

**NEBRASKA OPERATION LIFESAVER  
STATE COMMITTEE MEETING  
November 14, 2013  
www.nebraskaol.org  
www.oli.org**

**MEETING CALLED TO ORDER**

Carol Daley called the meeting to order and Gary Sydzyik gave the Safety Briefing.

**INTRODUCTIONS**

Billy Anderson, Burlington Northern Santa Fe Railroad  
Deb Ashworth, Union Pacific Railroad  
Joe Coleman, Burlington Northern Santa Fe Railroad  
Carol Daley, Executive Director – NE OL  
Chip Frazier, HDR, Inc.  
Bob Grant, Nebraska Department of Roads  
Megan Grimes, News Link  
Hilda Gurwell, Union Pacific Railroad, NEOL – Secretary  
Tom Hillyard, Union Pacific Railroad  
Gary Hughes, BNSF Railroad – Retired  
Larry Johnson, Nebraska Trucking Association Inc.  
Harold Jones, BN Mini Train  
Linda Kearns, Nebraska Office of Highway Safety  
Marvin Kohout, Traffic Safety Plus  
Richard Kotan, Omaha Public Power District - Retired  
Pat Leahy, Union Pacific Railroad  
Mike Meyer, Nebraska State Patrol  
Darla Morris, Nebraska Safety Center  
Sean Owings, Nebraska Department of Roads  
Todd Palmer, Nebraska Department of Roads  
Ron Scholz, Husker Sports Network - Retired  
Gary Sydzyik, Burlington Northern Santa Fe Railroad  
Greg Sharpe, Voice of the Husker - Speaker

**Statistics:**

Bob Grant discussed the following handouts. (See attachments)

- Nebraska Traffic Fatality Toll Comparison as of November 14, 2013
- 2013 Nebraska Railroad Fatalities – Motor Vehicle Traffic Fatalities
- 2013 Non-Motor Vehicle Traffic Fatalities

**Board and Officer Report:**

**Board:**

The NE OL Board of Directors met prior to the committee meeting. Those in attendance were: Carol Daley, Gary Sydzyik, Marvin Kohout, Larry Johnson, Ron Scholz, Rich Kotan, Deb Ashworth and Linda Kearns. The Board members discussed NE OL Finances, 2014 Proposed Budget, NE OL Trailer accomplishments, Goals and Results for 2013, and Proposed Goals for 2014 and Bylaws.

**Bylaws – Rick Kotan/Carol Daley**

Rich Kotan went over the Nebraska Operation Lifesaver Bylaw changes and corrections with the Board of Directors for the November 2013 version. A motion was made by Larry Johnson for approval and seconded by Marv Kohout. The Bylaws were approved by the Board of Directors.

Rich reviewed the Bylaws to reflect more on what NE OL actually does than what we thought we did. Copy of the completed version is attached.

**General Secretary/Supplies:**

If you are in need of supplies, contact Hilda Gurwell at 402-544-3465 or by email at hildagurwell@UP.com.

**Treasurer:**

Balance on hand as of October 31, 2013 was \$6,425.61. Carol reviewed the finances with the NE OL committee.

**East Co-Coordinator:**

Hilda Gurwell continues to book presentations.

**West Co-Coordinator:**

Pat Leahy is the Western Nebraska Area Coordinator.

**Old Business:****NE OL Trailer – Carol Daley**

Deb Ashworth gave an update on the new OL trailer. A locomotive console was found by the Union Pacific in Little Rock, AR. The console was in bad shape, missing gauges and parts. The whistle and knobs for the console will be furnished by the North Platte Mechanical Department. As soon as the console is completed, cabinets, carpet, ramps will be installed, and ceiling will be painted and then the trailer will be ready for the outside design. The final decision will be a wrap on the outside of the NE OL trailer with a universal OL message. Hilda will check websites for examples of other trailer designs. The cost of the trailer at this time is \$7,644.35, which is under budget. Anyone who has ideas for the outside wrap design can contact Carol Daley at 402-885-8572 or by email at neolcadaley@cox.net.

**Update for new presenter training – Carol Daley**

The new presenter training has about 55 people who have applied to take the training. The online training needs to be completed before the face-to-face process starts in 2014. Carol will be putting together a schedule in February for this training process. At this time she is still waiting for the training manual. She said the new process will be good for new presenters. Presentation will still depend on the type of electronics available.

Hilda suggested having a face-to-face training meeting after the March meeting with the committee presenters.

**New Business:****Photos/Yearbook Project – Chip Frazier**

Chip Frazier and Hilda Gurwell have been working on locating websites with portraits of people on the railroad tracks. Hilda checked the Professional Photographer of Nebraska websites. She found an overwhelming number of photos of seniors, weddings, families, and children photos that were taken on or near railroad tracks. She provided this information to Chip, who in return, sent out an email with information from the OLI website on the hazards of being on the railroad tracks. Chip used the attached flyer from the Union Pacific website "Railroad Photo Backdrop Prompts UP Employee Action." Of the 23 photographers he contacted only one of the photographers was uncooperative, 14 cooperated, 8 didn't respond to the email. Chip also provided information on the letter Joyce Rose sent to the CEO of Pfizer, manufacturer of Advil, with copies to the CEO of the short line railroad that filmed the Advil commercial and the Pfizer ad agency in New York. (See attached.) He will continue the effort to notify and provide information on trespassing and child endangerment issue of photos being taken on the tracks.

Gary Sydzik suggested getting the message to the high schools not to use these photos in their yearbook. Carol will add this to the 2014 Goals to contact the schools letting them know that it is illegal and dangerous to trespass on the tracks even if they are abandoned. If you have any more information on this topic, contact Chip Frazier by email at efrazier@hdrinc.com or contact Mike Meyer at mike.meyer@nebraska.gov.

**Gretna School District Initiative**

Deb Ashworth is in the process of setting up an OL Blitz with the Gretna School District which consists of 4 elementary schools, Gretna, Palisades, Squire Thomas, and Whitetail Creek. The focus will be on the 1<sup>st</sup> through 4<sup>th</sup> grade students which would target 1,220 students. NE OL will need volunteers to come in with Operation Lifesaver presentations and present to each class at the schools, Gretna (13), Thomas Elementary (17), Palisades Elementary (18) and Whitetail (14). Each of the grade levels will have the opportunity to participate in the 2014 "La Verne and Shirley" Safe around Trains poster contest. Each grade level will have the opportunity to win an Apple iPad for their classroom. An email will be sent to each of the 4 Principals at

the Gretna Elementary School District. The contest will take place between January and March 2014. Ken Hunt, Vice President of Union Pacific Harriman Dispatch Center, will be providing \$3,200 for the purchase of the four iPads and other miscellaneous prizes. This will be the incentive to get the OL program into the school district and to get the teachers involved.

### **Fundraiser for 2013**

Deb Ashworth will be hosting an Operation Lifesaver Casino Night at her home on Tuesday, November 26<sup>th</sup>. The price of admission is \$25.00 per person. Attendance will be limited to 50. This is a fundraiser for Nebraska Operation Lifesaver. Those interested in attending can contact Deb Ashworth at [deb2613@cox.net](mailto:deb2613@cox.net) to receive your invitation by email.

### **Valla's Pumpkin Patch – Deb Ashworth**

Deb Ashworth suggested placing the NE OL trailer out at the Valla's Pumpkin Patch for the month of October 2014. Each year the Union Pacific Harriman Dispatch Center employees are invited to the pumpkin patch for a day of fun and relaxation. This would be an opportunity to educate not only the Union Pacific employees but also the general public.

This year, Gary Sydzik and Dan Chapp, had the NE OL trailer at the Roca Berry Farm and provided presentations to those who attended the event.

### **Goals – 2014**

Attached is a list of the 2014 Goals and 2013 Goals and Results. Contact Carol Daley at 402-885-8572 or by email at [neolcadaley@cox.net](mailto:neolcadaley@cox.net) if there are additional items to add to either list. The BNSF and Union Pacific require not only the 2014 Goals and the 2013 Goals and Results but need the 2014 Proposed Budget, Listing of the Board of Directors, and the Financial Information. Carol will be getting a list of presenters and the number of presentations so we get credit for all of the completed presentations for the 2013 Goals.

### **Projects:**

#### **Professional Drivers – Larry Johnson**

No additional information available at this time.

#### **Trucking/Insurance Company Contacts – Larry Johnson, Ron Scholz**

No additional information available at this time.

### **Open Discussion:**

Pat Leahy said they are cutting the driver's education hours from 20 to 18 hours; therefore they are eliminating the rail safety information. He wanted to know who to contact about this issue. The contact at Kearney Safety Center is Brandon Bennet.

Pat Leahy reported the Union Pacific will be placing the "Report Problem or Emergency" call/location plaques on both sides of the post on the railroad crossing signs. He will be contacting someone at the DMV to see if this information can be placed in the State Driver's Manual. (See attached.)

Hunter/Fisherman Key Safety Tip Visor Cards are still in the works.

Greg Sharpe, the Voice of the Huskers, was the guest speaker at the meeting.

### **Adjournment:**

Meeting adjourned.

Minutes were taken by Linda Kearns. Any corrections or additions will be noted at the next meeting.

Respectfully submitted,

Linda Kearns - Recording Secretary

### **NE OL State Meeting Dates:**

January 9, 2014 - NE OL State Committee Meeting, (Potluck) – soup luncheon, Havelock Shops, 6600 Burlington Avenue, Lincoln, NE

March 13, 2013 – NE OL State Committee Meeting, Havelock Shops, 6600 Burlington Avenue, Lincoln, NE

Provided by Nebraska Office of Highway Safety

# Nebraska Traffic Fatality Toll Comparison

## Daily Count Thru 8:00 A.M. Thursday November 14, 2013

COMPARISON TO DATE	THUS FAR		URBAN	RURAL	RURAL BY ROADWAY			URBAN BY ROADWAY			BY SELECTED ACCIDENT TYPES				
	BY MONTH	BY YEAR			INST.	OTHER HWYS.	CO. ROADS	INST.	OTHER HWYS.	LOCAL ROADS	MOTOR- CYCLE	ATV	TRAIN	PEDES- TRIAN	BIKE
2009	11	194	50	144	11	72	61	2	12	36	15	5	3	9	3
2010	6	163	33	130	25	65	40	1	4	28	14	3	2	6	2
2011	9	159	43	116	22	60	34	4	11	28	23	4	2	6	2
2012	3	186	53	133	15	65	53	4	12	37	22	3	3	15	0
2009 - 2012 Average	7.25	176	44.8	131	18.3	65.5	47	2.75	9.75	32.3	18.5	3.75	2.5	9	1.75
2013	5	181	46	135	15	70	50	2	10	34	13	3	2	12	0
% Change 2012 - 2013	67%	-3%	-13%	2%	0%	8%	-6%	-50%	-17%	-8%	-41%	0%	-33%	-20%	0%
2013 Compared to 2009 - 2012	-31%	3%	3%	3%	-18%	7%	6%	-27%	7%	5%	-30%	-84%	-20%	33%	100%

Prepared By: Highway Safety Section, Traffic Engineering Division  
Nebraska Department of Roads

November 14, 2013

**2013 NEBRASKA RAILROAD FATALITIES  
MOTOR VEHICLE TRAFFIC FATALITIES**

<u>DATE</u>	<u>FATALITIES</u>	<u>COUNTY</u>	<u>LOCATION &amp; RAILROAD COMPANY</u>	<u>Alcohol-Related</u>
1-6-13	1	Scotts Bluff	(Co Rd) 21 <sup>st</sup> Ave, East of Gering Union Pacific	No
5-14-13	1	Saline	(Co Rd 1300) 2 West of Dorchester Burlington Northern Santa Fe	No

Train Fatalities

2002	12
2003	6
2004	5
2005	9
2006	4
2007	6
2008	1
2009	4
2010	2
2011	2
2012	3
2013	2

Train Injuries

2002	19
2003	15
2004	17
2005	25
2006	22
2007	21
2008	19
2009	18
2010	4
2011	13
2012	13
2013 (Jan-May)	8

Train Crashes

2002	46
2003	46
2004	38
2005	40
2006	37
2007	40
2008	39
2009	38
2010	20
2011	19
2012	23
2013 (Jan-May)	11

**NON-MOTOR VEHICLE TRAFFIC FATALITIES  
2013**

<u>DATE</u>	<u>FATALITIES</u>	<u>COUNTY</u>	<u>LOCATION, RAILROAD COMPANY, &amp; ACCIDENT TYPE</u>
8-10-13	1	Colfax	(Co Rd 9) West of Schuyler Union Pacific Motor Vehicle – Train/Suicide

# Nebraska Operation Lifesaver Bylaws

Adopted: November 14, 2013

## ARTICLE I: Name

The name of this Organization shall be Nebraska Operation Lifesaver. Hereby referred to in this document as NE OL.

## ARTICLE II: Purpose

The purpose of this Organization is to promote trespasser prevention and highway-rail grade crossing safety throughout the State of Nebraska. It is organized exclusively for charitable and educational purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code.

## ARTICLE III: Membership

Section 1 **Qualifications.** Any person acting independently or representing a public or private agency with an interest in ending tragic collisions, fatalities and injuries at highway-rail grade crossings and on railroad rights-of-way in the State of Nebraska can apply for membership. Membership shall include representatives of railroad, government agencies, public and private organizations, and individuals with interests in public safety. All presenters and trainers residing and/or working in the state are automatically members of NE OL. The NE OL Board of Directors may reject the membership of any person or organization who it believes does not truly support the purposes of the organization or whose membership would not be in the best interests of the organization.

Section 2 **Membership Body.** The membership body of NE OL is the NE OL State Committee.

Section 3 **Membership List.** The Executive Director and Recording Secretary will review and update the State Committee membership list. The Recording Secretary will present the list at each meeting to the NE OL State Committee.

Section 4 **Termination of Membership.** The Board of Directors, by affirmative vote of two-thirds of the members of the board present at the Board meeting at which a quorum is present, may terminate the membership of any member who becomes ineligible for membership.

Section 5 **Meetings.** The NE OL State Committee shall hold approximately six meetings per year unless otherwise determined by the NE OL Board of Directors.

Section 6 **Quorum.** A minimum of ten percent (10%) of the members listed on the NE OL membership roster shall constitute a quorum for the transaction of business at an NE OL State Committee meeting. Each member shall be entitled to one vote. Members may vote at a meeting in person or by absentee ballot, by faxing, email or mail but must be received 24 hours in advance of the meeting.

Section 7 **Presiding Official.** The NE OL Executive Director or his/her designee shall preside over meetings of the NE OL State Committee.

## Article IV: Board of Directors

Section 1 **Authority.** The NE OL Board of Directors is the policy-makers of the organization and may exercise all powers and authority granted to the organization by law and these bylaws. The Board of Directors shall be established and identified by the March State Committee meeting of each year. The Board of Directors would remain active through March of the following year. A review of those on the Board of Directors would then take place to identify any changes in membership.

- Section 2      **Number, Selection, and Tenure.** The Board of Directors shall consist of seven voting and two non-voting member as follows:
- One person each from the Union Pacific Railroad and Burlington Northern Santa Fe Railway appointed by their respective railroads;
  - Five active members in good standing of the NE OL State Committee elected by the members of the NE OL State Committee at its January meeting each year; and
  - The current Executive Director and the FRA will be a non-voting member of the Board of Directors.
- Representatives from the railroads and FRA shall serve at the pleasure of their appointing body for any length of time unless a two-thirds vote of the members of the Board of Directors at a meeting at which a quorum is present determines that a change in the appointment is in the best interests of the organization.
- Elected representatives of the NE OL State Committee shall serve a two-year term. NE OL State Committee representatives may be elected for any number of two-year terms, successive or otherwise. (Odd & even years)
- Section 3      **Resignation.** Resignations from the Board of Directors will be effective upon receipt of written notification to the Executive Director.
- Section 4      **Meetings.** The Board of Directors will meet at least two times per year. The meetings shall be at such dates, times and places as determined by the Board.
- Section 5      **Notice.** Meetings may be called by the Board Chair/Executive Director or at the request of any two Directors by notice mailed, emailed, faxed, or telephoned to each member of the Board not less than forty-eight (48) hours before such meeting.
- Section 6      **Quorum.** A quorum shall consist of a majority of the voting members of the Board attending in person or through teleconferencing. All decisions will be by majority vote of those present at a meeting at which a quorum is present, unless a higher number is required by these bylaws or state statute. If less than a majority of the directors is present at a meeting, a majority of the directors present may adjourn the meeting until further notice.
- Section 7      **Action without a Meeting.** Any action to be taken at a meeting of the Board of Directors or of any committee may be taken without a meeting if a majority of the members of the Board or committee consent in writing to taking the action without a meeting and to approving the specific action. Such consents shall have the same force and effect as a vote of the Board.
- Section 8      **Participation in Meeting by Conference Telephone.** Members of the Board may participate in a meeting through use of conference telephone or similar communications equipment, so long as members participating in such meeting can hear one another.
- Section 9      **Compensation.** Directors shall serve without compensation.
- Section 10      **Performance Review.** The Board of Directors will be responsible for the Executive Director's performance reviews. Performance reviews shall take place twice the first year and not less than once a year thereafter.
- Section 11      **Budget.** The Board of Directors will be responsible for the annual budget allocations based on recommendations by the Executive Director.

## **ARTICLE V: Officers**

- Section 1      **Officers.** The Officers shall include a Chairperson of the Board, Recording Secretary, Treasurer, Directors A and B, the representatives from the Union Pacific and from the BNSF, and the representative from the FRA.

Director A or B shall have an interest in general community affairs, in the advancement of NEOL, and be willing to devote time and effort to the Board in directing the development of the Corporation and its purposes.

Nominating Committee will be established at the September meeting for each year. The purpose of the Nominating Committee will be to establish a Slate of Officers by November for the January election.

A Slate of Officers will be nominated by a Nominating Committee. The slate will include Chairperson of the Board, Recording Secretary, Treasurer, Director A, and Director B as their terms expire and will be presented to the members at the November meeting. Voting will occur at the January meeting and additional nominations will be taken from the floor at that time. New nominees must be in attendance to accept the nomination.

Section 2      **Term.** The elected officers will serve a two-year term beginning at the January meeting.

Section 3      **Resignation.** Resignations are effective upon receipt of written notification to the Executive Director.

Section 4      **Removal.** An officer may be removed by the two-thirds vote of the Board of Directors.

#### **Article VI: NE OL State Committee Officers**

Section 1      **Board of Directors.** The Board of Directors shall be comprised of the officers described in Article V. Section 2. In addition, the Executive Director and FRA shall serve as non-voting members of the Board of Directors. The Board of Directors shall preside over the affairs of the organization between meetings of the Board.

Section 2      **Executive Director.** The Board of Directors shall hire the Executive Director as they deem proper and necessary for the operations of the organization. The powers and duties of the Executive Director shall be as assigned or delegated by the Board of Directors.

Section 3      **Recording Secretary.** The Recording Secretary shall keep the minutes of all meetings of the NE OL State Committee List and mail or email meeting minutes to State Committee Members; and make updates to State Committee Member list.

Section 4      **Treasurer.** The Treasurer shall work closely with the Executive Director of the Organization to ascertain that appropriate procedures are being followed in the financial affairs of the Organization, and shall perform other duties as assigned by the Board of Directors.

Section 5      **Compensation.** Officers shall serve without compensation.

Section 6      **Standing Committees.** The Executive Director may create and appoint the chair and members of such standing committees as they determine, such as Education, Enforcement, and Engineering.

Section 7      **Volunteer Positions.**

**General Secretary.** The General Secretary shall attend regular NE OL State Committee meetings, coordinate the meeting location and meals, send meeting announcement to State Committee Members, maintain records on NEOL activities, order OL supplies, correspondence as directed by the State Coordinator, keep on file all original NE OL Committee records, and assist State Coordinator on travel and schedule.

**Co-Coordinator's East and West.** Their duties shall be to schedule presentations and projects, assign presentations to presenters, maintain sufficient amount of supplies on hand and distribute to presenters, assist in arrangements for mini-blitzes as needed, assist in arrangements for Presenter Certification classes, report all presentations and other OL activities to the Executive Director, attend NE OL State Committee meetings & have activity reports available.



## **Article VII: NE OL Executive Director**

Section 1      **Position.** The Executive Director is the only hired and salaried position.

**Duties.** The Executive Director shall manage the day-to-day activities of Nebraska Operation Lifesaver under the guidance of the Board of Directors. The Executive Director is responsible for the duties specifically enumerated in these bylaws, any job description, employee agreement, or contract and all other duties as assigned by the Board of Directors. Unless otherwise excused, the Executive Director shall attend all meetings of the Board of Directors and the NE OL State Committee.

**Official Spokesperson.** The Executive Director shall serve as the official spokesperson for Nebraska Operation Lifesaver unless otherwise instructed by the Board of Directors. The Board of Directors may appoint other official spokespersons as needed.

**Vacancy.** In the event the Executive Director is unable to carry out his/her duties, the Chairman of the Board of Directors or his/her designee shall serve as interim Executive Director until a new Executive Director is selected.

Section 2      **Nominating Committee.**

- A Nominating Committee will be appointed by the Board of Directors to assist in the hiring process of the Executive Director when needed.
- A Nominating Committee will determine the advertising method, solicit, and receive resumes, and rank resumes for the Executive Director position.
- The resumes will then be forwarded to the Board of Directors to complete the interviewing process.
- NE OL will pay for any expenses incurred for the selection of the Executive Director position.

Section 3      **Board of Directors.**

The Board of Directors will select finalists from ranked applications and conduct final interviews. The Board of Directors will select and hire the Executive Director for NE OL conditioned on review. Refer to Article 6, Section 2.

Section 4      **Salary.** The Board of Director's will determine the Executive Director's salary.

Section 5      **Expenses.** Expenses incurred by the Executive Director in the furtherance of the organization's business are allowed to be reimbursed with documentation and prior approval.

## **ARTICLE VIII: Financial Administration**

Section 1      **Annual Budget.** An annual budget will be approved by the Board of Directors. A diversity of funding will be sought, including contributions from railroads, government agencies, NE OL State Committee members and others.

Section 2      **Checks, Drafts, Etc.** All checks, orders for the payment of money, warehouse receipts, obligations, bills of exchange, and insurance certificates shall be signed or endorsed by such officer or officers or agent or agents of the organization and in such manner as shall from time to time be determined by resolution of the Board of Directors or of any committee to which such authority has been delegated by the Board. Proper financial controls shall be maintained, including having the Board of Directors authorize transactions, either as specific line items in an annual budget or by Board resolution for items not in the budget. A person or committee other than the signatory on the bank accounts shall review bank statements and annual review all financial documents.

- Section 3      **Deposits and Accounts.** All funds of the Organization, not otherwise employed, shall be deposited from time to time in general or special accounts in such banks, trust companies, or other depositories as the Board of Directors of any committee to which such authority has been delegated by the Board may select, or as may be selected by the Executive Director or by any other officer or officers or agent or agents of the Organization, to whom such power may from time to time be delegated by the Board. For the purpose of deposit and for the purpose of collection for that account of the Organization, checks, drafts, and other orders of the Organization may be endorsed, assigned, and delivered on behalf of the Organization by any officer or agent of the Organization.
- Section 4      **Investments.** The funds of the Organization may be retained in whole or in part in cash or be invested and reinvested on occasion in such property, real, personal, or otherwise, or stocks, bonds, or other securities, as the Board of Directors in its sole discretion may deem desirable, without regard to the limitations, if any, now imposed or which may hereafter be imposed by law regarding such investments, and which are permitted to organizations exempt from Federal income taxation under Section 501 (c) (3) of the Internal Revenue Code.
- Section 5      **Fiscal Year.** The fiscal year of the Organization shall be January 1 – December 31 but may be changed by resolution of the Board of Directors.
- Section 6      **Accountability.** Correct books of account of the activities and transactions of the Organization shall be kept by the Treasurer at the office of the Organization, and are subject to review and audit as determined by the Board of Directors. Organization records shall include the minutes, a copy of these bylaws, and all minutes of meetings of the Board of Directors.
- Section 7      **Indemnification.** Every member of the Board of Directors, officer or employee of the Organization may be indemnified by the Organization against all expenses and liabilities, including counsel fees, reasonable incurred or imposed upon such members of the Board, officer or employee in connection with any threatened, pending, or completed action, suit or proceeding to which she/he may become involved by reason of her/his being or having been a member of the Board, officer, or employee of the Organization, or any settlement thereof, unless adjudged therein to be liable for negligence or misconduct in the performance of her/his duties. Provided, however, that in the event of a settlement the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the corporation. The foregoing right of indemnification shall be in addition and not exclusive of all other rights which such member of the Board, officer or employee is entitled.
- Section 8      **Whistleblower Policy.** Employees and volunteers are encouraged to report any conduct or activities that they believe are inappropriate or illegal. This Organization does not retaliate or punish in any way, including without limitation by firing, demotion, suspension, harassment, or failure to consider for promotion, anyone who reports truthful information.
- Section 9      **Reporting Procedures.** Employees or volunteers who are subject to, or aware of, inappropriate conduct or activity should immediately report it to his/her supervisor or the Executive Director or Board Chair. If you believe the Executive Director or Board Chair is involved in the conduct to be reported, report the conduct to another member of the state program Board of Directors. Information reported remains confidential to the extent possible. Failure to report an incident of harassment or discrimination may indicate that you not consider the conduct unwelcome or problematic.
- Section 10      **Investigation.** All reports will be investigated and appropriate action will be taken to correct the situation and/or to discipline involved staff, including termination. If, after investigation, substantial facts cannot be established, the situation will be monitored for a period of time.

**Article IX: Conflict of Interest**

Section 1

**Existence of Conflict, Disclosure.** Directors, officers, employees and contractors of the Organization should refrain from any actions or activities that impair, or appear to impair, their objectivity in the performance of their duties on behalf of the Organization. A conflict of interest may exist when the direct, personal, financial, or other interest(s) of any director, officer, staff member, or contractor competes or appears to compete with the interests of the Organization. If any such conflict of interest arises, the interested person shall call it to the attention of the Board of Directors for resolution. If the conflict relates to a matter requiring board action, such person shall not vote on the matter. When there is a doubt as to whether any conflict of interest exists, the matter shall be resolved by a vote of the Board of Directors, excluding the person who is the subject of the possible conflict.

Section 2

**Nonparticipation in Vote.** The person having a conflict shall not participate in the final deliberation or decision regarding the matter under consideration and shall retire from the room in which the Board is meeting. However, the person may be permitted to provide the Board with any and all relevant information.

Section 3

**Annual Review.** A copy of this conflict of interest statement shall be furnished to each director, officer, employee, and/or contractor who is presently serving the organization, or who hereafter becomes associated with the Organization. This policy shall be reviewed annually for information and guidance of directors, officers, staff members, contractors, and new officers shall be advised of the policy upon undertaking the duties of their office.

**ARTICLE X: Annual Report**

Section 1

**Annual Report.** The Executive Director shall prepare an annual report of activities by January 31, for the previous year. Copies of the annual report shall be sent to the Nebraska State Governor, President of Operation Lifesaver, Inc., the railroad entities, NE OL State Committee members and others as determined by the Executive Director and the Board of Directors.

**ARTICLE XI: Dissolution**

Section 1

**Dissolution.** Upon the dissolution of this Organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code (or corresponding section of any future tax code), or shall be distributed to the federal government, for a public purpose. Any such assets not so disposed of shall be disposed by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

**ARTICLE XII: Amendment of Bylaws**

Section 1

**Amendment of Bylaws.** These bylaws may be altered, amended or repealed, and additional bylaws adopted, by the affirmative vote of a majority of the board members present at any regular, annual or special meeting of the board at which a quorum is present, provided prior notice is given of the proposed amendment in the notice of the meeting at which such action is taken, or provided all members of the Board waive such notice, or by unanimous consent in writing without a meeting pursuant to Article III. Section 8.

First Bylaws – July, 1996

Second Revision – May, 2001

Third Revision – March, 2004

Fourth Revision – May, 2009

Fifth Revision – November, 2013



## COMMUNITY TIES

STEWARDSHIP. SERVICE. PRIDE.

### Railroad Photo Backdrop Prompts UP Employee Action

Posted October 16, 2013 11:00 a.m. CDT



As Bridget Hammons browsed portrait packages for her son's upcoming school photos, she came across an alarming image: Railroad tracks filled the background of a featured portrait, giving the overall impression that a child was standing on the tracks.



Bridget Hammons, Union Pacific manager-centralized train dispatching

"The photo had 'wrong' written all over it," said Hammons, a Union Pacific manager of centralized train dispatching. "I felt it was my responsibility to make the company aware of how these portrait styles were communicating the wrong message to children about railroad tracks."

After coordinating with the UP Public Safety Team, Hammons and Rick Mooney, Missouri Operation Lifesaver (OLI) state coordinator, reached out to the photography studio to discuss the background's dangerous implication and railroad safety. Shortly thereafter, the studio thanked Hammons for her actions.

"We appreciate your perspective on this, as it frankly did not occur to us that using this backdrop could be viewed as posing a danger to children," the photography studio said in a note to Hammons. "Understanding that it could be interpreted this way has prompted our decision to discontinue its use. We will keep a safety perspective in mind as we plan for future scenic backgrounds."

The popularity of trackside settings for portraits is not a new trend. As part of the UP CARES public safety initiative and an ongoing partnership with OLI to educate and call attention to railroad crossing and pedestrian safety, Union Pacific published a photography policy reminding photographers that walking on or near railroad tracks is extremely dangerous.

"You never know when a train will come along," said Dale Bray, director-public safety. "Using train tracks as a backdrop is not only unsafe, it is illegal trespassing. We urge professional and amateur photographers alike to set the right example for others by adhering to the safety guidelines."

Hammons encourages employees to keep a safety mindset at all times, no matter the location.

"Courage to Care doesn't end at work," Hammons said. "When you see something that isn't safe, tell somebody and get the right people involved."

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**Community Ties** — news, photos and video about Union Pacific, our employees and the communities where we live and work.

Content is produced by Union Pacific Corporate Relations, 1400 Douglas St., STOP 1550, Omaha, NE 68179. Contact us via the [Feedback](#) page.



## Frazier Jr., Chip

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**From:** Chip Frazier <chipfrazier@cox.net>  
**Sent:** Sunday, November 10, 2013 12:24 AM  
**To:** Frazier Jr., Chip  
**Subject:** RE: Letter From Operation Lifesaver, Inc. To Mr. Read Regarding Advil commercial  
**Attachments:** Advil Commercial With Freight Locomotive.docx

From: **Carol Steckbeck** <csteckbeck50@gmail.com>  
Date: Fri, Nov 1, 2013 at 5:30 PM  
To: [Jennifer.Kokell@pfizer.com](mailto:Jennifer.Kokell@pfizer.com)  
Cc: [odougherty@grey.com](mailto:odougherty@grey.com), [Marketing@fwry.com](mailto:Marketing@fwry.com), "[jrose@oli.org](mailto:jrose@oli.org)" <[jrose@oli.org](mailto:jrose@oli.org)>, DeQuendre Neeley-Bertrand <[dbertrand@oli.org](mailto:dbertrand@oli.org)>

Subject: Letter From Operation Lifesaver, Inc. To Mr. Read Regarding Advil commercial

Here is the letter Joyce [Rose](#) sent today to the CEO of Pfizer, manufacturer of Advil, with copies to the CEO of the short line that filmed the train and the Pfizer ad agency in New York.

November 1, 2013

Mr. Ian C. Read, Chairman and CEO

Pfizer, Inc.

235 East 42nd Street

NY, NY 10017

C/O [Jennifer.Kokell@pfizer.com](mailto:Jennifer.Kokell@pfizer.com)

Dear Mr. Read,

We at Operation Lifesaver, Inc. (OL, [www.oli.org](http://www.oli.org)), the U.S. nonprofit rail safety education organization, have received a number of emails this week objecting to the new "freight train" television commercial for Pfizer's Advil pain reliever that shows a man standing on train tracks as a train barrels towards him.

<http://www.ispot.tv/ad/75YJ/fast-acting-advil-freight-train>

The point that the spokesman in your ad makes about pain – "Once you feel it coming, it's almost too late" – is one that we at OL frequently make when talking about the dangers of people trespassing on railroad tracks. We feel strongly that showing someone standing on railroad tracks is a bad idea. We are reaching out to you, as we reach out to all advertisers, photographers, filmmakers, and others who deal in cultural images, to ask you not to show people on the tracks in your advertising because it sends the wrong message to the public.

While you may think this commercial is a harmless illustration of a metaphor, you may not be aware that the number of pedestrians killed while trespassing on train tracks across the U.S. has increased 25 percent in the first eight months of 2013 from the same period last year. In fact, more people die each year while trespassing on train tracks than are killed in vehicle-train collisions at highway-rail grade crossings.

I note that the "responsibility" section of Pfizer's website talks about your company's commitment to "... conduct responsible business practices, and uphold the highest ethical standards in everything from research and development to sales and marketing." In light of that worthy goal, we ask you to take this ad off the air and the internet.

Operation Lifesaver, its safety partners and volunteers around the world work every day to prevent collisions, deaths and injuries at railroad crossings and along train tracks. I hope you will help our mission through a positive response.

Sincerely,



Joyce Rose

President and CEO, Operation Lifesaver, Inc.

1420 King Street, Suite 201

Alexandria, VA 22314

[703-739-1065](tel:703-739-1065), [jrose@oli.org](mailto:jrose@oli.org)

CC:

Ms. Jennifer Kokell, Pfizer Corporate Responsibility Media Relations

[Jennifer.Kokell@pfizer.com](mailto:Jennifer.Kokell@pfizer.com); Twitter: @pfizer\_news

Mr. Owen Dougherty

Chief Communications Officer

Grey Communications

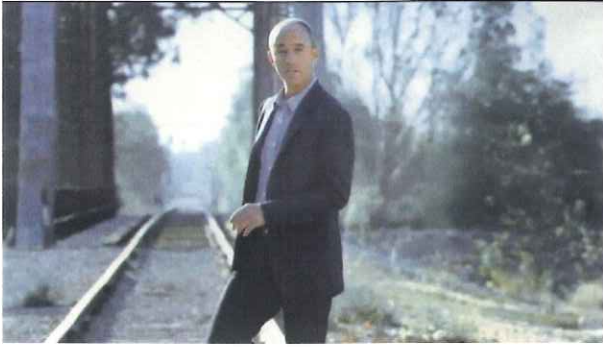
[odougherty@grey.com](mailto:odougherty@grey.com); Twitter: @GreyGravy

Mr. Dave Wilkinson, President and CEO

Fillmore & Western Railway



## Advil Commercial With Freight Locomotive – Oct 2013



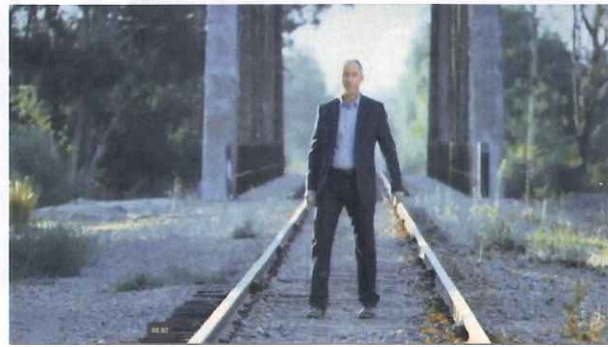
Pain....



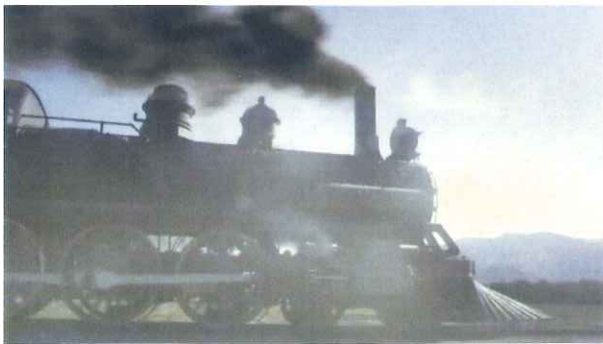
can strike



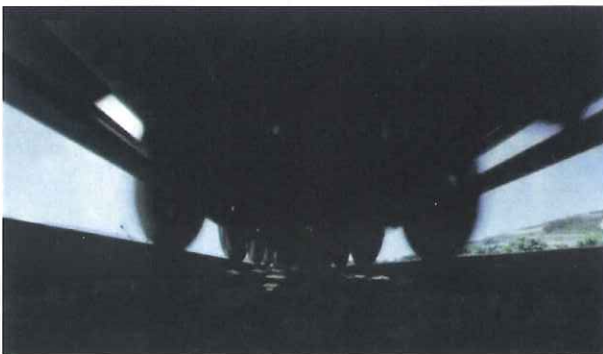
at any time.



And, once you feel it coming,...



It's almost too late!







00:00 00:01



Or is it?



Introducing new fast acting Advil.

Nothing works faster to stop pain in its tracks...

before it gets worse!

# Nebraska Operation Lifesaver

## 2014 Goals

Item	Goals	Results
1.	2000 Presentations to at least 20,000 people with emphasis on the trucking industry Presentations as we know today will continue thru - 2014	
2.	5 GCCI's - BNSF 4 GCCI's - UPRR	
3.	10 Officer On Trains (Due to the fact that we may not receive UPRR train equipment we may not be able to conduct as many)	
	RSER - BNSF	
4.	2 Operation Lifesaver Trains (OL Trains and Media) (Due to the fact that we may not receive UPRR train equipment we may not be able to conduct any OL trains)	
5.	Conduct a Public Service Announcement (PSA) campaign for industries, hunters, farmers, etc. in Nebraska	
6.	Maintain OLI State Program OLAV - Conduct two Operation Lifesaver training seminars (eastern & western) parts of the state to update & motivate along with engaging volunteers on training, new web courses & other technology tips..	
7.	Conduct information and administrative meetings to strengthen communication and planning activities within the organization A. Hold 3 Board of Directors meetings B. Conduct 5 State Committee meetings C. Prepare and distribute meeting minutes D. Determine and prioritize projects	A.
8.	Update NE OL organizational Chart A. Assign and update Area Coordinators	
9.	Provide Presenter educational opportunities A. Presenter update session - B. Update NE OL website C. Conduct 5 new Presenter Training D. State Coordinator Summit - Executive Director to attend	A.

10.	Provide Presenter materials as appropriate	
11.	Support community education opportunities providing presentation along with website training focus on trucking industry and professional drivers	
12.	Maintain administrative support to NE OL presenters	
13.	Fundraising <ul style="list-style-type: none"> <li>A. Fundraising letters to new partners</li> <li>B. Raffle</li> </ul>	a.
14	Update website with curriculum OL material (lesson plans 4 <sup>th</sup> grade to 12 <sup>th</sup> grade) for easy access for the teachers, students & parents	
15	Partner & collaborate with Nebraska Public education to engage Operation Lifesaver curriculum into all 4 <sup>th</sup> grade classrooms in Omaha Public School District	
16	Continue to provide Ne OL Presence at following events <ul style="list-style-type: none"> <li>A. Nebraska State Fair</li> <li>B. Railfest</li> <li>C. County Fairs</li> <li>D. Safety Summits (partnering with NESafety Council)</li> <li>E. College World Series</li> <li>F. Boy Scout Rail Badge</li> <li>G. Civic events &amp; provide safety message at Nebraska held conferences</li> </ul>	A.
17	Plan - Purchase & design mobile training trailer for eastern part of the state	
	All information is from the web site as of 11/11/13	

# Nebraska Operation Lifesaver

## 2013 Goals

Item	Goals	Results
1.	2000 Presentations to at least 20,000 people with emphasis on the trucking industry	11/12/13= 848 presentations to 22,688 in attendance
2.	5 GCCT's - BNSF 4 GCCT's - UPRR      Total - 170 attendance	5/7/13, 5/9/13(2), 5/10/13, 8/13/13 = 56 attendance 1/28/13-11, 3/27/13-38, 8/16/13-45, 11/14/13-20=114 attendance
3.	10 Officer On Trains (Due to the fact that we may not receive UPRR train equipment we may not be able to conduct as many)	11/12/13 = 1 Officer on Train to 39 in attendance
	RSER - BNSF	5/7/13, 5/9/13, 8/1/13, 8/2/13, 8/3/13, 8/7/13, 8/13/13=130 Attn
4.	2 Operation Lifesaver Trains (OL Trains and Media) (Due to the fact that we may not receive UPRR train equipment we may not be able to conduct any OL trains)	9/18-Gering (322) 4 trips, 9/19-20-Kearney (762), 9/21-NoPlatte (855) ,
5.	Conduct a Public Service Announcement (PSA) campaign for industries, hunters, farmers, etc. in Nebraska	1400 SafetyRail tips provided to Hunter & Fishermen NewsLetter-Feb \$2500 PSA-Think Before you Haul
6.	Maintain OLI State Program Certification - Conduct two Operation Lifesaver training seminars (eastern & western) parts of the state to update & motivate along with engaging volunteers on training, new web courses & other technology tips	OLI State Program Certification has been deferred to OLAV. Classes will be in 2014. We have 48 current OLAV going thru the process.
7.	Conduct information and administrative meetings to strengthen communication and planning activities within the organization A. Hold 3 Board of Directors meetings B. Conduct 5 State Committee meetings C. Prepare and distribute meeting minutes D. Determine and prioritize projects	A. 1/10/13, 3/14/13, 5/16/13, 7/25/13, 9/12/13, 11/14/13 B. 1/10/13, 3/14/13, 5/16/13, 7/25/13, 9/12/13, 11/14/13 C. Meeting minutes are sent electronically after each meeting D. Projects are listed in the State Meeting minutes with names that are accountable for the project with reports at the State Meeting.
8.	Update NE OL organizational Chart A. Assign and update Area Coordinators	Attached
9.	Provide Presenter educational opportunities A. Presenter update session - B. Update NE OL website C. Conduct 5 new Presenter Training D. State Coordinator Summit - Executive Director to attend	A. Email the new process with a cheat sheet to do the OLAV. B. Website on-going with updates.. <a href="http://www.NebraskaOL.org">www.NebraskaOL.org</a> C. N/A until we have the material for the Face to Face training D. Attended the State Coordinator Summit Chicago 2/26/13



10.	Provide Presenter materials as appropriate	Provide Material & handouts all year as needed
11.	Support community education opportunities providing presentation along with website training focus on trucking industry and professional drivers	On-Going -
12.	Maintain administrative support to NE OL presenters	Provide updated information NEOL & OLI thru Email-Website
13.	Fundraising A. Fundraising letters to new partners B. Raffle	a. Register for United Way Funds b. New Partners letters sent in December, 2013 c. Raffle - Raised \$4,799.43 for Trailer
14	Update website with curriculum OL material (lesson plans 4 <sup>th</sup> grade to 12 <sup>th</sup> grade) for easy access for the teachers, students & parents	On-Going - As being developed thru Operation Lifesaver, Inc.
15	Partner & collaborate with Nebraska Public education to engage Operation Lifesaver curriculum into all 4 <sup>th</sup> grade classrooms in Omaha Public School District	On-Going - Scheduled for January 2014
16	Continue to provide Ne OL Presence at following events A. Nebraska State Fair B. Railfest C. County Fairs D. Safety Summits (partnering with NESafety Council) E. College World Series F. Boy Scout Rail Badge G. Civic events & provide safety message at Nebraska held conferences	A. Nebraska State Fair - 3,108-Booth B. Railfest-84 Presentations-312, Booth-857 C. County Fairs-1,219-Booth D. Ne Safety Expo-264-Booth E. College World Series - 1,617-Booth F. Boy Scout Rail Badge- 35 G. Civic events - Cabelas, KidsDiscover, NEGame&Parks, Werner Trucking, OffuttAirForceBase, OmahaPoliceSafetExpo, InternationalEquestrianShow, KidsFunDay, CommunityMedicalCenter = 2,146-Booth
17	Plan - Purchase & design mobile training trailer for eastern part of the state	On-Going: Trailer purchased, Electricity, heating, carpet, console, ramps, miscellaneous has been done. UPRR donated the console & waiting on the controls and seat. Assembly in progress. Wrap for the outside is yet to be determined
	All information is from the web site as of 11/11/13	

# If Stalled On Railroad Tracks

**ALWAYS  
GET OUT OF VEHICLE**

**MOVE IN THE  
DIRECTION TRAIN  
IS EXPECTED**



**IF NO TRAIN SEEN IMMEDIATELY**

- 1. LOOK for BLUE sign on crossing sign.**
- 2. CALL 1-800 # on sign**  
(they will attempt to stop the train)
- 3. Give the operator the crossing number .**  
located in white box.  
(this will tell them where you are)
- 4. STAY CLEAR of VEHICLE**

