



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G9

#2012-179 - Approving Crossing Surface Installation Agreement with Burlington Northern Santa Fe (BNSF) Railway Company for Improvements at the Broadwell Avenue/BNSF Railroad Crossing

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: July 10, 2012

Subject: Approving Crossing Surface Installation Agreement with Burlington Northern Santa Fe (BNSF) Railway Company for improvements at the Broadwell Avenue/BNSF Railroad Crossing

Item #'s: G-9

Presenter(s): John Collins, Public Works Director

Background

On October 11, 2011, the Grand Island City Council approved the Bid Award for the Broadwell Avenue Shoulder Improvement – Capital Avenue to the Veteran's Athletic Fields project with J.I.L. Asphalt Paving Company of Grand Island. This project consisted of placing 6' wide asphalt shoulders on the east and west sides of Broadwell Avenue from the intersection of Capital Avenue north to the Veteran's Athletic Field Complex entrance. This work was completed November 23, 2011.

No shoulder improvements were performed at the Burlington Northern Santa Fe (BNSF) Railroad Crossing or on BNSF Right-of-Way.

Discussion

The Public Works Department requested BNSF Railway officials coordinate constructing additional width to the concrete crossing panels and placing asphalt shoulders on BNSF Right-of-Way to occur in conjunction with their work planned as part of the BNSF Railway Double Track project. The costs for the surfaced shoulder widening are estimated at \$31,572.00 and are to be paid by the City of Grand Island.

Shoulder improvements at the BNSF Railroad Crossing or on BNSF Right-of-Way shall be accomplished and paid as per the Crossing Surface Installation Agreement between the City of Grand Island and BNSF Railway Company. Work at the Broadwell Avenue crossing for the Double Track project and the shoulder improvements are scheduled to occur in September, 2012.

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

Recommendation

City Administration recommends that the Council approve the resolution authorizing the Mayor to sign the Crossing Surface Installation Agreement between BNSF Railway Company and the City of Grand Island.

Sample Motion

Move to approve the resolution.

CROSSING SURFACE INSTALLATION AGREEMENT

BNSF File No.: BF10002561
Mile Post 97.97
Line Segment 4
U.S. DOT Number 083071A
Ravenna Subdivision

This Crossing Surface Installation Agreement (hereinafter called, this “Agreement”) is entered into effective as of 02/17/2012 by and between the City of Grand Island (hereinafter called, “Agency”) and BNSF RAILWAY COMPANY (hereinafter called, the “Company”).

WHEREAS, Company operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, Agency and Company desire to replace the existing crossing surface at Broadwell with a new concrete crossing surface;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Company Work.** The Company will install a widened concrete crossing surface for a width of 8 feet on each side of the traveled roadway from the edge of the pavement on the north side of the tracks to the edge of the pavement on the south side of the tracks. The new crossing surface will adequately cover all vehicular driving lanes at Broadwell. The Company will perform all necessary track upgrades to accommodate the new crossing surface.

2. **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, Company will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Company shall send to Agency a final invoice upon completion and **Agency shall pay the final invoice within 30 days of receipt**

Agency's **ESTIMATED** total cost for the new crossing surface is Thirty One Thousand Five Hundred Seventy Two and No/100 Dollars (\$31,572.00).

3. **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, the Company will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, the Company shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

4. **Vehicular Traffic during Installation.** The Agency shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular traffic at the Broadwell crossing during installation of the new crossing surface.

5. **Drainage.** The Agency agrees to allow the Company to drain water from the Broadwell crossing area into existing Agency storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by the Company.

6. **Roadway Surfacing Work.** The Agency agrees to pay for enough asphalt to cover the distance between the existing roadway surface at Broadwell and the new crossing surface on both sides of the track as well as the area between the tracks. The estimate includes the estimated amount of asphalt required.

7. **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and Agency's payment of the amounts set forth in Section 2 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

COMPANY:

BNSF RAILWAY COMPANY:

By: _____

Printed Name: _____

Title: _____

AGENCY:

THE CITY OF GRAND ISLAND, NEBRASKA

By: _____

Printed Name: _____

Title: _____

RESOLUTION 2012-179

WHEREAS, on November 23, 2011 the City of Grand Island completed the Broadwell Avenue Shoulder Improvement - Capital Avenue to the Veteran's Athletic Fields project with J.I.L. Asphalt Paving Company of Grand Island, Nebraska; and

WHEREAS, this project consisted of placing 6' wide asphalt shoulders on the east and west side of Broadwell Avenue from the intersection of Capital Avenue north to the Veteran's Athletic Field Complex entrance; and

WHEREAS, no shoulder improvements were performed at the Burlington Northern Santa Fe (BNSF) railroad crossing or on the BNSF right of way; and

WHEREAS, the Public Works Department requested BNSF officials coordinate constructing additional width to the concrete crossing panels and placing asphaltic concrete shoulders on BNSF right of way to occur in conjunction with their work planned as part of the BNSF railway double track project; and

WHEREAS, the costs for the surfaced shoulder widening are to be paid by the City of Grand Island, which is estimated at \$31,572.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Crossing Surface Installation Agreement between BNSF Railway Company and the City of Grand Island is hereby approved.

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

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Adopted by the City Council of the City of Grand Island, Nebraska, July 10, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney