



## Legislation Text

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**File #:** 19-0077, **Version:** 1

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Resolution to Authorize Execution of a Temporary Permit to Enter between the City of Ann Arbor and the National Railroad Passenger Corporation (Amtrak) for the Southside Interceptor Sanitary Sewer Diversion Project (\$57,370.00)

Attached for your review and approval is a resolution that authorizes execution of a temporary permit to enter between the City of Ann Arbor and the National Railroad Passenger Corporation (Amtrak) for the Southside Interceptor Sanitary Sewer Diversion Project. Also attached, please find a copy of the Temporary Permit to Enter upon State of Michigan Property.

**Project Description:** The Southside Interceptor Sanitary Diversion Project entails constructing an underground sanitary sewer diversion chamber to divert flow from the Southside Interceptor to the Northside Interceptor during large rain events. The diversion of the flow has been determined to be necessary based on the results of the sanitary sewer model output, flow measurements, and sanitary sewer overflows that have occurred in the past. This project when completed will maintain approximately 10 cubic feet per second of sanitary flow in the Southside Interceptor Sanitary Sewer and flow above that value will be diverted to the Northside Interceptor Sanitary Sewer that has ample capacity. This flow split will allow both sewers to function at a high level.

During the design process for this project, it became obvious that it would be necessary to occupy a portion of the MDOT-owned railroad right-of-way to allow the project's construction to proceed without undue delay or hardship. The Temporary Permit to Enter (TPE) will also allow construction equipment, materials, and personnel to be in the railroad right-of-way in order to properly execute and oversee the work.

The TPE is a standard agreement that Amtrak requires (without negotiation) all parties to execute for work performed within their right-of-way. The agreement defines each party's rights and responsibilities as well as outlines the costs to be paid to Amtrak for inspection services during the course of the project, which costs Amtrak estimates at \$57,370.00. Attached, please find a drawing that depicts the project area and the access route to be used by the Contractor within the MDOT railroad right-of-way.

Construction is expected to start in mid-Summer of 2019 and be completed prior to the start of the U of M 2019 fall semester and home football season. As part of the work, it will be necessary to close Fuller Street near the intersection of Glen Avenue and Fuller Road for the entire duration of the project so that the construction can be undertaken. A detour route will be posted. Engineering will coordinate the detour and construction with stakeholders and the public in general.

**Budget/Fiscal Impact:** The estimated total cost associated with this temporary permit to enter is \$57,370.00 and is included in the approved Sanitary Sewer Capital Budget with proceeds from Developer Offset Mitigation fees.

Prepared by: Nicholas S. Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The City of Ann Arbor is undertaking a project to divert sanitary sewer flows between two major trunkline sanitary sewers in order to eliminate sanitary sewer overflows and provide a high level of service in each trunk sewer;

Whereas, During the design process it was determined necessary that access to the project's work site via the railroad right-of-way is in order so that the Contractor can effectively construct the project;

Whereas, It is necessary to enter into a Temporary Permit to Enter (TPE) agreement with the National Railroad Passenger Corporation (Amtrak) that manages the rail traffic and issues permits for work with the right-of-way on behalf of MDOT in order to effectively complete the work of the project;

Whereas, The TPE defines each parties rights and responsibilities, terms of payments to be made to Amtrak for their services, and other necessary obligations; and

Whereas, Funding for this work is available in the approved Sanitary Sewer Capital Budget with proceeds from Developer Offset Mitigation fees.

RESOLVED, That the City Council approve a Temporary Permit to Enter (TPE) agreement with the National Railroad Passenger Corporation for the purposes of completing the work of the Southside Interceptor Sanitary Diversion Project;

RESOLVED, The TPE agreement be in the amount of up to \$57,370.00 and costs to the City will be invoiced monthly on a time spent and materials used basis in accordance with the terms of the agreement;

RESOLVED, The City Administrator be authorized to approve amendments to the TPE with the National Railroad Passenger Corporation up to \$5,700.00 in order to satisfactorily complete the project's work; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.