

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 9, 2012
	Agenda Item No. 8 Roll Call No. <u>12-0511</u> Communication No. <u>12-176</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Approving and authorizing the execution of Norfolk Southern Railway Company Paved Crossing Agreements for the S.E. 6th Street Widening project.

SYNOPSIS:

Recommend approval of the Paved Crossing Agreements with the Norfolk Southern Railway Company for removal of railroad crossings and paving on SE 6th Street at two existing crossings. These agreements replace the 2010 agreement and allow removal of railroad crossings across S.E. 6th Street, subject to conditions.

FISCAL IMPACT:

Amount: \$400,000 (estimated savings)

Funding Source: 2012-13 CIP, Page Street-37, S.E. 6th Street Widening – Court Avenue to the Des Moines River, STR237, TIF Bonds

ADDITIONAL INFORMATION:

On May 9, 2011, by Roll Call No. 11-0772, Council approved a change order that modified the phasing of the S.E. 6th Street Widening project. The second phase of the project from Raccoon Street to E. Court Avenue was deferred while the City and Norfolk Southern Railway (NSR) negotiated the possible elimination of two railroad crossings across S.E. 6th Street. NSR has now determined that the crossings are inactive (FRA No. 063381P and FRA No. 864232B). The Paved Crossing Agreements allow for removal of the railroad track, crossbucks, lights and related appurtenances, at-grade paving by the City at City expense of said crossings, and the construction of SE 6th Street Widening. In return, the City agrees that in the event NSR decides and/or is required by the Surface Transportation Board or otherwise to operate actively the lines that cross SE 6th Street, the City will construct a public street-railroad grade crossing, including warning devices, at City expense. With the anticipated changes to property uses in the area, additional rail service in the future is not planned. The City is also indemnifying NSR for City work related to the paved at-grade crossings and for the surface crossing if and when applicable.

The elimination of the two crossings will save the City a substantial amount of money for surface crossings and signal installation, improve the ride of this section of roadway, and eliminate future maintenance of the crossings. With the elimination of the SE 6th Street crossings and the removal of the signals, the estimated savings to the City is expected to be approximately \$400,000. The Paved

Crossing Agreements terminate and replace the 2010 Agreement between the City and NSR as approved on March 29, 2010, by Roll Call No. 10-474. As part of this agreement, the crossings located at SE 7th Street will be installed in lieu of SE 6th Street. The previously approved crossing agreement, with the railroad, was on a reimbursable basis. The final savings will be determined at project close.

PREVIOUS COUNCIL ACTION(S):

Date: May 9, 2011

Roll Call Number: 11-0772

Action: [Approving](#) Change Order No. 8 with Elder Corporation for additional work on the SE 6th Street Widening – E. Court Avenue to the Des Moines River, not to exceed \$47,900. ([Council Communication No. 11-270](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: March 29, 2010

Roll Call No.: 10-474

Action: [Approving](#) execution of Norfolk Southern Railway Company Street Crossing Improvements for SE 6th Street Widening Project, estimated cost \$631,396. ([Council Communication No. 10-173](#)) Moved by Meyer to adopt. Motion Carried 6-1.

Date: March 8, 2010

Roll Call No.: 10-391

Action: [On](#) SE 6th Street Widening - E. Court Avenue to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$1,744,999.99. ([Council Communication No. 10-122](#)) Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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