



## Legislation Details (With Text)

**File #:** 19-0073      **Version:** 1      **Name:** 2/4/19 - Agreement with MDOT Office of Rail for the Allen Creek Railroad Berm Opening Project  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/4/2019      **In control:** City Council  
**On agenda:** 2/4/2019      **Final action:** 2/4/2019  
**Enactment date:** 2/4/2019      **Enactment #:** R-19-050

**Title:** Resolution to Approve a Contract with the Michigan Department of Transportation (MDOT) for the Allen Creek Railroad Berm Opening Project

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. MDOT Office of Rail Agreement, 2. site\_plan\_010419

Date	Ver.	Action By	Action	Result
2/4/2019	1	City Council	Approved	Pass

Resolution to Approve a Contract with the Michigan Department of Transportation (MDOT) for the Allen Creek Railroad Berm Opening Project

Attached for your review and consideration for approval is a contract with the Michigan Department of Transportation (MDOT) to occupy the railroad right of way for the construction of the Allen Creek Railroad Berm Opening Project.

The railroad berm near the mouth of Allen Creek, in the vicinity of Depot Street and Main Street, just west of the Ann Arbor Amtrak Station, is perpendicular to the overland drainage flow pattern and causes the floodplain in this area of the City to be as deep as 10 feet during heavy storm events. Upstream of the influence of this berm, flood depths are more typically in the 3 to 5 foot range.

There is a known trespassing hazard near the project. The lack of a convenient and reasonable pedestrian access linking the downtown area to the B2B Trail leads to the dangerous and illegal trespassing behavior in the railroad right-of-way. The project will install a large culvert beneath the railroad that will provide safe and legal access to the Border-to-Border (B2B) trail from the population center and eliminate this hazard.

Providing this pedestrian access and eliminating the trespassing hazard is acceptable to the Michigan Department of Transportation (MDOT), which owns the railroad.

In December of 2013, the City and its consultant, OHM Advisors, completed a feasibility study to determine if it was possible to create openings in the railroad berm to accommodate passage of floodwaters, as well as to allow pedestrians to cross safely under the railroad to get to the park facilities to the north. The feasibility study indicated that it would be possible to lower the floodplain elevation in the area by as much as 6.5 feet as well as accommodate non-motorized access under the railroad.

This project includes the installation of two storm water culverts beneath the railroad that when installed will lower the floodplain of Allen Creek in the vicinity of Depot Street and N. Fourth Avenue, just west of the Ann Arbor Amtrak station.

On June 27, 2016, the Michigan State Police-Emergency Management Division (MSP-EM) provided City Staff with a FEMA Hazard Mitigation Assistance Grant agreement for the first phase of a two phase project to create openings in the railroad berm. Phase one consisted of the engineering design, development of construction plans, and preparation of the phase two hazard mitigation grant application.

On January 3, 2017, City Council authorized a Professional Services Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) to assist staff in developing and preparing the construction plans and specifications.

The construction plans and specifications were submitted to the National Railroad Passenger Corporation (Amtrak) for review and approval. Amtrak has provided a letter of no exceptions.

In November of 2018, Michigan State Police-Emergency Management Division (MSP-EM) notified the City Staff that the City has received a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant for the construction of the storm water portion of the Allen Creek Berm Opening Project.

The City has also been awarded a Transportation Alternatives Program (TAP) Grant to fund a portion of the non-motorized elements of the Allen Creek Berm Opening Project. In addition, the City has also received a Michigan Department of Natural Resources Trust Fund Grant to fund a portion of the non-motorized elements of the Allen Creek Berm Opening Project.

#### Budget/Fiscal Impact

The cost of this project is within the City's Capital Improvement Plan and appropriate Capital Budgets. This agreement has no budgetary impacts.

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

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Allen Creek Railroad Berm Opening is included in the 2018-2023 Capital Improvements Plan (CIP);

Whereas, It is desired to create openings in the railroad berm to accommodate passage of floodwaters and to allow pedestrians to cross safely under the railroad to access the park facilities to the north; and

Whereas, the Michigan Department of Transportation owns the railroad tracks and is in support of this project;

RESOLVED, That City Council approves the attached agreement with the Michigan Department of Transportation (MDOT) for occupancy of the railroad right-of-way for the construction of the Allen Creek Railroad Berm Opening Project;

RESOLVED, That Mayor and City Clerk be authorized and directed to execute the Agreement after approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.