



Legislation Details (With Text)

**File #:** 16-531      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Passed  
**File created:** 12/21/2016      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority  
**On agenda:** 1/17/2017      **Final action:** 1/17/2017  
**Title:** SUBJECT: BNSF Railway Agreement for State Highway 59 Multi-Use Path Crossing Project 115047

**REPORT IN BRIEF**

Approves an agreement with BNSF Railway to establish terms and conditions for construction, design, maintenance, and financing for the ATPL (045) State Highway 59 Multi-use Path Crossing Project 115047.

**RECOMMENDATION**

City Council - Adopt a motion approving the BNSF Railway Grade Crossing Signal Installation Agreement, and authorizing the City Manager to execute the necessary documents.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Railway Agreement.pdf

Date	Ver.	Action By	Action	Result
1/17/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

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**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,

4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

## **AUTHORITY**

Charter of the City of Merced, Section 200 et seq.

## **CITY COUNCIL PRIORITIES**

Not applicable.

## **DISCUSSION**

The project - ATPL (045) State Highway 59 Multi-use Path Crossing Project 115047- will aid in vehicular travel and public safety by installing railroad crossing signals, activation equipment, and crossing surface for pedestrian use.

The Railway Agreement establishes the terms and conditions under which the railroad crossing improvements will be constructed by BNSF, including design, closures, maintenance, and financing. The agreement also describes the role of the City to coordinate actions, plans, and any project related expenses, as well, as the City's obligations in constructing the roadway.

Note: Two original EXECUTED copies of the agreement must be mailed to BNSF for signature. BNSF will then return to the City of Merced, by mail, one of the copies.

Execution of the Agreement is a critical step that needs to be accomplished in order for Caltrans to release State Funds for the project. The process for requesting State Funds is multi-step and is time sensitive for this project. Staff recommends approving the agreement.

## **HISTORY**

On February 1, 2016, City Council approved Program Supplement No. 028-N, accepting \$5,000 for the Environmental phase of the project.

On September 19, 2016, City Council accepted \$106,000 for the Preliminary Engineering phase of the project.

On October 17, 2016, Council approved Resolution 2016-54 approving Federal-Aid Projects Program Supplement Agreement No. 028-N1 for the project.

## **IMPACT ON CITY RESOURCES**

The overall budget for the Project improvements within BNSF Railway is summarized in Exhibit "C" of the agreement. The City of Merced is responsible for all costs and will be funded by a Federal Grant that will be administered by the State of California.

## **ATTACHMENTS**

1. Railway Agreement