



Legislation Text

File #: 17-0443, **Version:** 1

Resolution to Approve a Design Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$97,020.00 for Review of Design Plans for the Allen Creek Railroad Berm Opening Project

Attached for your review and consideration for approval is a resolution authorizing a Design Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$97,020.00 for the review of the design plans for the Allen Creek Railroad Berm Opening Project.

In 2007, City Council approved a Flood Mitigation Plan, which included a recommendation to study the Allen Creek railroad berm. The railroad berm is oriented perpendicular to the overland drainage flow pattern of Allen Creek and causes the floodplain depth in this area of the City to be as deep as 10 feet.

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. One of the options, which includes pedestrian access, was determined to be acceptable to the Michigan Department of Transportation (MDOT), who is the owner of the railroad, and was selected as the preferred option.

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 will consist of the engineering design, development of construction plans, and preparation of the phase two-hazard mitigation grant application. Phase one is estimated to take one year to complete. Phase two is the construction phase, and is expected to occur in the summer of 2018.

On January 3, 2017, Council approved a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) to finalize the engineering design, prepare construction plans and prepare the phase two FEMA Hazard Mitigation grant application.

While MDOT owns the railroad tracks, Amtrak will be the primary approval agency. Prior to beginning design review, Amtrak requires the City to enter into a design phase agreement and to remit payment to Amtrak in the amount of \$97,020.00. This amount represents Amtrak's cost estimate for their participation in the design phase of the Project, which shall be applied to Amtrak's costs as they are incurred. Upon completion of the design phase, Amtrak shall return to the City any portion of this advance deposit that has not been expended by Amtrak.

Budget/Fiscal Impact

Funding for the Amtrak advance payment is available in the existing Allen Creek Railroad Berm project budget.

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 2017-2022 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;

Whereas, While the Michigan Department of Transportation owns the railroad tracks, and the National Railroad Passenger Corporation (Amtrak) will be the primary approval agency;

Whereas, Prior to beginning design review, Amtrak requires the City to enter into a design phase agreement and to remit payment to Amtrak in the amount of \$97,020.00;

Whereas, It is necessary to enter into a Design Phase Agreement with the Amtrak for the review of the design plans for the Allen Creek Railroad Berm Opening Project; and

Whereas, Funding for the Amtrak advance payment is available in the existing Allen Creek Railroad Berm project.

RESOLVED, That City Council approve a design phase agreement with National Railroad Passenger Corporation (Amtrak) in the amount of \$97,020.00 for the review of the design plans for the Allen Creek Railroad Berm Opening Project;

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

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

Sponsored by: Councilmembers Kailasapathy and Frenzel