



# City of Grand Island

Tuesday, January 11, 2011

Council Session

## Item G13

**#2011-7 - Approving Amendment No. 2 to the Agreement with Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements**

Staff Contact: Gary R. Mader, Interim Public Works Director

# **Council Agenda Memo**

**From:** Gary R. Mader, Interim Public Works Director

**Meeting:** January 11, 2011

**Subject:** Approving Amendment No. 2 to the Agreement with Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements.

**Item #'s:** G-13

**Presenter(s):** Gary R. Mader, Interim Public Works Director

## **Background**

The purpose of the Grand Island Quiet Zone Improvement Project is to develop improvements at the Union Pacific Railroad (UPRR) crossings at Oak Street, Pine Street, Walnut Street and Elm Street so that train horns will not need to be activated for these crossings. Wayside Horns will be installed at Walnut Street and Elm Street. Concrete curb will also be installed at Walnut and Elm Street to narrow the road at the crossings to direct pedestrians on the pre-fabricated concrete crossing panels. Oak Street and Pine Street will be “silent” crossings; this will be accomplished by constructing concrete medians and concrete curb to narrow the streets at the crossing approaches.

Any amendments to an agreement must be approved by the City Council. On May 13, 2008 the City Council approved a resolution to enter into an agreement with Felsburg, Holt and Ullevig (FHU) for Engineering Consulting Services on the Grand Island Quiet Zone Improvements Project. The \$28,600 agreement provided for development of plans and specifications for the project, and preparation of notifications for the establishment of a quiet zone.

On October 13, 2009 the City Council approved Amendment No. 1 to the original agreement for \$12,600. Amendment No. 1 provided for additional survey and design work that was required to narrow the pavement in the areas of UPRR's and Peavey's tracks. These changes were a result of decisions arising from the July 21, 2009 diagnostic on-site meeting with UPRR, FHU and the City Of Grand Island

## **Discussion**

Final plans, which incorporated the required changes from the July 21, 2009 diagnostic on-site meeting, were submitted to the UPRR for their review and approval on January 13, 2010. On December 27, 2010, UPRR submitted their Technical Response to the final plans. The Technical Response included a number of specific comments that were not presented in two previous on-site diagnostic meetings and their formal response to the City's Notice of Intent to establish a Quiet Zone.

The Technical Response will require plan revisions involving extension of the proposed medians at the Oak Street and Pine Street crossings to a length of 100 feet to discourage drivers from circumventing the crossing gate arms as trains approach and installing additional barricades to close the east alley north of the Oak Street crossing. Other items in the Technical Response include installation of stop signs for Peavey's tracks, signage for traffic approaching the crossings, and a request to educate the public on the limitations of this quiet zone.

It is necessary to amend the agreement for consulting services with Felsburg, Holt and Ullevig to incorporate plan revisions as required by the UPRR Technical Response. The services associated with this amendment are as follow:

- Oak Street crossing plan: extend the north median to 100';
- Oak Street crossing plan: install second row of barricades to close north alley;
- Pine Street crossing plan: extend the medians to 100';
- Pine Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702 and 703;
- Walnut Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702; and
- Elm Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702.

The work covered by Amendment No. 2 will be performed based on actual costs with a maximum of \$5200.00, for a revised contract total of \$46,400.00.

Original Agreement	\$28,600.00
Amendment No. 1	\$12,600.00
Amendment No. 2	\$5,200.00
<b>Total Revised Agreement</b>	<b>\$46,400.00</b>

## **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue – If the work proposed in the amendment is not performed, the project cannot move forward.

## **Recommendation**

Public Works Administration recommends that the Council approve the amendment to the agreement.

## **Sample Motion**

Move to approve the amendment.

## **Amendment #2 Authorizing a Change in Scope of Services**

In accordance with the Agreement Terms and Conditions between the **City of Grand Island, Nebraska** and **Felsburg, Holt & Ullevig** dated May 13, 2008, this Amendment describes change(s) to the Scope of Services, Project Schedule and/or Engineering Fees for Felsburg, Holt & Ullevig's services on the project known as:

### **Grand Island Quiet Zone Improvements**

TOPIC: Provide engineering services in order to revise project plans and coordinate Constant Warning Time exceptions as per Union Pacific Railroad Technical Response dated December 27, 2010.

SCOPE: See Appendix "A"

ENGINEERING FEES: See Appendix "A"

TOTAL CHANGE IN PROJECT'S ESTIMATED FEES: \$5,200.00



FELSBURG  
HOLT &  
ULLEVIG

*engineering paths to transportation solutions*

December 30, 2010

RE: Grand Island Quiet Zone Improvements

Mr. Scott Griepenstroh  
Project Manager  
City Of Grand Island – Engineering Division  
100 East First Street  
Grand Island, NE 68802

Dear Scott,

Enclosed please find Supplemental Agreement #2 -Modified Scope of Services for the above referenced project. The Introduction outlines the reasons for our Supplemental request for additional services and fees of \$5,200 associated with the Grand Island Quiet Zone Final Design. The delay in receiving responses from UPRR and their requested revisions beyond those previously received in our on-site diagnostic reviews and UPRR's formal response to the Notice of Intent issued by the City of Grand Island. We recognize the City's need to incorporate the UPRR's requested revisions in order to obtain their cooperation in executing the wayside horn agreements and associated interface work. The proposed median plan revisions will impact some adjacent businesses but not significantly increase the cost.

We will submit plans for formal review within three weeks of the approval of this Supplemental Agreement. We will also prepare a request to the Federal Railroad Administration (FRA) for a waiver of the Constant Warning Circuitry on the siding tracks identified by UPRR and draft the Notice of Quiet Zone Establishment (NQZE) to establish the Quiet Zone after completion of the construction of the safety measures.

After addressing any comments that your staff might have on the final plan submittals and special provisions we will have completed our assignment on the initial Grand Island Quiet Zone contract.

If you have any questions regarding this supplemental request, please give Rick a call at (402) 430-4947.

Sincerely,

FELSBURG HOLT & ULLEVIG

Kyle A. Anderson, PE, PTOE  
Principal

Rick Haden  
Project Manager

**Appendix "A"**  
**SUPPLEMENTAL AGREEMENT # 2**  
**MODIFIED SCOPE OF SERVICES**  
**for**  
**Grand Island Quiet Zone**  
**Final Plans**

**INTRODUCTION**

On December 27, 2010 following the City's submittal of final plans on January 13, 2010, the Union Pacific Railroad (UPRR) responded with a number of specific comments not presented in two previous on-site diagnostic team meetings and their formal response to the City's Notice of Intent (NOI). The City and UPRR had previously executed an Agreement for Preliminary Engineering on July 23, 2009 with the City providing a \$10,000 check to cover the estimated UPRR engineering costs.

The most recent plan revisions involve an extension of the proposed medians at the Oak Street and Pine Street crossings to a length of 100 feet to discourage drivers from circumventing the crossing gate arms as trains approach. This will also necessitate closing off driveway access to a number of commercial drives within 60-100 feet of the crossings. The diligence in pursuing an acceptable raised median option avoids the need to install more extensive railroad grade crossing supplementary safety improvements at these two crossings such as wayside horns or four quadrant gates.

**DESCRIPTION OF FEES ASSOCIATED WITH TASKS**

The scope of services for the Original Agreement will also apply to this Supplemental Agreement with the exception of the modified tasks and man-hours listed in this proposal representing the additional effort to complete each of the tasks identified in the Original Agreement.

No additional topographic surveys will be completed for the modifications to the crossings.

# Grand Island Quiet Zone- Final Plans

City of Grand Island, NE

Appendix A

12/30/2010

## Supplemental # 2

TASKS	Person Hours By Task						Total	Fee
	PR	PM	Sr. Engr.	Engineer 1	Admin.			
Project Management	1	2					3	\$494
Topographic Surveys							0	\$0
Roadway Design		4	8	16			28	\$2,861
Permits/ Agency Coordination	4	4		2			10	\$1,498
<b>TOTAL HOURS</b>	5	10	8	18	0		41	\$4,853
<b>LABOR COSTS / HR RATE</b>	\$67.50	\$53.00	\$54.75	\$22.21	\$28.86			
<b>TOTAL LABOR COSTS</b>	\$338	\$530	\$438	\$400	\$0			
<b>OVERHEAD COSTS (1.6667)</b>	\$563	\$883	\$730	\$666	\$0			
<b>TOTAL LABOR &amp; OVERHEAD COSTS</b>	\$900	\$1,413	\$1,168	\$1,066	\$0		<b>\$4,547</b>	

**FIXED FEE (12%)**

**\$546**

**\$5,093**

### DIRECT PROJECT EXPENSES

ITEM			
Mileage	160 Miles	\$0.500	80
Printing (11x17)	50 Sheets	\$0.20	10
Postage/Shipping			17

**TOTAL DIRECT PROJECT EXPENSES**

**\$107**

**MAXIMUM AMOUNT PAYABLE**

**\$5,200**





FELSBURG  
HOLT &  
ULLEVIG

*engineering paths to transportation solutions*

December 30, 2010

Mr. Scott Griepenstroh  
Project Manager  
City Of Grand Island – Engineering Division  
100 East First Street  
Grand Island, NE 68802

RE: Grand Island Quiet Zone  
UPRR Technical Response

Dear Scott,

This letter addresses the December 27, 2010 Technical Response from Mike Blackley of UPRR regarding the City of Grand Island's plan submittal of January 13, 2010 (Plans dated 11/02/09).

#### OAK STREET

The north median length was reduced to provide access to the commercial drive leading to an overhead door on the east side of the street. Commercial drives are considered an "intersection" under the Federal Railroad Administration's (FRA) previous interpretations of the Final Rule and therefore fall under the 60-foot minimum distance for a raised median Supplementary Safety Measure (SSM) rather than an ASM. We understand that your preference is to extend the medians to 100 feet and close off the driveway access in order show a good faith effort to UPRR. We are revising the plans accordingly, but requested an updated interpretation from FRA on December 20, 2010 on the 60-100' commercial drive question just in case it becomes an issue.

The Type 3 barricades show on the plans are intended to prevent westbound vehicles from approaching Oak Street from the alley while still maintaining access to the business's storage yard. The plans also show curb and gutter on the east side of Oak Street just north of the crossing to the end of the median with W14-6 (9 button) signs behind the curbs to provide nighttime delineation of the curbs. If you wish, we can replace the W14-6 signs (OM4-2 in the 2009 MUTCD) with a second row of Type 3 barricades facing west.

#### PINE STREET

The median lengths were reduced to provide access to the US Post Office's south drive on the south side of the crossing and the commercial drives on the north side of the crossing. As mentioned above, commercial drives are considered an "intersection" under the Federal Railroad Administration's (FRA) previous interpretations of the Final Rule and therefore fall under the 60-foot minimum distance for a raised median Supplementary Safety Measure (SSM) rather than an ASM. We understand that your preference is to extend the medians to 100 feet and close off the driveway access in order show a good faith effort to UPRR. We will revise the plans accordingly.

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 and Track 703 since UPRR indicated that CWT is not reasonably practicable for these tracks.

#### WALNUT STREET

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 since UPRR indicated that CWT is not reasonably practicable for these tracks.

#### ELM STREET

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 since UPRR indicated that CWT is not reasonably practicable for these tracks.

#### GENERAL

The Guidance in the 2009 MUTCD indicates that the W10-2, W10-3, or W10-4 signs should not be used when the distance between the edge of the tracks and the edge of the roadway is 100 feet or more. All cross roadways are greater than 100 feet and therefore the W10-1 sign is used with the W10-9P below.

We would agree with UPRR that in any City news releases regarding the establishment of the quiet zone should let citizens know that there will still be occasional locomotive horn sounding due to the siding tracks not covered by the quiet zone, adjacent crossings, and engineer's discretion to alert observed trespassers near the tracks, maintenance personnel or vehicles afoul of the tracks.

If you have any questions regarding this invoice, please give me a call.

Sincerely,

FELSBURG HOLT & ULLEVIG



Rick Haden  
Project Manager

**TERMS AND CONDITIONS:** The terms and conditions of the Agreement referenced above shall apply to this Amendment except to the extent expressly modified by this Amendment. In the event of any such modification, the modification shall be set forth on pages attached to this Amendment and signed on the last page by the Authorized Representatives. The Article of the Agreement to be modified shall be specifically referenced in the modification, and the modification shall be precisely described.

The following signatures of the Authorized Representatives acknowledge acceptance of the terms of this Amendment.

**APPROVAL AND ACCEPTANCE:**

**City of Grand Island, Nebraska**

\_\_\_\_\_  
MAYOR, JAY VAVRICEK

\_\_\_\_\_  
DATE

**Felsburg, Holt and Ullevig**

\_\_\_\_\_  
Kyle A. Anderson, Principal

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY CLERK, RaNAE EDWARDS

Approved as to Form    ☐ \_\_\_\_\_

January 6, 2011        ☐ City Attorney

## RESOLUTION 2011-7

WHEREAS, on May 13, 2008, by Resolution 2008-132, the City Council for the City of Grand Island approved the \$28,600.00 proposal of Felsburg, Holt and Ullevig to provide engineering services for Quiet Zone Improvements in the Downtown area; and

WHEREAS, on May 13, 2008, by Resolution 2009-262, the City Council for the City of Grand Island approved Amendment No. 1, in the amount of \$12,600.00, to the original agreement for consulting services to address issues presented at the July 21, 2009 diagnostic on-site meeting; and

WHEREAS, it is necessary to amend the agreement for consulting services to provide for design revisions and coordination with the Federal Railroad Administration (FRA) to address issues presented in the Union Pacific Railroads Technical Response to the Final Plans that were submitted January 13, 2010; and

WHEREAS, due to Felsburg, Holt and Ullevig's knowledge and experience working on this project, it is recommended that they continue providing engineering work for the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 2, for the total amount of \$5,200, to the Agreement with Felsburg, Holt and Ullevig for engineering consulting services for plan revisions and FRA Coordination for the Grand Island Quiet Zone Improvements project is hereby approved, with a revised total agreement price of \$46,400.00.

BE IT FURTHER RESOLVED, that the Mayor be, and hereby is, authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 11, 2011.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
January 7, 2011	<input type="checkbox"/> City Attorney