

## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
Monday, June 8, 2015  
**REVISED**

Meeting Began At: 11:05 a.m.

Meeting Ended At: 1:05 p.m.

Members Present: Deb Schorr, Leirion Gaylor Baird, Roy Christensen, Bill Avery, Larry Hudkins, Cyndi Lamm

Members Absent:

Others Present: Roger Figard, Amy Cornelius-Jones, Liz Thanel, Bill Kutilek, Susie Filipi, Randy Hoskins, Mark Lutjeharms, Kyle Anderson, Kurt Micek, Eric Canfield, Larry Yoble; Kevin Abourezk

**Recognitions:** Schorr welcomed Cyndi Lamm to the RSTD Board, she replaces Doug Emery. Lamm was not eligible to vote as City Council has yet to approve her addition to the RTSD Board.

Schorr recognized Tina Queen for having served as the RTSD Administrative Assistant for the past 15 years. Schorr, on behalf of all the other Board members, thanked Tina for all her hard work and efforts with the RTSD. Figard appreciated all Tina's efforts in always being three steps ahead. He appreciated all her reminders and her level of organization. She will be missed as she follows opportunities with the Public Works & Utilities Water Business Office. Figard presented Queen with a plaque recognizing her service with the RTSD.

Schorr also recognized Harlon Layton who passed away on May 14, 2015 at the age of 87. Harlan was a longtime supporter and volunteer advisor to the RTSD and an expert on all things railroad. He retired from BNSF railroad in 1995 after almost 30 years of service. He regularly attended the RTSD Board meetings and often offered a different perspective and suggestions to the Board members. Figard commented that Harlan had a great respect and concern for the safety of mixing pedestrians, bicyclists and motorists with trains. Harlan always said, "The train wins every time". His knowledge of the railroads will be greatly missed and we extend our sympathy to his family and gratitude for support all these years.

### **Order No. 15-01 09 Call Meeting to Order. Approval of Previous Minutes.**

Hudkins moved to approve the previous minutes. Gaylor Baird seconded the motion. Motion approved 4-0. Avery absent.

### **Order No. 15-02 10 Statement of Receipts & Disbursements.**

Thanel presented the statement of receipts and disbursements.

Gaylor Baird moved to approve the Statement of Receipts & Disbursements. Christensen seconded the motion. Motion approved 5-0.

**Order No. 15-03 11 Current Budget Status, Project Updates, Committee Updates.**

Figard highlighted the following items:

**Capital Projects** - Have not received any expenses. We should be paying out the trail crossing at Park Blvd.

**Construction Projects-**

Hickman Quiet Zone-Slowed down a little bit, the Railroad came in the end of April and early May and set some new crossing panels across 2<sup>nd</sup> St. With the recent flooding, some of the rock and ballast got washed out. The Railroad has been working diligently to take care of flooding issues in the southern part of the county.

Southwest 40<sup>th</sup>- All of the piers and footings are in, the girders are set, then pouring concrete in Between (webs). Installing metal decking, setting steel and pouring the deck along with the paving the roadway. Anticipated completion is Mid October.

NCUTCD Meeting is in San Antonio, TX next week. Figard thanked the Board for their Support with the travel.

**Order No. 15-04 12 Election of Officers**

Christensen nominated Schorr as Chair, Hudkins seconded.

Motion approved 4-0. Schorr abstained.

Gaylor Baird nominated Christensen as Vice Chair, Hudkins seconded

Motion approved 4-0. Christensen abstained.

Hudkins nominated Gaylor Baird as Secretary, Avery seconded.

Motion approved 4-0. Gaylor Baird abstained.

**Order No. 15-05 13 Review/Renew Legal Services & Accounting/Auditing Contracts**

Figard stated that the legal service contract is the same as last year.

Bill Kutilek briefed the Board on the highlights of the contract which have not changed in the last six years. They are happy to continue on the same terms. At some point in time, it may make sense to review the contract for cost of living adjustments.

Hudkins moved to renew the legal service contract with Crosby Guenzel Law Firm. Christensen seconded the motion. Motion approved 5-0. 1 abstained.

Figard recommend continued use of service from Becker Meyer & Love LLP. This contract shows a “Not to Exceed” amount to go up \$200 for a total of \$10,500. Services provided include budget and auditing. The accounting contract moved to a new firm Becker Meyer Love LLP, Kurt Micek will still be handling the contract as his old firm, Micek & Crouch PC merged with Becker Meyer Love LLP.

Christensen moved to approve the accounting/auditing contract with HBE. Hudkins seconded the motion. Motion approved 5-0.

### **Order No. 15-06 14 Engineering Study Agreement for 33<sup>rd</sup>/35<sup>th</sup> & Adams**

Figard gave some history related to selection process for this study. RTSD has carried a potential study project for the closing of the at-grade crossings on Adams at 33<sup>rd</sup> & 35<sup>th</sup> for some time now. There was a large scoping meeting in April 2013 where 500 businesses were invited to talk about the goals of closing those crossings and what it would take to do that. Figard indicated that these two crossings have a high risk factor in terms of conflicts between cars, bicycles, pedestrians and trains. Nebraska Department of Roads is on board with this high priority project. The goal is to make this project Federal Aid eligible for high hazard safety funds. This means the Board needs to make sure we are following process. The Board is being asked to validate the procurement of professional services through the qualification based process. A selection committee was named which included Miki Esposito, Director of Public Works & Utilities, Deb Schorr – RTSD Board Chair, and three members from Engineering Services: Kris Humphrey- Project RC, Lonnie Burklund-Traffic Engineer and Roger Figard – Executive Director for RTSD and City Engineer. Reminder that Public Works & Utilities - Engineering Services provides the engineering support for the RTSD at an administrative level. The selection process included sending out a Request for Proposal, to which five proposals came in. The committee reviewed the proposals, met, talked and short listed the proposals down to two firms. The selection committee selected the firms of The Schemmers Associates along with FHU (Felzberg Holt & Ullevig). The committee and Christensen sat down with the proposed consultant about the scope of the project. This included costs, number of meetings and number of alternatives, etc. The selection committee thought this firm was the most qualified and reasonable.

Gaylor Baird thanked those involved in the process for selection. She asked if Figard could speak to the scope of work in relation to number of options (6) that is being asked to produce. Figard responded that there was not a standard but often the alternatives are a mixture and variation of a few options. Avery asked about the comparability of fees and services. Figard answered that the goal is to only pay for what is reasonable and competitive, whether that is 3 or 6 options. These will all be reviewed by Humphrey and signed off on by Figard and Schorr. Schorr assured everyone that the scope of services document was gone through line by line and took several meetings. Hudkins was happy that we have a new firm working on this with a fresh set of eyes. He thinks this firm will do a good job and take into account the businesses in the area and safety.

Mark Lutjeharms from The Schemmers and Kyle Anderson from FHU presented an overview (handout) of the proposed project. The presentation consisted of prime project objectives, scope of the project, public participation and coordination with affected key agencies. In addition, work tasks, summary of citizen participation and a schedule timeline were also presented.

Avery asked if the schedule provided was amendable if all the meetings were not necessary. Lutjeharms indicated that it was. He indicated that the firm feels that the citizen participation element is the most important.

Schorr addressed the PEL (Planning and Environmental Linkages – defined by MAP-21 legislation) process as being one of the first in Nebraska and will be a learning experience and an important process to follow. Gaylor Baird asked if the PEL process being recognized by the federal government, makes this project more eligible for federal funding. Anderson responded that one of the challenges with federal funding is the environmental review process. One of the requirements is that the funding has to be identified and obligated for all segments of a project. The PEL process allows a project to go through all the analysis leading up to the point of identifying funding.

Figard recommends approving the contract for the 33<sup>rd</sup>/35<sup>th</sup> & Adams Study Agreement. If the Boards approves entering into this agreement, a slight budget adjustment needs to take place. The line item for 33<sup>rd</sup> BNSF currently has budgeted amount of \$500,000. Figard is recommending that we take \$150,000 from the OPPD 91<sup>st</sup> St and Yankee Hill Crossing and move it to the 33<sup>rd</sup> BNSF line item. This would mean the OPPD 91<sup>st</sup> and Yankee Hill Crossing would be at \$350,000 and 33<sup>rd</sup> BNSF would be at \$650,000 if the adjustment is approved. Gaylor Baird asked Figard to review some of the costs associated with the project further past the study. Figard stated that this project could cost \$70-80 million with an overpass and connectivity. He is not suggesting that the RTSD funds the entirety of the project. RTSD does have an obligation to show that the project is viable. The plan Figard is recommending is that the early study (PEL), the environmental work and design should be funded by the RTSD. Once there is a real project, right-of-way is bought, final design is done and construction begins. He anticipated that RTSD will fund approximately half and the other half will come from a combination of federal funds, State of Nebraska train mile tax funds and the Railroad.

Lamm is glad to see this project moving forward and will assist in engaging her constituents to participate in the process.

Christensen moved to approve the contract with the amendment to the budget. Hudkins seconded the motion. Motion approved 5-0.

#### **Order No. 15-07 15 Petitions/Letters/Requests.**

##### **a. SW Lincoln Quiet Zone**

Figard stated that in the Board's meeting packet, there are 3-4 letters from neighborhood associations. One of those letters is from Eric Canfield from SW Lincoln. These letters are requesting consideration of a Quiet Zone. Canfield gave testimony regarding the sounding of train horns frequently in his area of town and feels it has gotten worse over time. He stated that he can hear the train horns at all three crossings (S. Coddington, 14<sup>th</sup> & Van Dorn and S. Folsom) at his house. Schorr indicated that there are six crossings in that area within the potential project. Figard suggested that if the Board agrees to move forward with a feasibility study for this area, that we can earmark \$25-40,000 to fund the study from the Emergency & Safety line item without changing the budget.

Gaylor Baird inquired about a letter from Lee's Place Homeowners Association regarding train blockages. She asked if the study we are talking about would address that issue as well. Figard said it would not. Figard has intentions of having a discussion with the terminal supervisors about changes in their operations. Canfield added that some of the blockages have been addressed in the neighborhood and is not as bad now.

Schorr asked if this project would be the 7<sup>th</sup> or 8<sup>th</sup> Quiet Zone. Figard thought it may be the 7<sup>th</sup>. Avery asked about costs beyond the study in relation to safety and improvements at those crossings. Figard said in order to create a Quiet Zone, we would need basic supplemental safety measures: raised median, gates, lights and things that create positive reinforcement from people going around the gates. The feasibility study would review all elements needed and their associated costs.

Gaylor Baird asked Figard to restate what the options are. Figard recommends that as a part of the approval process during the next agenda item, the Board will either add or not add the feasibility study with the funds coming from the Emergency & Safety Study line. Figard will bring a better number for the study to the September Board meeting. This will not affect the bottom line of the budget.

**b. Supplemental Agreement for Cornhusker Highway BNSF Crossing**

Figard presented information regarding a Supplemental Agreement for Cornhusker Highway BNSF Crossing at 63<sup>rd</sup> Street. This crossing is in bad shape and is in need of repairs. He has been trying for several years to work on an agreement. The crossing panels are the responsibility of the Railroad's. RTSD, in the past, has offered to cost share in the materials, not the work to get these types of areas improved. NDOR is initiating the agreement because this is Hwy 6. NDOR and BNSF have a master agreement established for cost sharing for crossing repair. This supplemental agreement states that per the parent agreement, the Railroad and NDOR will come in and replace the crossing and what the approximate costs are. RTSD generally picks up a cost share of the local government in the area.

Avery moved to approve the Supplemental Agreement for Cornhusker Hwy BNSF Crossing. Christensen seconded the motion. Motion approved 5-0.

**Order No. 15-08 16 2015/2016 Draft Budget & CIP.**

Figard presented the Draft Budget & CIP for 2015/2016. This includes Operating Expenses and various construction projects. Based on contracts just approved, the line items for Legal/Accounting Services need to be \$6,200 (Legal) and \$10,500 (Accounting) which are the "not to exceed" amounts. The other proposed change based on the contract just approved for 33<sup>rd</sup> & Cornhusker, is adjusting FY16 line item to \$800,000 total, of which \$650,000 is for the consultant and \$150,000 is for City/RTSD Engineering costs. The SW Lincoln Quiet Zone Feasibility Study \$40,000 will come out of the Emergency Safety & Study line item which will not affect the bottom line.

Christensen asked if we need to include the SW Quiet Zone Feasibility Study when approving the draft budget. Figard answered that it would include it and that he would come back to the September meeting with a proposal that includes better numbers. Gaylor Baird asked if a separate line item identifying the SW Quiet Zone is being requested. Figard responded that this would be a better suggestion if the Board agreed. Gaylor Baird commented that is nice when people from the community come forward when a change is needed.

Gaylor Baird moved to move \$40,000 from the Emergency Safety & Study line item to create a SW Lincoln Quiet Zone. Christensen seconded the motion. Motion approved 5-0. 1 abstained.

Gaylor Baird pointed out that the South Beltway line item is \$4.3 million and inquired if this amount is as a result of accruing \$2 million a year. Figard answered that the goal of the Board was to accumulate and save money for the railroad portion of the South Beltway.

Christensen moved to approve the 2015/2016 Draft Budget & CIP as amended. Hudkins seconded the motion. Motion approved 5-0.

Figard stated that we need to make a levy request of the County Board. The County Board has control under the Lid Law and the 15 cents for a number of political subdivisions of which the RTSD is one of those. Figard handed a sheet out that showed four different levies. The top one is the current levy (1.3 cents), the second one is 1.6 cents, the third is 2.0 cents and the last one is 2.6 cents which is the maximum. The purpose of this is to confirm that a full levy these projects in the CIP can be funded. The handout shows what happens with the cash in hand at each levy example. Figard recommends the full 2.6 cent levy because it is one of the single best entities in the County for facing significant safety, delay and conflict issues. The resources are there to continue the good work we have done for the future. Future projects in the South and Southeast of this community that could have a significant impact on at-grade crossings.

There was discussion regarding items related to annual valuation and bonding of larger projects. Figard responded that the recommendation is a conservative one. He added that bonding does not speed up the federal aid process by bonding, that paying as you go has been a good model for RTSD to follow. The request is for a proposed levy to recommend to the County Board which would then have a final decision in August. There was further discussion about the pros and cons of 2.6 vs. 2.0 levies.

Christensen moved to approve the recommended 2.6 cent levy. Gaylor Baird seconded the motion. Motion failed 2-2. Avery abstained.

Figard offered to run some additional numbers and bring back to the Board. Gaylor Baird indicated not being comfortable with the County Board not getting a recommendation. There was additional discussion on the levy.

Avery moved to approve the revised recommendation of 2.0 cent levy. Christensen seconded the motion. Motion approved 4-1.

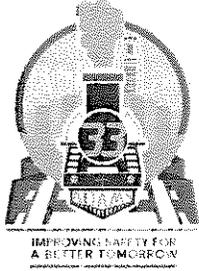
**Order No. 15-09 17 Non-Agenda Items.**

No public comment.

The next Board meeting will be held on Tuesday, September 8, 2015 @ 8:30 am.

Christensen moved to adjourn the meeting. Hudkins seconded the motion. Motion approved 5-0.

**Prepared by: Amy Cornelius-Jones, Engineering Services**



# 33<sup>rd</sup> AND CORNHUSKER

Planning, Engineering and Environmental Study Services

*RTSD Board Meeting – June 8, 2015*

## **PROJECT DESCRIPTION**

The project is a transportation study, evaluating various roadway alignments and railroad grade-separated structures in the vicinity of N. 33<sup>rd</sup> Street & Cornhusker Highway in Lincoln, Nebraska. The purpose of the project is to improve safety by eliminating conflicts between vehicles, trains, bicyclists, and pedestrians at the BNSF tracks which intersect N. 33<sup>rd</sup> Street and Adams Street just south of Cornhusker Highway (U.S. Highway 6).

The Lincoln/Lancaster County Railroad Transportation Safety District (RTSD) has set the following prime project objectives:

- 1) Eliminate the at-grade railroad crossings with the BNSF Railway tracks at both N. 33<sup>rd</sup> Street and Adams Street.
- 2) Provide multi-modal (i.e., vehicles, pedestrians, bicyclists, transit) accommodations resulting in an efficient transportation system that has independent utility for short-term needs.
- 3) Provide multi-modal accommodations that meet the City of Lincoln's long-range planning objectives for this area.

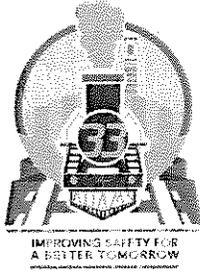
The scope of the project consists of:

- 1) Determining corridor transportation needs,
- 2) Engaging the public in the needs assessment and screening process,
- 3) Evaluating potential environmental issues, and
- 4) Developing and analyzing short-term and long-term transportation alternatives.

In addition to citizen participation activities, coordination will be performed with key agencies affected by or impacting the project including, but not limited to:

- 1) BNSF Railway (BNSF)
- 2) Federal Highway Administration (FHWA)
- 3) Nebraska Department of Roads (NDOR)
- 4) City of Lincoln
- 5) U.S. Army Corps of Engineers (USACE)
- 6) Lower Platte South Natural Resources District (LPSNRD)
- 7) Local potentially affected interests (stakeholders)
- 8) Environmental resource agencies (State Historic Preservation Office, U.S. Fish & Wildlife, Nebraska Game & Parks, Nebraska Department of Environmental Quality)

In addition to engineering concept design activities, environmental impacts for the study alternatives will be evaluated with the findings of the transportation study guided by the Planning and Environmental Linkages (PEL) process, as defined by MAP-21 legislation. Alternatives will be investigated to the extent necessary to develop a comparison matrix documenting the major benefits, costs, and subsequent impacts to the environmental resources.



# 33<sup>rd</sup> AND CORNHUSKER

Planning, Engineering and Environmental Study Services

*RTSD Board Meeting – June 8, 2015*

## **WORK TASKS**

- 1 Project Guidance (i.e., Project Management, Coordination, QA/QC, Document Management)
- 2 Meetings
- 3 Topographic Survey (top of rail elevations)
- 4 Utility Coordination
- 5 Citizen Participation
- 6 Needs Assessment Report (document existing and future transportation deficiencies and environmental resources)
- 7 Purpose and Need, Logical Termini and Goals
- 8 Alternative Analysis
- 9 Planning & Environmental Linkages (PEL Study)

### Objectives:

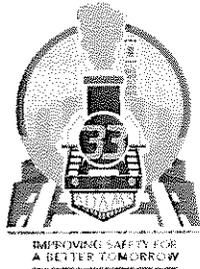
- a) Express a common vision between the RTSD, stakeholders and public as to the future operational functionality of the study area both as a whole and as discrete subareas.
- b) Develop a range of alternatives which:
  - Balances regional mobility with local connectivity needs and access management
  - Enhances area aesthetics, safety and urban design components and multi-modal objectives

### Additional task activities include:

- Alternative Funding Investigations
- Action Plan
- PEL Study Report
- Environmental Review

## **CITIZEN PARTICIPATION SUMMARY**

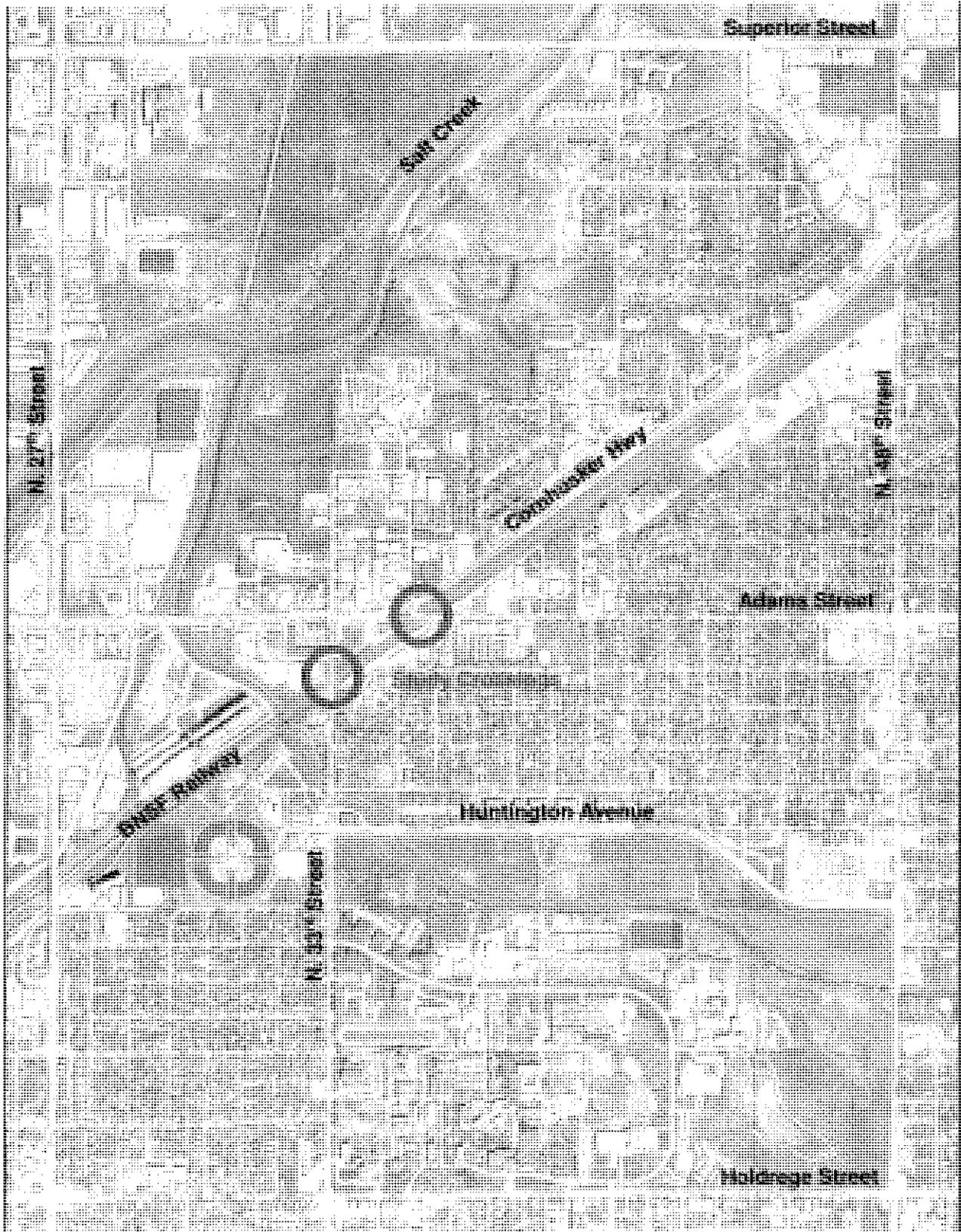
- Conduct a Citizen Participation Assessment Workshop with RTSD and City Staff
- Prepare a Citizen Participation Plan
- Develop a database of project stakeholders and potentially affected interests
- Conduct 3 Stakeholder Outreach meetings and numerous one-on-one meetings
- Prepare 3 project newsletters
- Develop and maintain a project website
- Conduct 2 Open House meetings
- Prepare a Citizen Participation report documenting the process
- Attend RTSD Board meetings
- Attend City/County Commons meeting

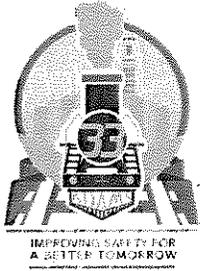


# 33<sup>rd</sup> AND CORNHUSKER

Planning, Engineering and Environmental Study Services

RTSD Board Meeting – June 8, 2015





# 33<sup>rd</sup> & CORNHUSKER

Planning, Engineering and Environmental Study Services

Project Schedule (as of May 28, 2015)

Project Notice-to-Proceed (RTSD Board Meeting)	June 8, 2015
Kick-off Meeting	June 24, 2015
Agency Kick-off Meeting	July 2015
<b>Opportunities</b>	<b>July – October 2015</b>
Topographic Survey	July 2015
Citizen Participation Plan	July 2015
Progress Meeting #1	August 2015
RTSD Board Meeting #1	September 8, 2015
Needs Assessment Report	October 2015
Purpose & Need	October 2015
Progress Meeting #2	October 2015
Citizen Participation Open House #1	October 2015
<b>Alternatives</b>	<b>November 2015 – February 2016</b>
Initial Alternatives Development	November 2015
RTSD Board Meeting #2	December 7, 2015
Progress Meeting #3	December 2015
Alternatives Analysis and Screening	January 2015
Alternatives Refinement, Analysis and Screening	February 2016
Progress Meeting #4	January 2015
<b>Implementation</b>	<b>March – April 2016</b>
Progress Meeting #5	February 2016
Citizen Participation Open House #2	February 2016
Alternative Funding Investigations	March 2016
RTSD Board Meeting #3	March 2016
Progress Meeting #6	March 2016
Environmental Review	April 2016
Action Plan	April 2016
Progress Meeting #7	April 2016
<b>Documentation</b>	<b>May – June 2016</b>
Progress Meeting #8	May 2016
RTSD Board Meeting #4	June 2016
PEL Study	June 2016