, need piece of right-of-way to reconstruct the driveway on the southwest quadrant, need to build median across the railroad tracks

South Salt Creek Quiet Zone - running agreements between the Railroad and NDOR to get some crossing closure money to close 2nd and J and 3rd and J, will have some gates to build at 3rd & J that would protect that crossing to make it a private crossing

NCUTCD - meeting in two weeks at Boise, ID, working on the update for the 2014 manual

Grand Island - The City of Grand Island and Hall County contacted Figard to get some information on creating an RTSD. Figard volunteered to visit with the Public Works Directors and City Attorney and County Attorney to show them what the RTSD has done in Lincoln/Lancaster County.

Figard will get the Southwest 40th project schedule to the Board members.

**Order No. 11-11 Election of Officers.**

Smoyer motioned to elect Schorr as Board Chair. Carroll seconded the motion. Motion approved 5-0.

Smoyer motioned to elect Emery as Vice Chair. Carroll seconded the motion. Motion approved 5-0.

Hudkins motioned to elect Carroll as Secretary. Hornung seconded the motion. Motion approved 5-0.

**Order No. 11-12 Review/Renew Legal Service & Accounting/Auditing Contracts.**

Legal Agreement - Crosby Guenzel has a \$500 retainer and everything else is based on an hourly rate. There is a termination clause with a 30 day written notice. \$6,000 is in the budget for legal services for next year. In 2009-2010 \$4,600 was spent. No changes have been made to the contract.

Carroll motioned to approve the legal service contract with Crosby Guenzel LLC. Smoyer seconded the motion. Motion approved 5-0.

Accounting/Auditing Agreement - Micek & Crouch audits all financial statements and prepares the budget that is submitted to the State Auditor's office each year. \$9,000 is in the budget for accounting/auditing services. In 2009-2010 about \$8,000 was spent.

Hudkins motioned to approve the accounting/auditing contract with Micek & Crouch. Hornung second the motion. Motion approved 5-0.

**Order No. 11-13 2001 - 2012 Budget & CIP.**

Figard - The new budget sheet handed out reflects a change in the lower right hand corner. It originally said \$11,643,450. For some reason, the column didn't total correctly and should be \$11,739,650.

Any money not spent will be re-budgeted.

There is a possible re-build of a crossing at 91st and Yankee Hill which would require gates, lights and medians. It has been budgeted for several years, but until the development south of 84th and Highway 2 gets going, the money will continued to be carried over.

There is an agreement in place between the City, State and Railroad for improving the BNSF crossing at West Pioneers near Pioneers Park. Gates will be installed. The District agreed to pick up the 20% local share of the crossing improvement.

West Haymarket - There is \$300,000 in the budget to help remove all the tracks that are in street rights-of-way.

Hickman - After talking with Virgil Dearmont, the budget was increased to \$40,000 to finish up.

Southwest 40th - Because construction has been delayed and construction costs are going up, the budget was increased by \$500,000.

Salt Creek Railroad Underpass - For a trail under crossing east of Hobson Yard, LPS NRD continues to work with the Railroad to complete that trail.

South Salt Creek - budgeted \$150,000 and numbers are coming in better than originally thought

Quiet Zone on Cornhusker Highway - A late bill for \$1,200 came in from the Railroad. They were told there was no money in the budget for that and that they would have to wait until the new budget was put together.

Feasibility Study for Hickman - \$30,000 at Hickman's request to possibly create a quiet zone. There is an error on the budget. No money should be budgeted for this study in previous years.

It is almost impossible to do a 97% budget. The budget this year was \$9.35 million and less than \$6 million will probably be spent. It's a combined O & M and capital budget.

One project showing up in the long range transportation plan is the continuation of Salt Creek Roadway from 29th or 30th and Cornhusker up to 33rd and Superior that may include the construction of underpasses that would close 35th & Adams, an underpass built at 33rd and BNSF tracks, and another underpass at 29th under the BNSF tracks. The City isn't going to be finished with long range plan until later this fall. The project is listed in the CIP as the 33rd and BNSF crossing #899201. There is a concept floating around that reduces and takes away one of those underpasses. The money in the CIP right now for this project are just placeholders. The budget presented proposes a 2.6 levy request. The O & M budget usually runs 10-20% under budget. The capital depends totally on when a project gets to construction. NW 12th - The District by agreement only obligated \$135,000 to help the City build that. The City had been billing the District and the District had been paying the City. The City reimbursed the District \$313,643.99 a year ago in June, because the District hadn't agreed to pay that much money.

Hornung asked how much authority the RTSD has over how the railroads operate within our City.

Figard replied that the District has no authority. There are ordinances and laws that prevail. City Law is doing some review right now on the maintenance, smoothness and obligation of some of the at-grade crossings. The FCC and the Federal Rail Authority have the authority over if the Railroad is built to certain standards, speeds, etc.

Figard referred to an email from Cook for a request to construct sidewalk along Old Cheney at the BNSF crossing from the City limits west over to the trail in Pioneers Park.

Waverly - Mike Werner, Doug Rix, and Mark Lutjeharms introduced themselves.

Doug Rix stated that this project started about three to four years ago. An overpass would have required closings of the 141st and 148th Street crossings. There was a lot of opposition from the downtown businesses. Because of the cost standpoint and opposition, the City has been proceeding with the quiet zone which is going to require a closing of a private drive and relocating it east of 148th Street. The year the agreement was entered in to, it was originally going to be \$900,000. An additional request of about \$337,000 is now needed. Pictures were taken of the 148th Street crossing to show why one of the requests is to extend it longer. It's a pretty steep grade. Further north on the proposed private drive for these two acreages east of Millard Lumber, a new road has to be provided because of the 4' steep drop off. The current drainage structure under 148th Street is partly owned by Millard Lumber and would have to be acquired for that drive. They are requesting that the same structure to accommodate the same type of drainage would be provided because they do a lot of on-site grain storage on the ground.

Mark Lutjeharms stated that each of the Board members received a letter that was sent to the Director from the City of Waverly that outlined the primary reasons for the additional monetary request. One of the predominant reasons for the increase is a result of widening the lanes of the roadway at the crossing.

When the feasibility study was done, one of the assumptions was that the equipment that is crossing that could otherwise cross with a median in place could use some alternative roadways including 162nd which is a little bit more than a mile to the east. After talking with the local businesses and farmers, this was not an acceptable alternative. As a result, the north and southbound lanes in 148th Street have been widened at the crossing from 12' to just under 16' to accommodate some of the agriculture equipment crossing at this location. The most significant portion of the additional costs is not only the additional paving, but the need to extend the concrete panels that are in the railroad as well as relocating the gate and signal in the southeast corner of that crossing. As the letter that was submitted to the Board indicates, the unexpected change to the project alone equates to just under \$150,000. There is somewhat of an acknowledgment that down the road, it may be viable to construct a viaduct at 148th Street with a possible closure of the crossing at 141st Street. To be good planners, it might be wise to go ahead and realign Woodstock Boulevard further to the north. There is some additional right-of-way.

Also there is a third parcel with that realignment and some additional grading and rock surfacing that results in an increase of a little over \$60,000. It is difficult to navigate the north side of these crossings because of the profile of the roadway going up and over the tracks. In a very short distance there is quite a difference in grade change from what is the current entrance of Woodstock Boulevard onto 148th Street. For a fairly low price of \$20,000, that profile could be smoothed out so that it is easier for these large vehicles to navigate the crossing at 148th Street. Some additional costs relate to the new driveway that would need to be constructed so that the existing private drive located a little more than 1/4 mile east of 148th Street could be closed. Crushed rock or gravel surface would be used to provide access to the two acreages as well as to the farm property to the south. This was planned in the original study, but a couple things that came unexpected was the need to construct a larger box culvert just east of 148th Street so there weren't any negative consequences to the on-ground grain storage that is occurring with the Coop. The change in drainage structure would be an additional cost to the project of about \$50,000. The long driveway was included in the previous estimate. One thing that has changed is that a single shared driveway is no longer possible. Separate driveway entrances are now being requested which results in an additional cost of a little over \$15,000. Construction is now being delayed by a year so there will be some inflation on materials and construction costs. There is some additional design effort on the consultant's part to design and prepare the necessary plans and specifications for some of these changes.

Smoyer spoke on behalf of the project and stated that this increase in budget is a small request. He feels it's a worthwhile investment.

Schorr asked if Waverly had any money to help out with the additional costs.

Rix replied that there are always more projects than money. The money they do have has been allocated for other projects. Taxes weren't raised this year and money is tight.

Hudkins asked if Waverly's Farmer's Coop is willing to contribute to some of this.

Rix replied that he met with the Coop manager two weeks ago. He suggested a viable option would be to buy out the two acreages. They are receptive to providing land. They are not interested in contributing. The Coop and Millard Lumber were both asked if they would be willing to donate their property if the road was made public. Neither one expressed any interest.

Schorr stated that she is uncomfortable with spending \$61,000 for a future roadway. The viaduct project is so far out and wonders if it's worth spending that money now when the design could change.

Lutjeharms stated that it is a way to minimize the additional costs to a future project. The City of Waverly is interested in paving Woodstock Boulevard at their own cost. There would be savings by having that realignment of Woodstock Boulevard in place if the City decided to move forward with that paving. It is not a requirement for this project, but it is good planning.

Werner stated that most of the comments from the Farmer's Coop and Millard Lumber is that no one can turn right because the arms are right at Woodstock. When the concept was done of one road realignment versus the longer range one that would fit an overpass, there was overwhelming support from the trucking community. It allows for better stacking and to navigate better.

Smoyer stated that if the viaduct were to go in later, the RTSD would be asked to contribute to the cost of that. If the roadway issue is taken care of now, money would be saved because of inflation.

Hudkins stated the crossing has always been a problem and doesn't think the problem will be solved until an overpass is built. Until a final design for the viaduct is put together, you won't know how far north the road should be built.

Lutjeharms stated that The Schemmer Associates did do the viaduct feasibility study and has the background knowledge on how the viaduct was laid out so that the roadway would be compatible with it. Things could change but he feels confident that what is being shown for alignment of Woodstock would be compatible with a viaduct. The goal is to complete the quiet zone design in 2011 with construction beginning sometime in 2012 and ending in 2012.

Rix added that with the north side of the 148th Street crossing from the stop sign to the tracks, the situation was greatly affected negatively when Millard Lumber put in that spur. It has made the slope much worse in the last four to five years.

Figard stated that there should be enough money in Miscellaneous Engineering or Emergency Safety funds to do the sidewalk on 7th and Old Cheney. The City should do it as a separate project and not tangle it up with the quiet zone. There is a culvert and drainage problem on the north side and distance issues between the curb and gates and lights. City Engineering staff will have to come up with a feasible location and possible cost. People are riding bikes and walking to the trail on the current street.

Once the median is put down in the middle, a car that is coming along can't swerve over to the other lane to go around the pedestrian. If someone is walking or biking, the car will need to slow down and wait. Because it does involve a railroad, it would be legal for the District to do the sidewalk, but maybe the City and County should have dealt with that with the last subdivision.

Carroll motioned to approve that the Executive Director get a cost estimate for the sidewalk construction along 7th and Old Cheney before approving the actual construction. Hudkins seconded the motion. Motion approved 5-0.

Hudkins shared his concern with the rural fire districts that have had to cut their budgets the last couple years.

Hudkins motioned to approve the 2011- 2012 budget with a request for a 2.6 levy from the County. Smoyer seconded the motion. Motion approved 5-0.

**Order No. 11-14 Petitions/Letters/Requests.**

N/A

**Order No. 11-15 Non-Agenda Items.**

Harlan Layton - "I don't think much of signs and crossings but the one at Old Cheney, they have an overhead going over two blocks out. It should be going up over that. And west of Haymarket, you're moving Depot and everything so it shouldn't come up by Yankee Hill. It should stay over west and come around through the yard and you could eliminate about six crossings across over there. 40th Street and Cornhusker should have been closed because you have an underpass at 48th. 33rd it don't need to be there. On 35th and Cornhusker, I think there should be an overpass put on to come up over that and come down and cross Cornhusker and the railroad and everything and eliminate 33rd cause 33rd could around and hit up there on an overpass. Eastbound on an overpass you could follow the same way right now for Adams except you go up and over. And you come down over there east of there and have to ride Adams Street maybe one lane could come down over there. Then westbound on Adams you could come up and when you get up close to the tracks you could make a band, come down and cross over Cornhusker and then come in, blend in to the westbound lanes. Cornhusker can just go wherever it wants to go."

Schorr stated that there is money allocated for the study.

Harlan Layton - "Because and then 33rd could be closed because they can jog over where it is now and come up to 36th, take a left and go down south of the new viaduct and go east and if they want to go west, then they can come down there, make a u-turn, come back and go west. I mean there is crossings at 27th at both ends. There is ins and outs out of them. It'll work there, not supposed to be coming over there 50 miles per hour and talking about people passing on left turn lanes. The only safe crossing you've got for the railroads is either going under the road, over the road or there is no crossing at all because that accident out there where that guy got killed on A Street going around the gate. He was late going to work, but when you're looking at that headlight you don't know how fast they are coming. I'm going to bend somebody's ear. An overpass is easier to keep track of than an underpass but I'm going to find out."

Figard reminded the Board that with the approval of the budget project specific, the District always does interlocal agreements between itself and the entity for final authorization to make payments to the City or County for projects. At the September Board meeting, there will be interlocal agreements for each of the capitol projects that are being funding for the course of the year.

Hornung motioned to adjourn the meeting. Carroll seconded the motion. Motion approved.

**Next meeting will be held on Tuesday, September 13, 2011 @ 8:15 a.m.**

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