



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, September 10, 2013

Meeting Began At: 8:14 a.m.

Meeting Ended At: 8:50 a.m.

Members Present: Deb Schorr, Doug Emery, Brent Smoyer, Leirion Gaylor Baird, Roy Christensen, Roma Amundson

Members Absent: N/A

Others Present: Roger Figard, Tina Queen, Liz Thanel, Susie Filipi, Bill Kutilek, Kurt Micek, Gary Irvin, Mark Lutjeharms, Rick Haden, Silas Clarke (Hickman), Dave Dykmann.

### **Order No. 13-16 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

Smoyer motioned to approve the previous minutes. Amundson seconded the motion. Motion approved 6-0.

### **Order No. 13-17 Statement of Receipts & Disbursements & Investment Detail.**

Thanel presented the statement of receipts and disbursements.

- Operating Costs - support services, legal services, \$1300 NCUTCD conference, \$500 liability insurance, \$166 printing, postage, banking
- Construction Costs - \$225,000 Waverly Quiet Zone

Gaylor Baird asked if it is typical to collect almost 1/3 of the revenues in the first two months.

Thanel replied yes, because the second half of property taxes are due on August 1st.

Christiansen motioned to approve the statement of receipts and disbursements. Gaylor Baird seconded the motion. Motion approved 6-0.

### **Order No. 13-18 Current Budget Status, Project Updates, Committee Updates.**

Figard stated that nothing has changed financially from the June meeting. He referenced the 12 year CIP to include the Beltway project with approximately \$13 million to do the bridges. NDOR thinks that they will be constructing and building between 2020 - 2024. If the District wants to participate early, there are some

things that would need to be looked into. Any money not spent would carry over. If the Board is supportive, the RTSD could enter into an agreement to collect the money and pay it to NDOR to assist the project in moving ahead.

Christensen asked if the RTSD could put the money into a separate account that can be controlled instead of handing it over the State.

Figard replied yes. He will look into all options with the RTSD Attorney.

Gaylor Baird asked if the projections are based on cash flow projections.

Figard replied yes and referenced the 10 year cash flow attachment with the maximum levy of 2.6.

Figard referenced the addition of Rock Island and Wilderness Bridge in year 2014. The trail ends at the BNSF tracks. Also a project for the 33<sup>rd</sup> and BNSF crossing was added. A request for proposal will be worked on this year. The other two minor changes are to Miscellaneous Engineering and Emergency & Safety which were increased from \$100,000 to \$150,000 to cover anything that may come up.

Schorr asked why Figard selected 2025-2026 for the 70<sup>th</sup> & BNSF project.

Figard replied that it was to hold space and a reminder that there is a need for that location.

Gaylor Baird asked how the slight increase in revenue gets used.

Figard replied the RTSD never budgets to spend all the revenue. The RTSD works on priority projects.

Smoyer asked about the progress on Southwest 40<sup>th</sup>.

Figard replied that the contract is 900 working calendar days. Most of the utility work is in. The contractor is having girders made. Over the next month or two, piling and abutments should be coming up out of the ground. The project is on schedule and contract with what the City of Lincoln signed with the contractor. The construction can continue throughout the winter months.

Mark Lutjeharms - "Mark Lutjeharms with The Schemmer Associates representing the Waverly Quiet Zone project. I am pleased to inform you that after several years of diligent effort including input by many of you on the Board, that as of 11:59 tomorrow night, the quiet zone will be in effect. That's the good news. The somewhat, not bad news, but that did come with a formal objection from the BNSF Railway related to what I guess would be described as an outstanding issue between a report that was done for them in some unresolved matters with the Nebraska Department of Roads related to the communication between the railroad signal and the highway traffic signal at 141<sup>st</sup> Street. That objection was denied by FRA. Again, as of 11:59 tomorrow night, the quiet zone will be established. I would be happy to answer any questions if there are any. Will take a little bit of time for the engineers to become accustomed to that and again there

will still be occasions where the horns are blowing for emergency purposes or other matters, but hopefully the quality of life in Waverly will improve, hopefully a lot as a result of those train horns being silenced.”

Silas Clarke - “Hello. Silas Clarke, City Administrator to the new Board Members I have not met. Thank you again for the continued support of this project. I was unable to make it to the last meeting. I know Rick Haden is also with me today from FHU, our project consultant. If any of the new members would like to come out to Hickman and see what we are dealing with out there and hopefully get this quiet zone. I should have went before Waverly, but hopefully ours won’t take that long. We are moving forward. The railroad, we’ve been pestering them quite a bit. They are getting us estimates. We do have the estimate for the private crossing there. I had a meeting on Friday with some representatives from the Railroad that were then getting the project plans up to their estimators. So we will continue on pestering them and hopefully get those agreements in time. We’ve tried to get them to start drafting those agreements while the estimates are being completed. We’ll see kinda what is happening there and I’ll turn it over to Rick.”

Schorr asked for a map to be shown to the new Board Members.

Silas Clarke - “While Rick is pulling that up, there is actually three crossings. A part crossing there on 2<sup>nd</sup> Street in Hickman. We are looking at a four-gated system there so everybody can’t go around it and we’ll also include a very small sidewalk on the side, not a trail, just for safety reasons there. The private crossing that’s in the middle of town, there’s a single house that sits there to the west and we need to bring up the grade on that. They are actually kinda going over a real big hump there and then some new signage there. The part crossing is down below here. There’s the private crossing there to the north. And then the last crossing is on Hickman Road there going into town and that will actually have the medians and will be a new signaled system there with the two gates. We are looking at three crossings there in Hickman.”

Rick Haden - “And a new overpass immediately to the south of this intersection.”

Silas Clarke - “That’s correct. That would already be considered part of the quiet zone just because they are underneath and that was again with the RTSD’s support that the project happened. So we are moving forward and we’ll continue to push the Railroad very hard and appreciate your continued support of this project. I’m getting at least weekly conversations from people and different people asking when this is going happen. So there’s still some excitement in town and as we’re looking at further development, we have only 88 lots left. We have 40 houses going up already this year. So this is something that we’ll continue to help Hickman grow because it’s kinda to the northwest section of probably where the next development will go and some developers have asked about the quiet zone also. So again, thank you for your continued support.”

Figard stated that he was in Portland, ME this summer for the NCUTCD meeting. There is huge confusion and continued fighting and concern as it relates to what is called preemption. Preemption is the coordination and interaction between traffic signals on highways and streets in proximity to railroad grade signals. If there is a train coming and the gates are coming down, the traffic signal system needs to coordinate with it so it doesn’t trap someone within those railroad tracks. Three days were spent discussing this issue with no real resolution. The FHWA did decide not to split the Manual on Uniform Traffic Control Devices. The next meeting will be in Washington, DC in January.

Schorr asked what the logic was in not splitting the manual in half.

Figard replied that the FHWA received enough negative comments. The manual is made up of law and suggestions. There was some concern that if the manual was split, all of the “should do” items would get lost.

**Order No. 13-19      Approve 2013 - 2014 Budget & Audit.**

Kurt Micek - “Good morning. I’m Kurt Micek with Micek and Crouch certified public accountants. And the luxury of having a June 30 fiscal year for the RTSD is that we can incorporate that with the budget to get really good actual amount that ties into the budget 2012-2013 history. What I am going to go over is the statement of net position which is on page 6 of the audited financial statements which we have given an unqualified opinion on as well as when we get to page 7 on the statement of activities. The issue I think that to really note there is if you look at the total assets which is mostly consisting of cash, the County Treasurer balances and property taxes receivable and the investments that there are certificates of deposit whereas of June 30, 2012, the total was \$19, 246,000 so you can see it’s decreased \$11, 432,000 as of June 30, 2013. Moving to page 7, for reference and because of that, there is quite a bit of expenditure that happened in the year of 2013 on the construction projects and I’m referring to the \$9,612,000 for the Southwest 40<sup>th</sup> property. So that was a big construction event in 2013. The other issue then if you look at the tax revenue, because the levy went from 2.6 to 1.0 for 2013, as a tax revenue went from \$2,049,000 compared to the \$4, 965,000. So the impact of that having the effect during this year as well. Those are the two major issues as far as the history during these two comparative years. The only issue as far as internal control was very minor. We found that the safe keeping receipts were lagging by \$140,000 on the CDs. That was corrected right away after the end of the year. So this is an issue of when you have the amount of investment that there is over the FDIC insurance, the municipalities are allowed to get the safe keeping receipts to add additional collateral to that and it was just short by \$140,000 and was corrected right away. Other than that, we had no other problems with compliance or internal control with our audit.”

Figard affirmed that the budget the Board recommended approval for at the June Board meeting is reflected in the budget approval for today. No amendment was required even though the levy request of 2.6 was lowered.

Smoyer motioned to approve the 2013 - 2014 budget and audit. Christiansen seconded the motion. Motion approved 6-0.

**Order No. 13-20      Interlocal Agreements.**

Figard stated the Board approved the budget to support these projects, but the District specifically uses an annual financial interlocal agreement to authorize the expenditure of the funds. There should not be any additional billings on Southwest 40<sup>th</sup>. South Salt Creek and South Lincoln are pretty much finalized, just waiting for final bills from the Railroad.

Amundson motioned to approve all interlocal agreements presented including Waverly Quiet Zone, Hickman Quiet Zone, Southwest 40<sup>th</sup>, South Salt Creek Quiet Zone, and the South Lincoln Quiet Zone. Gaylor Baird seconded the motion. Motion approved 6-0.

**Order No. 13-21      Petitions/Letters/Requests.**

Figard stated that he received a letter from the Attorney General's office with a complaint about horns in the Gooch Mill area. The Attorney General's office wanted to know if the RTSD had any control over the operation of the Railroads. The horns have ceased.

**Order No. 13-22      Non-Agenda Items.**

Figard stated that the minutes will now be posted on the website. Copies of the minutes will be brought to the Board Meeting as well. Letters sent out will now be cc:d to all Board Members. The District did send a letter to the NDOR officially requesting that the RTSD be certified as a local public agency and be eligible to receive federal aid. The RTSD could physically lead a project and make the 33rd/35th & Adams project eligible for federal funds.

Schorr stated that there was a request from a Board Member to start at 8:30 am on Tuesday morning meetings. The schedule has always been a challenge.

Figard stated that shouldn't be a problem as long as the Council Chambers is available at that time.

Schorr asked for any public comment.

The next Board meeting will be held on Monday, December 9, 2013 @ 11:00 am.

Gaylor Baird motioned to adjourn the meeting. Smoyer seconded the motion. Motion approved 6-0.

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