

**NEBRASKA OPERATION LIFESAVER  
STATE COMMITTEE MEETING  
November 8, 2012  
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  
Carol Daley, Executive Director – NEOL  
Daniel Downey, Burlington Northern Santa Fe Railroad  
Bob Grant, Nebraska Department of Roads  
Hilda Gurwell, Union Pacific Railroad, NEOL – Secretary  
Tom Hillyard, Union Pacific Railroad  
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  
Pat Leahy, Union Pacific Railroad  
Mike Meyer, Nebraska State Patrol  
Darla Morris, Nebraska Safety Center  
Chris Noblett, Federal Railroad Administration  
Ron Scholz, Husker Sports Network  
Stu Sutherland, Retired  
Gary Sydzyik, Burlington Northern Santa Fe Railroad  
Jeri Willms, OL Presenter

**Statistics:**

Bob Grant provided the following handouts. (See attached).

- Nebraska Traffic Fatality Toll Comparison as of November 8, 2012
- 2012 Nebraska Railroad Fatalities
- 2012 Non-Motor Vehicle Traffic Fatalities

**Board and Officer Report:**

**Board:**

The NE OL Board of Directors met and discussed the following items: 2013 State Assessment and Information for the Railroads, BNSF Trailer, Certification Update/Presenters Classes, Financial – Budget Overview, Election of Board Members, Marketing OL – Hunter Safety, Joyce Rose - New President, CEO of Operation Lifesaver Inc., United Way, Omaha Public School Librarian Partnership/Railroad and OL Lesson Plan Project, 2013 Operation Lifesaver Raffle, and Werner Trucking Update. Those in attendance were: Carol Daley, Gary Sydzyik, Deb Ashworth, Chris Noblett, Larry Johnson, Ron Scholz, and Linda Kearns.

**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, 2012 was \$6,991.58.

**East Co-Coordinator:**

Hilda Gurwell continues to book presentations.

**West Co-Coordinator:**

Pat Leahy is the Western Nebraska Area Coordinator. He continues to do presentations.

**Old Business:****Railfest 2012 – September 14, 15, & 16, 2012 – North Platte – Pat Leahy**

Pat reported that he and seven presenters worked the booth and used the trailer for those three days. They also made 20 presentations to 525 riders on the UP train. Carol was unable to attend this event so the silent auction was not held.

**Nebraska State Fair, Grand Island – August 24 thru September 3 – Pat Leahy**

Pat reported having an attendance of 3,498 visitors at the NEOL booth/trailer. There were fifteen presenters working this event giving 246 presentations, approximately 20 presentations a day. The busiest days were Friday, Saturday and Sundays.

**Werner Trucking – Carol Daley/Tom Hillyard**

Chris Niemeyer, Tom Hillyard and Carol Daley worked the NE OL booth at Werner Truck Driver Appreciation Day in Omaha on September 21, 2012, contacting 300 people. A drawing was held and the gentleman who won the small train set was a truck driver who was short of 4 million miles of driving incident free. This was a great opportunity for us and we will attend this event next year.

**New Business:****OL Certification Classes – Omaha & North Platte – Carol Daley/Deb Ashworth**

Three OL Certification classes were held (one in Omaha and two in North Platte) adding twelve new presenters. Next year presenter training will be held in Omaha, North Platte and Gering. Presenters should enter their presentation reports into the OLI database within ten days after the presentation. If presenters are having problems with the system, contact Carol Daley at 402-885-8572 or by email at neolcadaley@cox.net.

**NE OL Partnership with Omaha Public Schools/NE OL Website – Carol Daley/Deb Ashworth/Ron Scholz**

NEOL has partnered with the Omaha Public School Librarians and other communities to get the OL message out. Deb Ashworth worked with Linda Scholz, Ron Scholz's wife, who helped to work up Lesson Plans for 3<sup>th</sup> thru 12<sup>th</sup> grade teachers. The lesson plan booklet, "Lesson Plans for 3rd thru 12th grade - Nebraska History Transcontinental Railroad & Rail Safety," provides information on the history of railroads and the Operation Lifesaver Program. NEOL set up a booth at the Librarians conference in La Vista where they distributed 32 booklets to school librarians across the State. Six out-of-state schools were also provided copies. In January we will contact the Bellevue School District and Papillion School District will be contacted in March.

Nebraska Office of Highway Safety printed 100 Railroad History and Lesson Plan booklets for the Librarians in the Omaha and other communities.

**Hunter Project – Tom Hillyard**

Tom Hillyard and Carol will meet today, November 8 with the Nebraska Game and Parks Commission to see if OL presentations can be a permanent part of the Game and Parks Hunting Program. Tom Hillyard has been making 30 minute OL presentations to different hunting groups. He uses a shot up railroad sign as one of his props. Stu Sutherland suggested contacting the Mid America Boy Scout Council to see about doing OL presentations for their merit badge shooting class.

**Projects 2013/Calendar of Events – Carol Daley**

Contact Carol at 402-885-8572 or by email at neolcadaley@cox.net if you know of any major events which are going on where NE OL can attend. This information will be listed on the Events Section on the NE OL website. The type of events to list would be the Nebraska State Fair, Husker Harvest Days, Werner Driver Appreciation Day etc., not presentations.

**Board/Director Election – Trooper Randy Bybee Resigned**

Trooper Randy Bybee, Nebraska State Patrol, has retired from the Patrol. His resignation letter for his Board position and State Committee seat was received and accepted.

Board and Committee elections will be held at the March NEOL State Meeting. There will be three open positions to be voted on. A nomination committee will be formed during the January meeting to seek nominations for these positions.

Attached are the "Nebraska Operation Lifesaver Bylaws" for review and comments by the committee members. Suggestions can be forwarded to Carol Daley at [neolcdaley@cox.net](mailto:neolcdaley@cox.net).

#### **Fremont Poster Project – Carol Daley**

Carol and a Union Pacific Special Agent addressed the issue of photos taken on the railroad tracks in Fremont. Carol was notified by a former presenter regarding a photo of the Fremont High School volleyball team. This photo was used for a poster, placed all over Fremont, ran in the Fremont Tribune, and placed in the school programs. They talked to the Editor of the newspaper and the principal regarding the trespassing issue; who were unaware of the consequences and apologized. The editor of the Fremont Tribune later wrote an editorial on the trespasser issue called "Playing it safe around the tracks." The poster scene was replaced with a beach in the background. (See attached editorial.)

#### **Photo Forum Groups – Daniel Downey**

Daniel Downey, who works for the BNSF Railroad and teaches photography, read the letter he received from Mike Meyer, Nebraska State Patrol and NEOL, on the issue of trespassing on the railroad tracks. He talked about informing his photography group on the dangers and consequences of trespassing on the tracks.

Chris Noblett, FRA, provided a copy of the Union Pacific Policy for Photography and Video Recording. The BNSF also has a Zero Tolerance Policy in regards to photography on the tracks. See attached: The Union Pacific Policy for Photography and Video Recording.

Mike Meyer would like to receive copies of any trespassing pictures. He can be emailed at [mike.meyer@nebraska.gov](mailto:mike.meyer@nebraska.gov). See attached: Photographer Letter

#### **2013 BNSF/UPRR Assessments – Carol Daley**

Carol will be completing the 2013 State Assessment and Information on the NE OL Program for the BNSF/UPRR railroads. These assessments are due December 31, 2012.

#### **New OLI President Update – Carol Daley**

Joyce Rose was announced as the new President and CEO of Operation Lifesaver Inc. on October 31<sup>st</sup> and she will take over this position on December 3<sup>rd</sup>, 2012. She will replace Helen Sramek who has held this position since January 2007. See attached press release.

#### **Projects:**

##### **Ethanol Plants – Larry Johnson**

No additional information available at this time.

##### **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.

#### **Raffle – 2013**

The NE OL will put together another fund raising raffle. The top raffle prizes will be "two sets" of four tickets to a Nebraska Football game with a tour of the facilities. Some of the other raffle items are; Nebraska Husker Pay Phone, two prints by Greg Garrett – BNSF Train Prints, one print by John Bromley – UPRR North Platte Canteen Print, a Nebraska ETV Network – The Canteen Spirit DVD, Nebraska Quilt, etc. Tickets will become available in January and will sell for \$1.00 each or 6 tickets for \$5.00. The drawing date will be announced at the next NE OL meeting in January. The information will be placed on the NE OL website at [www.nebraskaol.org](http://www.nebraskaol.org) when it becomes available.

**NE OL Trailer:**

NE OL has \$18,007.66 in the NE OL Trailer Project to start the ground work for the trailer for the east end of the state. At this time the NE OL Trailer Committee consists of: Dan Chapp, Gary Sydzik, Ron Scholz, Pat Leahy, Larry Johnson and Stu Roderick. Anyone who is interested in helping with this project needs to contact Carol Daley at 402-885-8572 or by email at neolcadaley@cox.net.

**Open Discussion:**

Carol will be attending the OL State Coordinator Summit/Chicago in February. OLI will be providing information on the future of Operation Lifesaver.

Pat Leahy is in need of a new crash car in the North Platte area. Carol will check into this and see what is available.

**Adjournment:**

Meeting adjourned. Next NE OL meeting will be held on January 10, 2013.

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

Respectfully submitted,  
Linda Kearns - Recording Secretary

**Future Meeting Dates:**

January 10, 2013 - NE OL State Committee Meeting, Havelock Shops, 6600 Burlington Avenue, Lincoln, NE

March 14, 2013 - NE OL State Committee Meeting, Havelock Shops, 6600 Burlington Avenue, Lincoln, NE

# Nebraska Traffic Fatality Toll Comparison

Daily Count Thru 8:00 A.M. Thursday November 08, 2012

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
2008	3	174	25	149	17	82	50	1	7	17	20	0	1	4	0
2009	7	190	50	140	11	68	61	2	12	36	15	5	3	9	3
2010	5	162	32	130	25	65	40	1	4	27	14	3	2	6	2
2011	3	153	42	111	19	58	34	4	11	27	23	4	2	6	2
2008 - 2011 Average	4.5	170	37.3	133	18	68.3	46.3	2	8.5	26.8	18	3	2	6.25	1.75
2012	1	182	49	133	16	62	55	4	10	35	22	3	3	14	0
<b>% Change 2011 - 2012</b>	-67%	19%	17%	20%	-16%	7%	62%	0%	-9%	30%	-4%	-25%	50%	133%	-100%
<b>2012 Compared to 2008 - 2011</b>	-78%	7%	32%	0%	-11%	-9%	19%	100%	18%	31%	22%	0%	50%	124%	-100%

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

**2012 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>
1-11-12	1	Scotts Bluff	(City St) In Gering, 10 <sup>th</sup> Street Union Pacific Railroad	No
1-25-12	1	Buffalo	(Co Rd) 4 West & .5 South of Kearney Union Pacific Railroad	Unknown
8-25-12	1	Colfax	(Co Rd 17) 2.5 West & 1 South of Rogers Union Pacific Railroad	No

**NON-MOTOR VEHICLE TRAFFIC FATALITIES  
2012**

<u>DATE</u>	<u>FATALITIES</u>	<u>COUNTY</u>	<u>LOCATION, RAILROADCOMPANY, &amp; ACCIDENT TYPE</u>
6-6-12	1	Hall	(City St) In Grand Island Garfield & Carey Streets Train – Pedestrian
6-8-12	1	Scotts Bluff	(City St) In Scottsbluff Train – Pedestrian
9-19-12	1	Hall	(City St) In Grand Island Broadwell Ave. Train – Pedestrian

**Train Fatalities**

2001	4
2002	12
2003	6
2004	5
2005	9
2006	4
2007	6
2008	1
2009	4
2010	2
2011	2
2012	3

**Train Injuries**

2001	16
2002	19
2003	15
2004	17
2005	25
2006	22
2007	21
2008	19
2009	18
2010	4
2011	13
2012 (Jan-June)	8

**Train Crashes**

2001	40
2002	46
2003	46
2004	38
2005	40
2006	37
2007	40
2008	39
2009	38
2010	20
2011	19
2012 (Jan-June)	16

# FREMONT TRIBUNE

## Play it safe around the tracks

Our View

OCTOBER 06, 2012 3:15 AM • [FREMONT TRIBUNE](#)

Living in Fremont, we grow accustomed to the dozens of trains that roll through the city each day.

Truth is, most of us pay little attention to them unless we're held up at one of the crossings or a special one is coming through. Or if the rare accident has happened.

Railroads and their tracks have, for the most part, become a backdrop of daily life. Still, we recognize the importance and strength of railroads. So much so that we sometimes include them in the important photographs of our lives.

That was the case last month when members of the Fremont High School volleyball team posed for photo that was submitted – and we used – for a special poster. It showed team members standing on the tracks.

We acknowledge we made an error in judgment in using the photo.

There are many reasons photographers, both amateur and professional, should not use railroad tracks as the backdrop. Chief among those is the issue of trespassing. Railroad tracks are private property and violators are subject to fines and prosecution.

But the bigger issue is safety.

Operation Lifesaver, a national, non-profit safety education group, points out photographers and their subjects put their own lives in jeopardy when taking photos on or near tracks. The group points out many don't realize today's trains are quieter and faster and oncoming trains no longer can be reliably detected by vibrations. Trains move faster than they appear, the group says. Additionally, rust is not an automatic sign of disused tracks.

Another important item to remember is trains overhang the tracks by a minimum of 3 feet on each side. Being alongside the track can be just as dangerous as being on the tracks themselves.

We join Operation Lifesaver in encouraging folks who might be thinking of walking on or near train tracks – or using them as a photo backdrop – to stay off, stay away and stay alive.

Dear Photographer,

It has come to our attention that photographers in your area are using the railroad tracks as a setting for photographs of students for senior portraits. **This is extremely dangerous and can result in charges of child endangerment against the photographer because of the potential for tragedy.**

Perhaps this seems an over-reaction, but let me tell you about Operation Lifesaver. We're a nonprofit organization working to eliminate death and injury on railroad tracks and railroad rights-of-way. Since 1972, our public education program has helped save more than 20,000 lives and prevented 50,000 injuries nationwide.

We have 3,000 trained and certified presenters who tell school children, youth, and community groups what I'm sharing with you:

- ◆ **It is illegal to walk, ride bikes, ATV's or snowmobiles on or near the tracks.** **This is private property. Your customers can be ticketed, fined, or jailed, if they're extremely lucky and don't die in the attempt.**
- ◆ **It's extremely difficult to judge the speed of a train and your own reaction time to get away safely.** In real life, if the train were coming, a person may not be posing for the next picture. They'd be in a hospital, on life support, or under a tarp.
- ◆ **It takes a mile to a mile and a half for a train to stop.** Trains weighing 6,000 tons don't brake like passenger cars weighing 2,000 pounds. Even if the engineer can see a person down the track, they won't be able to stop in time, but will witness what no one wants to see.
- ◆ **Trains overhang at least three feet beyond the rail,** so even a person close to the tracks is in nearly as much danger as someone on the tracks. Both are in imminent peril and would be hit by a train.

We work every day to avoid these tragedies, but more than 500 people are killed, and another 500 injured every year in the U.S. while trespassing on railroad property.

So please encourage your customers to stay away from railroad tracks, don't encourage illegal practices, and when you're preparing for high school photos, please know the railroad tracks are out of bounds. There are plenty of places to use as backdrops; trains and trestles are off limits. We appreciate your assistance with this important matter and wish you and your business a very good year.

Sincerely,

Nebraska Operation Lifesaver



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## **Union Pacific Policy for Photography and Video Recording**

Safety is of paramount importance to Union Pacific Railroad. Taking pictures or video while on Union Pacific property is dangerous, so when taking pictures or video of Union Pacific Railroad trains or structures:

- Stay off Union Pacific Railroad property. This includes tracks, bridges, buildings and signal towers.
- At passenger stations, Amtrak and Union Pacific's commuter partner guidelines must be followed.
- Obey all safety rules, regulations and instructions provided by law enforcement and Union Pacific employees.

Violators are subject to a citation for trespassing on railroad property.

Union Pacific will seek removal from publication any photograph or video that violates this policy.



- [About Us](#)

News & Events

## Capitol Hill Veteran Joyce Rose Named President, CEO of Operation Lifesaver, Inc.

By Operation Lifesaver 10-31-2012

- [Share Story \[http://www.addthis.com/bookmark.php?v=250&username=newcity\]](http://www.addthis.com/bookmark.php?v=250&username=newcity)
- [Print Story](#)

WASHINGTON, DC, October 31, 2012 – Joyce Rose, staff director for the Subcommittee on Railroads, Pipelines and Hazardous Materials of the U.S. House of Representatives' Committee on Transportation and Infrastructure, will become President and CEO of Operation Lifesaver Inc. (OLI), on December 3, 2012, OLI Board Chair Reilly McCarren announced today.

"Joyce's expertise in railroad, transit, highway and safety policy will be a tremendous asset to Operation Lifesaver as we continue our work educating drivers and pedestrians about safety around tracks and trains," McCarren said.

Rose is a veteran Congressional staffer with over 20 years of experience in transportation policy. She became staff director for the Railroads Subcommittee in 2008, after serving as a professional staff member on the Highways and Transit Subcommittee of the House Transportation and Infrastructure Committee.

As staff director, Rose drafted, negotiated, and helped secure passage of MAP-21, the surface transportation authorization bill covering fiscal years 2013 and 2014. She also worked on the passage of Amtrak authorization and Rail Safety bills in 2008, and helped draft the transit provisions of the 2005 surface transportation authorization bill, SAFETEA-LU. In 2009, she was named one of "10 Staffers to Know" in transportation by *Roll Call*.

Before joining the House T&I Committee staff, Rose worked for the U.S. Senate Committee on Appropriations from 1988 to 2001 as the professional staffer responsible for Federal transit and rail funding issues, pipelines and hazardous materials, and transportation research.

Helen M. Sramek, Operation Lifesaver's President since January, 2007, who had earlier announced her plans to retire, said, "Under Joyce's leadership, Operation Lifesaver will continue to be a prominent force in rail safety education."



Joyce Rose

**Nebraska Operation Lifesaver**  
**Bylaws**  
**Adopted: May 14, 2009**

**ARTICLE I. Name**

Section 1 **Name.** The name of this organization shall be Nebraska Operation Lifesaver. Hereby referred to in this document as NE OL.

**ARTICLE II. Purpose**

Section 1 **Purpose.** The purpose of this organization is to promote **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, General Secretary, 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 **Presenters as Members.** All presenters and trainers residing and/or operating within State must be current members of Nebraska Operation Lifesaver as either individual members or representatives of council members. Presenters must be certified through completion of an Operation Lifesaver, Inc. (OLI) presenter's training course and must maintain their certification as required by OLI.

Section 5 **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 6 **Meetings.** The NE OL State Committee shall hold a minimum of six meetings per year unless otherwise determined by the NE OL Board of Directors.

Section 7 **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 fax, email or mail that must be received 24 hours in advance of the meeting.

Section 8 **Action Without a Meeting.** The NE OL State Committee may take action without a meeting by mailed written absentee ballot. At least 10% of the membership must return their ballots, constituting a quorum of ballots returned, for a mailed written absentee ballot vote to be valid.

Section 9 **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 ex-officio, non-voting member as follows:
- One person each from the Union Pacific Railroad and Burlington Northern Santa Fe Railway appointed by the 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 March meeting each year; and
  - The current Executive Director, Recording Secretary, State Patrol and the FRA will be an ex-officio, 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.** Board of Directors resignations 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. Meeting 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 each meeting.
- Section 6 **Quorum.** A quorum shall consist of a majority 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 required or permitted to be taken at a meeting of the Board of Directors (including amendment of these Bylaws) or of any committee may be taken without a meeting if all 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 unanimous 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 with the exception that expenses incurred in the furtherance of the organization's business are allowed to be reimbursed with documentation.

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 and the NE OL Committee.

**ARTICLE V. Officers**

Section 1 **Officers.** Officers shall include a Chairman of the Board, General Secretary, Recording Secretary, Treasurer, Co-Coordinator East and Co-Coordinator West.

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 Co-Coordinator East, Co-Coordinator West, General Secretary, Recording Secretary and Treasurer and will be presented to the members at the November meeting. Voting will occur at the January meeting. Additional nominations will be taken from the floor at that time. New nominees must be in attendance to accept the nomination. Voting will occur by State Committee members present at the January meeting.

**Terms.** The elected officers will serve a one-year term beginning at the January meeting.

Section 2 **Board Election and Term.** The Chairman of the Board shall be elected by and from the members of the Board of Directors at a meeting immediately following their election in March. Each Board of Director member must be present to cast a ballot. The Chairman of the Board shall serve a one-year term until the next election or until a successor is elected. The Chairman of the Board is eligible for re-election.

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 IV. Section 2. In addition, the Executive Director and FRA shall serve as ex-officio, 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 assigned or delegated by the Board of Directors.

Section 3 **General Secretary.** The General Secretary shall attend regular NE OL State Committee meetings and mail or email NE OL State Committee meeting minutes.

Section 4 **Recording Secretary.** The Recording Secretary shall transcribe the minutes of all meetings of the Board and NE OL State Committee meetings. Make updates to State Committee member and presenter lists.

Section 5 **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 6 **Co-Coordinator's East and West.** 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 and have activity reports available.

Section 7 **Compensation.** Officers shall serve without compensation with the exception that expenses incurred in the furtherance of the organization's business are allowed to be reimbursed with documentation and prior approval. Officers serving the organization in a staff capacity are allowed to receive compensation for their staff role.

Section 8 **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.

## **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.

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 VI. Section 2.

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

Section 5 **Expenses.** NE OL will pay for any expenses incurred for the selection of the Executive Director position.

## **ARTICLE VIII. Meetings**

Section 1 **Meetings.** The organization shall hold a minimum of six meetings per calendar year unless otherwise directed by the Executive Director or the Board of Directors.

## **ARTICLE IX. 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 annually 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 or 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 certificate of incorporation, a copy of the bylaws, and all minutes of the State Committee/Board of Directors meetings.

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 organization. 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 X. 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 **Minutes of Meeting.** The minutes of the meeting of the Board shall reflect that the conflict was disclosed and the interested person was not present during the final discussion or vote and did not vote on the matter.

Section 4 **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 XI. 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 XII. 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 XIII. 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