



## CITY COUNCIL AGENDA ITEMS

**To:** Mayor Graham and City Council  
**From:** Dennis Sullivan, Director of Engineering & Public Works  
Walter Denton, City Administrator  
**Date:** November 2, 2009  
**Subject:** Resolution – Supporting Right of Entry Agreement with CSX Transportation for Geotechnical Data Collection at Venita Drive Rail Crossing.

**List of committees that have reviewed:** None

**Background:** The improvements contemplated in the overpass crossing have been provided to IDOT and the FHWA (Federal Highway Administration). They have requested additional geotechnical data from the CSX right of way at Venita Drive. To allow collection of that data, our contractor must gain access to the area. To garner permission from CSX Transportation, the City must either prove it has Railroad Protective Liability Insurance or pay a risk fee of \$3,000. Additionally to allow scheduling of a CSX Flagman to accompany the contractor and sub-contractors as the case may be a \$150 scheduling fee is required as well. The agreement is attached for your information.

**Legal considerations, if any:** None, beyond ensuring the activities meet CSX and ICC (Illinois Commerce Commission) requirements.

**Budget impact:** The fees in the amount of \$3,150 will be paid from the Public Works' Street Division funding and reimbursed to that fund when the paperwork for MFT use is approved.

**Staff recommendation:** Staff recommends approval of a resolution authorizing the Mayor to sign the agreement with CSX Transportation for \$3,150.