

Mayor and Council Communication

DATE: 12/10/24

M&C FILE NUMBER: M&C 24-1089

LOG NAME: 2024 UPRR KELLIS GROUP ENGINEERING RAILROAD AGREEMENT

SUBJECT

(CD 9 and CD 11) Authorize Execution of Five Public Highway At-Grade Crossing Agreements with Union Pacific Railroad Company in the Cumulative Amount of \$1,443,089.00 for the Railroad Crossing Improvements for the Kellis Group Quiet Zone Project, Authorize the Establishment of a Quiet Zone at Five Union Pacific Railroad Crossings between W. Bewick Street and W. Kellis Street, and Amend the Fiscal Years 2025-2029 Capital Improvement Program (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of five public highway at-grade crossing improvement agreements with Union Pacific Railroad Company in the cumulative amount of \$1,443,089.00 as follows:
 1. West Bewick Street in the amount of \$43,400.00,
 2. West Biddison Street in the amount of \$89,429.00,
 3. West Dickson Street in the amount of \$487,673.00,
 4. West Bolt Street in the amount of \$740,571.00,
 5. West Kellis Street in the amount of \$82,016.00;
2. Authorize issuance of a Notice of Quiet Zone Establishment for Five Locations for establishment of a quiet zone at Union Pacific Railroad Crossings at West Bewick Street, West Biddison Street, West Dickson Street, West Bolt Street, and West Kellis Street after the necessary construction has been completed; and
3. Amend the Fiscal Years 2025-2029 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of five Public Highway At-Grade Crossing Agreements with Union Pacific Railroad Company (UPRR) for the UPRR at Kellis group quiet zone project (City Project No. 101866) in the combined amount of \$1,443,089.00 to improve railroad crossing safety and establish a quiet zone.

The project's scope includes making improvements to support quiet zones at five (5) UPRR crossings. The project location includes UPRR crossings at West Bewick Street, West Biddison Street, West Dickson Street, West Bolt Street, and West Kellis Street. The project consists of improvements within the Union Pacific Railroad right-of-way, including railroad signal & sidewalk panel installation by UPRR. Therefore, executing the public highway at-grade crossing agreement(s) with UPRR is required.

The UPRR and the City's contractor will install the improvements needed for this project. After the construction is completed, Transportation and Public Works (TPW) will submit a Notice of Quiet Zone Establishment for these five crossings to all parties listed in 49 CFR Section 222.43(a)(3). The quiet zone can take effect no earlier than twenty-one (21) days after the date on which the Notice of Quiet Zone Establishment is mailed.

The table below summarizes the detailed cost breakdown of the public highway at-grade crossing agreement per railroad crossing:

UPRR Crossing Street Name	Public Highway At Grade Crossing Agreement
UPRR at West Bewick Street (DOT # 415949Y)	\$43,400.00
UPRR at West Biddison Street (DOT # 415950T)	\$89,429.00
UPRR at West Dickson Street (DOT # 415951A)	\$487,673.00
UPRR at West Bolt Street (DOT # 415953N)	\$740,571.00
UPRR at West Kellis Street (DOT # 415955C)	\$82,016.00

Total	\$1,443,089.00
--------------	-----------------------

Per the agreement, UPRR will install the sidewalk railroad panel at West Biddison Street, West Dickson Street, West Bolt Street, and West Kellis Street and replace the railroad Signals at West Dickson Street, West Bolt Street, and West Kellis Street.

These funds were not included in the Fiscal Years (FY) 2025-2029 Capital Improvement Program because the final construction and Railroad agreement costs were unknown at the time of the project development. This M&C action will amend the FY2025-2029 Capital Improvement Program as approved in connection with Ordinance 27176-09-2024.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

Funding is budgeted in the 2018 Bond Program Fund for the Transportation & Public Works Department for the purpose of funding the 2018 Bond Railroad UPRR project, as appropriated.

The table below summarizes available funding for the project:

UPRR at Kellis Group (City Project No. 101866)			
Fund	Existing Funding	Additional Fund	Project Fund Total
34018 – 2018 Bond	\$2,215,226.44	\$0.00	\$2,215,226.44
34027– 2022 Bond	\$1,000,000.00	\$0.00	\$1,000,000.00
Grand Total	\$3,215,226.44	\$0.00	\$3,215,226.44

The project is located in COUNCIL DISTRICT 9 & 11.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: UPRR

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2018 Bond Program Fund for the 2018 Bond Railroad UPRR project to support the approval of the above recommendations and execution of the agreements. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

Submitted for City Manager's Office by: Jessica McEachern 5804

Originating Business Unit Head: Lauren Prieur 6035

Additional Information Contact: Monty Hall 8662

Expedited