



Legislation Details (With Text)

File #: 19-1193 **Version:** 1 **Name:** 8/19/19 - Amtrak Construction Phase Agreement for the Allen Creek Railroad Berm Opening Project

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Title: Resolution to Approve a Construction Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$136,635.00 for the Allen Creek Railroad Berm Opening Project

Sponsors:

Indexes:

Code sections:

Attachments: 1. site_plan_010419.pdf, 2. City of Ann Arbor CN Agmt_Allen Creek Project_Execution Copy.pdf

Date	Ver.	Action By	Action	Result
8/19/2019	1	City Council	Approved	Pass

Resolution to Approve a Construction Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$136,635.00 for the Allen Creek Railroad Berm Opening Project

Attached for your review and consideration for approval is a resolution authorizing a Construction Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$136,635.00 for the review of shop drawings for items in the railroad right-of-way, for inspection services of construction performed in the railroad right-of-way, and for removal and installation of railroad infrastructure (ties, track, ballast, etc.) during the railroad outage.

This project will lower the floodplain depth at 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. In addition, the project will install a large culvert beneath the railroad that will provide safe and legal access from the downtown area to the Border to Border Trail.

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

While MDOT owns the railroad tracks, Amtrak will be the primary approval agency. Prior to beginning construction in the railroad right-of-way, Amtrak requires the City to enter into a construction phase agreement and to remit payment to Amtrak in the amount of \$136,635.00. This amount represents Amtrak’s cost estimate for their participation in the construction phase of the Project, which shall be applied to Amtrak’s costs as they are incurred. Upon completion of the construction phase, Amtrak shall return to the City any portion of this advance deposit that has not been expended by Amtrak.

Budget/Fiscal Impact

This project is included in the 2018-2023 Capital Improvement Plan. Funding for the project is available from various grants and is included in the Stormwater and Alternative Transportation approved Capital Budgets. The breakdown of estimated project costs and revenues for this project are as follows:

Estimated Project Cost

Construction Costs	\$5,308,521.00
Design Costs & Easements	\$811,300.00
Construction Engineering	\$700,000.00
Fiber Optic Force Account Costs	\$200,000.00
Estimated Amtrak Engineering & Force Account	<u>\$342,000.00</u>
TOTAL	\$7,361,821.00

Estimated Revenue

MDOT TAP	\$971,250.00
WATS STP Urban	\$315,000.00
FEMA Funding (Design & Construction)	\$3,712,332.00
DNR Trust Fund Grant	<u>\$300,000.00</u>
Outside Funding sub-total	\$5,298,582.00
City Share Storm	\$1,410,239.00
City Share Alt. Transportation	<u>\$653,000.00</u>
City Funding sub-total	\$2,063,239.00
TOTAL	\$7,361,821.00

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;

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 construction, Amtrak requires the City to enter into a Construction Phase Agreement and to remit payment to Amtrak in the amount of \$136,635.00 for the for the review of shop drawings for items in the railroad right-of-way, for inspection services of construction performed in the railroad right-of-way, and for removal and installation of railroad infrastructure (ties, track, ballast, etc.) during the railroad outage; and

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

RESOLVED, That City Council approve a Construction Phase Agreement with The National Railroad Passenger Corporation (Amtrak) in the amount of \$136,635.00 for the Allen Creek Railroad Berm Opening Project;

RESOLVED, That a contingency amount of \$13,365.00 be established within the project budget and that the City Administrator is authorized to approve amendments or change orders to the Construction Phase Agreement with The National Railroad Passenger Corporation (Amtrak) not to exceed that amount in order to satisfactorily complete this project;

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

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