



Request for City Council Committee Action From the Department of Public Works

Date: June 17, 2014

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

Subject: **Agreement with Burlington Northern Santa Fe Railway for Temporary Occupancy Permit**

Recommendation:

Authorize the proper city officials to enter into an agreement with Burlington Northern Santa Fe Railway (BNSF) to obtain a permit for Temporary Occupancy to perform maintenance repairs to a shallow utility tunnel under BNSF property.

Previous Directives: n/a

Prepared by: Peter J. Pfister, Professional Engineer 661-4906

Approved by:

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

Presenters: Peter J. Pfister, Professional Engineer, Department of Public Works, Water Treatment & Distribution Services

Reviews Not Applicable

Financial Impact: Action is within current department budget

Background/Supporting Information

Water Treatment and Distribution Services owns five pipes that cross the property of BNSF along 37th Avenue Northeast, between Main Street and East River Road. Three of these pipes are contained inside a concrete tunnel that needs maintenance repairs.

In order to perform the work, City personnel and potentially contractor personnel will need to access and use BNSF property. BNSF requires a permit be obtained for such use. One of the requirements to obtain the permit is to enter into a written agreement, a copy of which is attached. The proposed agreement contains all of the rights and responsibilities of both parties. The City Attorney's Office and Public Works—Water Division negotiated several terms of the agreement and think it is appropriate and reasonable.

Attachments: agreement with BNSF