



# MEMORANDUM

Council Agenda  
Item No. VII.S.  
3/24/2015

## The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: James D. Couch, City Manager

Resolution approving Grade Crossing Signal Installation Agreement with the BNSF Railway Company, and authorizing execution and submittal of the Notice of Intent to the Federal Railway Administration for the creation of a "Quiet Zone," Project MC-0422, sealed railroad safety corridor, BNSF Railroad, North 16th Street to SE 23rd Street, not to exceed \$2,000,000. Wards 6 and 7.

Locations Burlington Northern Santa Fe Railroad, North 16th Street to SE 23rd Street

Agreement/Provisions The City agrees to permanently close the railroad crossings at Park Place, North 11th Street, North 12th Street, North 14th Street, and SE 23rd Street; provide roadway surface improvements and reimburse the BNSF Railway Company for the installations of railroad crossing signal equipment at North 7th Street, North 8th Street, North 9th Street, North 10th Street, North 13th Street, and North 16th Street.

The BNSF Railway Company agrees to furnish all labor, materials, tools, and equipment for the removal of old and installation of new railroad crossing signal equipment at North 7th Street, North 8th Street, North 9th Street, North 10th Street, North 13th Street, and North 16th Street according to the safety specifications in the current manual of uniform traffic control devices (MUTCD).

Background The street and railroad crossings selected for improvements under this project will allow for the creation of a sealed railroad safety corridor along a portion of the BNSF railroad corridor between SE 23rd Street on the south and North 16th Street on the north (BNSF Mile Post 382.61 to 385.68). The project will include the permanent closure of five crossings and the necessary traffic, paving and drainage improvements to the remaining crossings.

These improvements will provide increased safety at the crossings thus allowing the FRA to designate this section of railroad as a "Quiet Zone." As such, the requirement to sound advance audio warnings, such as locomotive horns, at crossings in this section will be eliminated.

The Notice of Intent (NOI) will formalize the intentions of the City to the

FRA in order to authorize the creation of the “Quiet Zone.” The NOI is required to be submitted to the FRA per the regulations outlined by the Department of Transportation, Federal Railroad Administration 49 CFR Parts 222 and 229 regarding the Use of Locomotive Horns at Highway-Rail Grade Crossings: Final Rule.

BNSF Railway Company and the City have negotiated an agreement that specifies the conditions and provisions to construct the improvements and then maintain and use the at-grade railroad crossings.

The City is required to provide the necessary safety improvements outside but adjoining the BNSF railway right-of-way including roadway improvements, signage, and designated street closures.

According to the agreement, the City will also be required to reimburse the BNSF Railway Company for the railway crossing improvements within the BNSF railway right-of-way for the street crossings remaining open to traffic. The Agreement specifically states that the reimbursable improvement cost to BNSF Railway Company will not exceed \$2,000,000. The City also agrees to provide adequate notice to the railroad before any work in or around the crossings commences.

This project will be funded by TIF, OCMFA, CIP, and private donations. The Oklahoma City Economic Development Trust will provide \$1,400,000 in TIF funding for the \$2,000,000 obligated by the Agreement.

Previous Action

Assignment and Amendment No. 1 to contract for engineering services approved by OCMFA and Council on December 2, 2014 (Item Nos. MFA.B. and VI.V.).

Preliminary Report approved by OCMFA on May 27, 2014 (Item No. MFA.A.).

Resolution for funding plan approved by Council on May 28, 2013 (Item No. X.A.).

Contract for engineering services approved by OCMFA, October 12, 2010 (Item MFA.A.1).

Authorization to negotiate a contract approved by OCMFA, April 13, 2010 (Item MFA.B.)

Engineer

Cardinal Engineering, Inc.

Agreement Cost

Railroad crossing improvements in BNSF Railroad Company right-of-way is not to exceed \$2,000,000.

Source of Funds

\$170,786 Capital Improvement Fund – Capital Improvement Capital-ASGN - Street Appurtenance -2014 Ward 6 Quite Zone Pkg 4 - Non

Capital Construction (039-0177-3305007-MC-0422-52044007)

\$1,396,835.96 Capital Improvement Fund, Street Improvement Capital-  
ASGN – Street Appurtenance - Quite Zone TIF - Non Capital  
Construction (039-0177-3305007-MC-0422TIF-52044007)

\$432,378.04 Special Purpose Funds, Railroad Quiet Zone-RSTR -  
Street Appurtenance - 2014 Ward 6 Quite Zone Pkg 4 –Non Capital  
Construction (750-1665-3305007-MC-0422-52044007)

Review

Public Works Department

Recommendation: Resolution be adopted.