



City of Grand Island

Tuesday, March 22, 2005

Council Session

Item G16

**#2005-89- Approving Supplemental Agreement for Overhead
Power Line Encroachment and Crossing Agreement with Union
Pacific Railroad**

Staff Contact: Doug Walker

Council Agenda Memo

From: Gary Mader, Utilities Director
Douglas R. Walker, City Attorney

Meeting: March 22, 2005

Subject: Supplemental Crossing Agreement with
Union Pacific Railway

Item #'s: G-16

Presenter(s): Gary Mader, Utilities Director

Background

The City of Grand Island currently has an agreement with the Union Pacific Railroad for an overhead wire crossing of the Union Pacific Railroad tracks on the east side of Engleman Road railroad crossing. Due to planned road construction in the area which will widen the approaches to this intersection, an electric utility pole needs to be relocated back onto the Union Pacific Railroad right-of-way. When a power pole is located on a railroad right-of-way, the railway requires an agreement setting forth the conditions for permitting that pole to be located on railroad property. A supplement agreement has been prepared by the Union Pacific Railroad and submitted to the City of Grand Island for its consideration.

Discussion

The supplement agreement prepared by the Union Pacific Railroad sets forth the terms under which the city would be permitted to relocate its power pole for the wire line crossing of the Union Pacific Railroad tracks near the east side of the Engleman Road Railroad crossing. The supplemental agreement sets forth that a one time license fee would be paid by the City to the railroad for the relocation of the electric utility pole on the railroad right-of-way. Reaching an agreement with the railroad is necessary so that this power line can be properly maintained as it crosses the Union Pacific Railroad right-of-way and U.S. Highway 30 on the west side of Grand Island.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the supplement agreement with Union Pacific Railroad which will permit the relocation of the power pole.
2. Choose to not pass the resolution authorizing the city to enter into the supplement agreement which would not permit the power pole relocation.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council pass the resolution authorizing the city to enter into the supplemental agreement for relocating the power pole onto the Union Pacific Railroad right-of-way.

Sample Motion

Motion to approve the resolution authorizing the supplemental agreement with Union Pacific Railroad.

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT is made as of the ____ day of _____, 20____, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, (hereinafter the "Licensor") and **CITY OF GRAND ISLAND**, a Nebraska municipal corporation, with a mailing address at City Hall 100 East First Street, Grand Island, Nebraska 68802-1968 (hereinafter the "Licensee").

RECITALS:

By instrument dated December 14, 1984, the parties hereto, or their predecessors in interest (if any), entered into an agreement (herein the "Basic Agreement"), identified as Audit No. A106313, covering overhead power line encroachment and crossing located at or near Grand Island, Hall County, Nebraska.

The parties now desire to modify the Basic Agreement by adding Exhibit A-1 print depicting relocation of one pole.

AGREEMENT:

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

Article I. ADDITIONAL PRINT

The print dated February 16, 2005, attached hereto as Exhibit 'A-1', shall be and hereby is attached to print dated August 31, 1984, attached to the Basic Agreement, and from and after the effective date herein whenever the term Wireline is used in the Basic Agreement, or any amendment or supplement thereto (if any), such reference shall be deemed to refer to the Wireline as shown on both Exhibits 'A' and 'A-1', hereto attached.

Article II. INDEFINITE OF BASIC AGREEMENT

Effective March 15, 2005, the Basic Agreement is hereby indefinitely and shall continue in full force and effect until terminated as provided in the Basic Agreement.

Article III. LICENSE FEE

Upon execution and delivery of this Supplemental Agreement, the Licensee shall pay to the Licensor a one-time fee of **One Thousand Five Hundred Dollars (\$1,500.00)**.

Article IV. EFFECTIVE DATE

This Supplemental Agreement shall be effective as of March 15, 2005.

Article V. AGREEMENT SUPPLEMENT.

Nothing in this Supplemental Agreement shall be construed as amending or modifying the Basic Agreement unless specifically provided herein.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement as of the day and year first written.

UNION PACIFIC RAILROAD COMPANY

CITY OF GRAND ISLAND

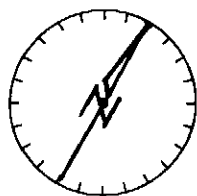
By: _____
Manager - Contracts

By: _____
Title: _____

PLACE ARROW INDICATING NORTH DIRECTION RELATIVE TO CROSSING

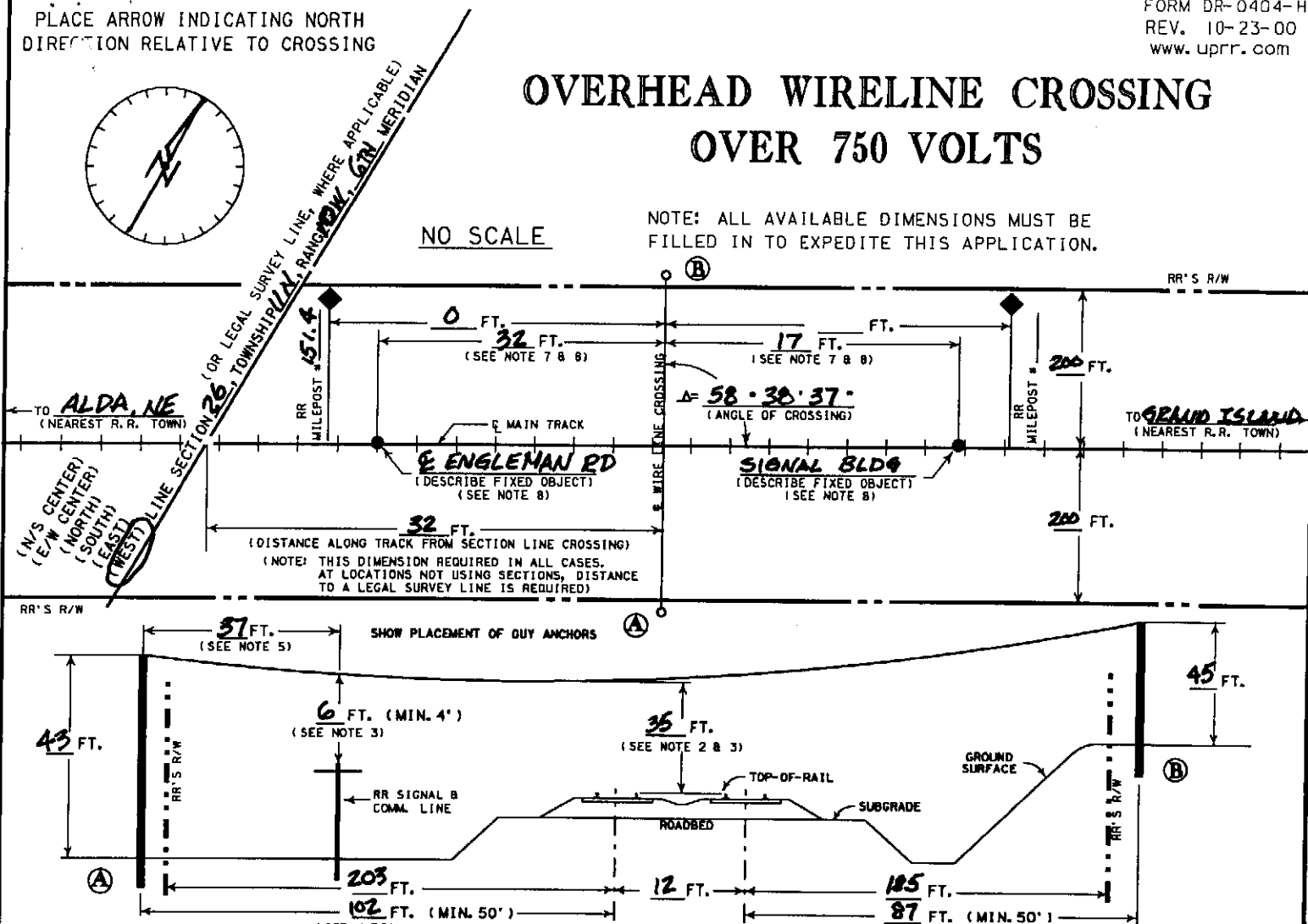
FORM DR-0404-H
REV. 10-23-00
www.uprr.com

OVERHEAD WIRELINE CROSSING OVER 750 VOLTS



NO SCALE

NOTE: ALL AVAILABLE DIMENSIONS MUST BE FILLED IN TO EXPEDITE THIS APPLICATION.



- NOTES:
- 1) ALL HORIZONTAL DISTANCES TO BE MEASURED AT RIGHT ANGLES FROM ϵ OF TRACK, EXCEPT AS NOTED.
 - 2) FOR MINIMUM ABOVE TOP-OF-RAIL CLEARANCE, REFER TO WIRELINE CLEARANCE CHART.
 - 3) MINIMUM 4' CLEARANCE REQUIRED ABOVE SIGNAL AND COMMUNICATION LINES, REFER TO WIRELINE CLEARANCE CHART.
 - 4) POLES (INCLUDING STEEL STRUCTURES) MUST BE LOCATED MIN. 50' (200' FOR LINES CARRYING 100 KV OR MORE) OUT FROM ϵ OF OUR MAIN, BRANCH, AND RUNNING TRACKS, CTC SIDINGS, AND HEAVY TONNAGE SPURS.
 - 5) POLES (INCLUDING STEEL POLES) MUST BE LOCATED A MINIMUM DISTANCE FROM OUR SIGNAL AND COMMUNICATION LINES EQUAL TO THE HEIGHT OF THE POLE ABOVE GROUNDLINE OR ELSE BE GUYED AT RIGHT ANGLES TO OUR LINES.
 - 6) POLE LOCATION ADJACENT TO INDUSTRY TRACKS MUST PROVIDE AT LEAST 10' CLEARANCE FROM ϵ OF TRACK WHEN MEASURED AT RIGHT ANGLES. IF LOCATED ADJACENT TO CURVE TRACK, THEN SAID CLEARANCE MUST BE INCREASED AT A RATE OF 1-1/2" PER DEGREE OF CURVE TRACK.
 - 7) POWER LINES MUST BE LOCATED A MINIMUM OF 500' FROM THE END OF ANY RAILROAD BRIDGE OR 300' FROM ϵ OF ANY CULVERT.
 - 8) ALLOWABLE FIXED OBJECTS INCLUDE: BACKWALLS OF BRIDGES; ϵ OF ROAD CROSSINGS & OVERHEAD VIADUCTS (GIVE ROAD NAME), OR ϵ OF CULVERTS.

A) IS WIRELINE CROSSING WITHIN DEDICATED STREET? YES; NO;

B) IF YES, NAME OF STREET: ENGLEMAN ROAD

C) DISTRIBUTION LINE OR TRANSMISSION LINE

D) IS THERE A SIGNAL OR COMMUNICATION POLELINE NEAR THE TRACKS? YES

E) MAXIMUM GROUND CURRENT AT FEED: 0 AMPS. AT LOAD: 0 AMPS.

F) WHAT TYPE OF FACILITY WILL LINE BE SERVING? PUBLIC

G) IF A NEW POWER SUBSTATION IS TO BE BUILT WITHIN 1/2 MILE OF RR, WHAT IS MAX: OPERATING CURRENT TO GROUND? N/A AMPS; RESISTANCE TO GROUND? N/A OHMS; FAULT CURRENT TO GROUND? N/A AMPS.

H) CIRCUITS TO BE CARRIED ON PROPOSED WIRELINES:

CIRCUITS	NO.	VOLTAGE TO GROUND	VOLTAGE	PHASE	NO. OF WIBES	GAGE	MATERIAL	SOLID OR STRANDED
1	7620	13,800	3	3	336.4	ACSR	STRANDED	

I) GROUND WIRE: SIZE 1/0; MATERIAL ACSR; SOLID OR STRANDED STRANDED

J) CROSSING SPAN: LENGTH 223 FT.; NORMAL CONDUCTOR SAG 43 IN. AT 75 °F.
ADJOINING SPANS: LENGTH 140 FT.; NORMAL CONDUCTOR SAG 18 IN. AT 75 °F.
LENGTH 119 FT.; NORMAL CONDUCTOR SAG 11 IN. AT 75 °F.

K) POLES: TIMBER TYPE LENGTH 60 FT. DEPTH OF SETTING 8 FT. HEIGHT ABOVE GROUND 52 FT. CLASS OR BUTT AND TOP DIMENSIONS CLASS 2 (IF STEEL TOWERS ARE EMPLOYED, FURNISH DETAIL DRAWINGS)

L) HEAD GUYS: NUMBER ON EACH POLE N/A; SIZE OR STRENGTH _____; LEAD _____

M) SIDE GUYS: NUMBER EACH WAY N/A; SIZE OR STRENGTH _____; LEAD _____

N) CROSSARMS: SINGLE OR DOUBLE DOUBLE; MATERIAL WOOD; SIZE 10' BY 4x5

O) INSULATORS: PIN OR SUSPENSION PIN; MANUFACTURER'S AND CATALOGUE NO. 3376

P) CONDUCTOR ATTACHMENT: TIES OR CLAMPS TIES

Q) IF POWER LINE PARALLELS TRACK WITHIN 1/2 MILE, INCLUDE DIAGRAM SHOWING SPACING AND CONFIGURATION OF WIRES INCLUDING SHIELD WIRES.

R) APPLICANT HAS CONTACTED 1-800-336-9193, U.P. COMMUNICATIONS DEPARTMENT, AND HAS DETERMINED FIBER OPTIC CABLE DOES; DOES NOT; EXIST IN VICINITY OF WORK TO BE PERFORMED. TICKET NO. 2005-01-20-030

EXHIBIT "A-1"
(FOR RAILROAD USE ONLY - DO NOT WRITE IN THIS BOX)

UNION PACIFIC RAILROAD CO.
Kenney
(SUBDIVISION)

M. P. 151.40 E. S. 8475+33+

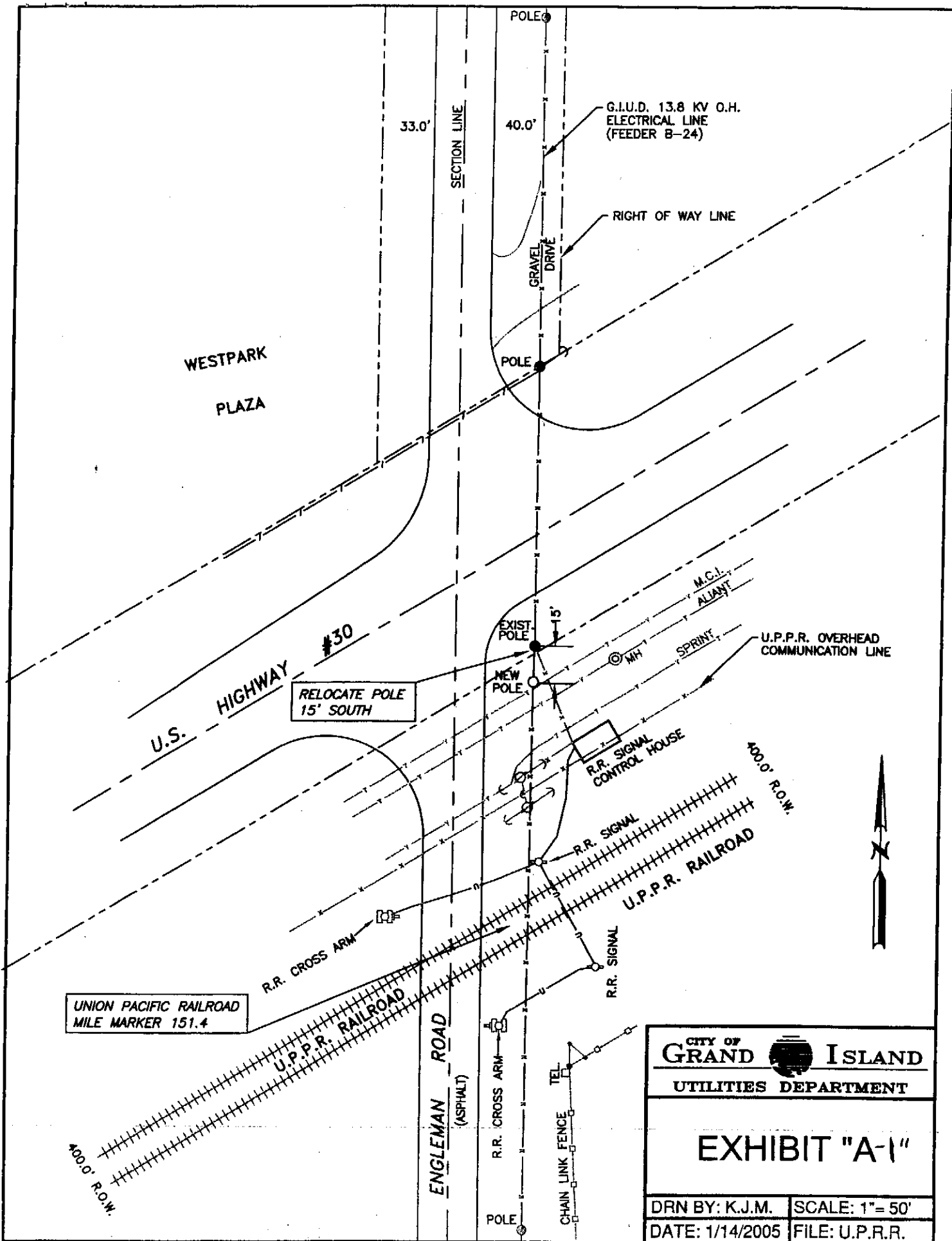
OVERHEAD WIRELINE CROSSING
Grand Island Hall NE
(NEAREST RR STATION) (COUNTY) (STATE)

FOR City of Grand Island
(APPLICANT)

RR FILE NO. 234-33 DATE 2-16-05

WARNING

IN ALL OCCASIONS, U. P. COMMUNICATIONS DEPARTMENT MUST BE CONTACTED IN ADVANCE OF ANY WORK TO DETERMINE EXISTENCE AND LOCATION OF FIBER OPTIC CABLE. PHONE 1-800-336-9193



RESOLUTION 2005-89

WHEREAS, Union Pacific Railroad Company has tendered to the City of Grand Island, a Supplemental Agreement covering an overhead power line encroachment and crossing at or near Grand Island, Hall County, Nebraska; and

WHEREAS, the City Council of the City of Grand Island has the proposed Supplemental Agreement before it and has given it careful review and consideration; and

WHEREAS, the best interests of said City will be subserved by the acceptance of said Supplemental Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the terms of the Supplemental Agreement covering an overhead power line encroachment and crossing at or near Grand Island, Nebraska, which has been submitted by Union Pacific Railroad Company as aforesaid be, and the same is hereby accepted on behalf of said City and the Mayor is hereby authorized, empowered and directed to execute said Supplemental Agreement on behalf of the City and that the City Clerk of said City is hereby authorized and directed to attest said Supplemental Agreement and to attach to each duplicate original of said Supplement Agreement a certified copy of this Resolution.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 22, 2005.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 17, 2005	☐ City Attorney