



## Request for City Council Committee Action from the Department of Public Works

**Date:** June 3, 2014

**To:** Honorable Kevin Reich, Chair Transportation & Public Works Committee

**Referral To:** Honorable John Quincy, Chair Ways and Means Committee

**Subject:** **St. Anthony Parkway Bridge over BNSF Northtown Yard Overpass Agreement Execution with BNSF Railway**

### Recommendation:

- A. Authorize proper City officers to execute an overpass agreement with BNSF Railway which includes: BNSF contribution for bridge design and replacement in the amount of \$4,500,000; execution of an easement agreement over BNSF property for the replacement bridge; execution of a temporary construction easement on BNSF property for the amount of \$20,000; and transfer of the ownership of the existing bridge to the City.
- B. Upon execution of the Overpass Agreement, authorize the proper City officers to accept the funds and amend the 2014 Capital Improvement Appropriation by increasing appropriation to the Public Works Capital Improvement Program Fund 04100-9010938 BR110 in the amount of \$4,500,000; and increase the revenue source 04100-9010938 Source 345501 by \$4,500,000.

### Previous Directives:

- April 29, 2014 – Resolution 2014R-216 approving acquisition of right-of-way and temporary construction easement and agreement with Gust Kempf, Jr. Revocable Trust relating to Parcel 9, superseding Resolution 2014R-107 passed March 28, 2014.
- April 29, 2014 - Resolution 2014R-215 approving acquisition of right-of-way and temporary construction easement and agreement with Ellisspec 22329, LLC relating to Parcel 7, superseding Resolution 2014R-106 passed March 28, 2014.
- April 15, 2014 – Resolution 2014R-195 requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$237,655 for Project 9698.
- April 15, 2014 – Resolution 2014R-194 ordering the City Engineer to proceed with the work and adopt special assessments of \$237,652.80 for Project 9698.
- March 18, 2014 – Resolution authorizing execution of a purchase agreement and a temporary easement with Ellisspec 22329, LLC at 211 St. Anthony Parkway.
- March 18, 2014 - Resolution authorizing execution of a purchase agreement and a temporary easement with Gust Kempf, Jr. Revocable Trust at 3236 California St. NE
- March 18, 2014 Resolution authorizing execution of a temporary easement with Ellis Properties, LLP at 3147 California St. NE.

- March 18, 2014 Resolution authorizing execution of a purchase agreement and a temporary easement with G & G Real Estate, LLC at 81 St. Anthony Parkway.
- March 18, 2014 – Authorizing execution of an access agreement with the Minneapolis Park and Recreation Board.
- February 25, 2014 – Resolution 2014R-085 Project Designation, Bridge Type and Project Layout Approval.
- November 12, 2013 – Authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across the parcels therein for transportation-related uses.
- July 19, 2013 - Authorizing execution of a contract with Short Elliot Hendrickson, Inc. for design services and authorizing signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act.
- March 7, 2013 - Authorizing a Request for Proposal (RFP) for Engineering Services
- July 2, 2010 - Resolution 2010R-333, 2010R-334 Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072.
- July 2, 2010 - Resolution 2010R-331 Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council.
- April 24, 2009 - Resolution 2009R-180 Authorizing proper City officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project
- May 5, 2007 Authorization to submit an application for federal funds from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for the St Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements.
- December 13, 2004 - Resolution 2004R-582 and Resolution 2004R-583 Request to issue & sell bonds for 2005 Capital Program.
- December 13, 2004 - Resolution 2004R-580 Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds
- December 9, 1999 - Resolution 99R-427 Request to issue & sell bonds for 2000 Capital Program.
- December 9, 1999 - Resolution 99R-426 Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds.

**Department Information:**

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Approved by: \_\_\_\_\_

Steven A. Kotke, P.E., Director of Public Works

Presenter: Jack Yuzna, P.E. Principal Professional Engineer, Department of Public Works, Transportation Planning and Engineering

**Financial Impact**

- Action requires an appropriation and revenue increase

**Community Impact**

- Neighborhood Notification: Not Applicable
- City Goals: The City’s infrastructure will be well-maintained, streets will be destinations.
- Comprehensive Plan: Consistent
- Zoning Code: Not Applicable

## Supporting Information

### Background

The bridge is a Warren through truss bridge originally constructed and maintained by the Northern Pacific Railway Company, a predecessor of the Burlington Northern Santa Fe Railway Co. (BNSF), in 1925 to carry St. Anthony Parkway over the BNSF Northtown Rail Yard. The City has made efforts to improve the crossing since the 1990s all while the bridge condition has continued to deteriorate. The posted weight restriction on the bridge has been recently lowered to 3 tons due to observed deterioration. This prohibits most trucks, buses, and emergency vehicles from using the bridge.

The replacement bridge will be constructed within the BNSF railyard, will cross BNSF right-of-way and will be owned by the City. The terms of the Overpass Agreement provide the City the property rights necessary to construct, operate and maintain the replacement bridge and are needed for Federal Highway Administration (FHWA) approval. In addition, BNSF is making a financial contribution toward the design and construction of the new bridge.

Specific terms of the proposed Overpass Agreement are as follows:

- BNSF will transfer ownership interest of the existing bridge to the City before construction begins.
- BNSF will contribute \$2,500,000 toward the design of the new bridge.
- BNSF will contribute 10% of the actual replacement cost up to \$2,000,000 toward the construction of the replacement bridge.
- City will pay \$20,000 for a 20 month temporary construction easement for 19,934 square feet on Parcel 17.
- City will pay for a railroad coordinator and flag person(s) during construction to ensure project safety for all construction and railroad workers.
- Indemnification terms are consistent with the indemnification language in the recent Van White Overpass Agreement between the City and BNSF.
- BNSF will provide the City a recorded permanent easement within the portion of the St. Anthony Parkway between California St. NE and Main St. NE that is subject to the original railroad right-of-way through an Easement Agreement incorporated in the Overpass Agreement. The Overpass Agreement term language is substantially as follows:
  - Rights for the bridge to exist over original Great Northern Railroad right-of-way.
  - Rights to access across BNSF property for future bridge operation, maintenance and replacement.
  - The City shall comply with applicable environmental laws.
  - The City shall remove the bridge if the easement is terminated.
  - If the City abandons the bridge, the easement will cease.
  - BNSF can operate and modify its trackage underneath the bridge as necessary.
  - Interpretation and application of the provisions of the Easement Agreement to be decided according to the substantive Laws of the State of Texas.

## **Project Schedule**

Project plans are completed and specification and bid documents are being finalized. Upon execution of the Overpass Agreement, the City expects to obtain authorization to allow bidding to occur 3<sup>rd</sup> quarter 2014. It is expected that a construction contract will be executed along with a notice to proceed during 4<sup>th</sup> quarter 2014. Material procurement will occur during the winter months with the road being closed in spring 2015 for bridge removal and off-site erection of the replacement bridge. The replacement bridge will be moved into place in 2016 with the road reopening in late summer 2016. To facilitate the construction project, private utility companies will be upgrading their facilities in 2014 through spring 2015.

Attachments: Parcel Map