

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 17, 2012
	Agenda Item No.	7
	Roll Call No.	<u>12-1913</u>
	Communication No.	<u>12-628</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Approving and Authorizing the execution of Norfolk Southern Railway Company construction and flagging agreement for the Southeast Connector Project.

SYNOPSIS:

Recommend approval of the construction and flagging agreement (Agreement) with Norfolk Southern Railway Company (NSR) for proposed Burlington Northern Santa Fe (BNSF) at-grade crossings and the Southeast Connector bridge over the Norfolk Southern railroad. Through the Agreement, NSR will provide, at City project cost, the protective services and devices required while work is performed on the new crossings by BNSF and the City’s contractors on the Southeast Connector. City cost will be based on actual expenses.

FISCAL IMPACT:

Amount: \$233,188 (estimated)

Funding Source: 2012-13 CIP, Page Street-36, Southeast Connector-S.E. 14th Street to S.E. 30th Street, STR249, \$200,000 G.O. Bonds and \$33,188 RISE.

ADDITIONAL INFORMATION:

The Agreement between the City of Des Moines and NSR is required for the construction of at-grade crossings located at the Southeast Connector and S.E. 15th Street by the BNSF and construction of the Southeast Connector bridge over the NSR. The Agreement provides switch tenders, flagmen, watchmen and other protective services and devices to promote safety and insure continuity of train operation as may be necessary in connection with the work performed by the BNSF and the City’s contractors. The City is responsible for the costs of the services and devices provided. Costs will be based on actual expenses.

On August 27, 2012, by Roll Call No. 12-1328, City Council approved Department of Transportation Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant for the Southeast Connector Project between SE 14th Street and SE 30th Street. The Term Sheet included an interim milestone of December 7, 2012 for the BNSF and NSR agreements. Execution of this Agreement, alone, does not satisfy the established deadline for NSR. A Contract of Purchase that includes the partial acquisitions, temporary construction easements, permanent easement for roadway overpass, and total fee acquisition of property owned by NSR is required to satisfy the deadline. NSR has not finalized their process for review and approval of the property transactions, and has advised that this will not be accomplished before 2013. City staff is maintaining a contact with FHWA and DOT regarding the project schedule and will continue to work with NSR to finalize the property agreement.

PREVIOUS COUNCIL ACTION(S):

Date: August 27, 2012

Roll Call Number: [12-1328](#)

Action: Items regarding the Southeast Connector Project, SE 14th to SE 30th Street: (A) [Approving](#) the execution of Department of Transportation Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant. ([Council Communication No. 12-450](#)). Moved by Coleman to adopt. Motion Carried 7-0.

Date: August 27, 2012

Roll Call Number: [12-1329](#)

Action: Items regarding the Southeast Connector Project, SE 14th to SE 30th Street: (B) [Authorizing](#) Agreement for Preliminary Engineering Services with Norfolk Southern Railway Company for rail impacts associated with the Southeast Connector. ([Council Communication No. 12-454](#)). Moved by Coleman to adopt. Motion Carried 7-0.

Date: June 25, 2012

Roll Call Number: [12-0963](#)

Action: [Approving](#) supplemental agreements to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide additional design and construction phase services for the Southeast Connector Projects. ([Council Communication No. 12-327](#)). Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 21, 2011

Roll Call Number: [11-1939](#)

Action: [Approving](#) Iowa Department of Transportation (IDOT) RISE Agreement. ([Council Communication No. 11-711](#)). Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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