



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JUNE 18, 2024**

**FROM: PUBLIC WORKS DEPARTMENT** **WARD: 1**

**SUBJECT: CRIDGE STREET RAIL CROSSING QUIET ZONE – APPROVAL OF AGREEMENTS WITH BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY, UNION PACIFIC RAILROAD, AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY FOR RAIL CROSSING IMPROVEMENTS RELATED TO THE ESTABLISHMENT OF A RAILROAD QUIET ZONE; AUTHORIZE PROJECT FUND TRANSFER**

## **ISSUES:**

Approve the Grade Crossing Improvements Construction and Maintenance Agreement with Burlington Northern Santa Fe Railway Company, a Delaware corporation, for the Cridge Street railroad crossing improvements in the amount of \$4,736,444.84; approve the Construction and Maintenance Agreement for Cridge Street Highway-Rail At-Grade Crossing with Southern California Regional Rail Authority in the amount of \$1,079,804.00; approve the Authorization and Reimbursement Agreement with Union Pacific Railroad Company, a Delaware corporation, for crossing improvements in the amount of \$520,240.00; and authorize a project fund transfer in the amount of \$2.25 million in surplus Measure A funds from the Misc Railroad Project Management account to the BNSF/UP QZ-Panorama/Cridge project account.

## **RECOMMENDATIONS:**

That the City Council:

1. Approve the Grade Crossing Improvements Construction and Maintenance Agreement with Burlington Northern Santa Fe Railway Company (BNSF) for the Cridge Street rail crossing improvements in the amount of \$4,736,444.84;
2. Approve the Construction and Maintenance Agreement for Cridge Street Highway-Rail At-Grade Crossing with Southern California Regional Rail Authority (SCRRA) in the amount of \$1,079,804.00;
3. Approve the Authorization and Reimbursement Agreement with Union Pacific Railroad Company (UP) for the Cridge Street rail crossing improvements in the amount of \$520,240.00;
4. Authorize the Chief Financial Officer, or designee, to record a transfer in the amount of \$2,250,000 in surplus Measure A funds from the Misc Railroad Project Management account to the BNSF/UP QZ-Panorama/Cridge account; and

5. Authorize the City Manager, or designee, to execute the railroad agreements with BNSF, SCRRA, and UP, including making minor and non-substantive changes.

## **BACKGROUND:**

On October 21, 2016, the City filed a Notice of Establishment for a new quiet zone corridor covering 11 highway at-grade crossings and 1 pedestrian at-grade crossing (La Sierra Metrolink Station) from Buchanan Avenue to Mary Street.

On December 5, 2016, the City filed a Notice of Establishment for a new quiet zone corridor covering 4 highway at-grade crossings on the Perris-Valley Line (Marlborough Ave., Spruce St., Blaine St., and Mt. Vernon Ave.)

On November 19, 2019, the City Council received a Quiet Zone projects update. Following discussion and without formal motion, the City Council received and ordered filed the update on the Railroad Quiet Zone projects for Panorama Road to Cridge Street, Palm to Brockton Avenues, and Mission Inn Avenue/Third Street/Spruce Street.

## **DISCUSSION:**

The Cridge Street Rail Crossing Quiet Zone project (Attachment 1) when completed will establish a railroad Quiet Zone and eliminate the routine sounding of the train horns at Cridge Street rail crossing. The Cridge Street rail crossing is maintained and operated by BNSF, SCRRA (a.k.a. Metrolink), and UP railroads. BNSF owns and maintains the 3 easterly tracks and the easterly gates and warning devices. SCRRA owns and maintains the most westerly track. UP owns and maintains the westerly gates and warning devices. As a result, the City is required to enter into a separate agreement with each railroad.

The Public Works Department has negotiated agreements with BNSF (Attachment 2), SCRRA (Attachment 3), and UP (Attachment 4) for the construction of the crossing improvements needed to establish a Quiet Zone at the Cridge Street rail crossings. The agreements outline each parties' obligations during and after the construction of the improvements.

Under the terms of the agreements:

BNSF, at the City's sole cost and expense, will furnish all labor, materials, tools and equipment to:

- Remove the existing easterly warning device (one gate mechanism) and install two new vehicular gate mechanisms (one entrance gate and one exit gate).
- Install one pedestrian gate mechanism.
- Extend the most easterly track concrete surface.
- Install four crossing signal control houses and equipment.
- Install vehicle detection system.
- Interconnect the BNSF crossing signal equipment to the UP equipment on the northwest side of the crossing.

The total agreement amount with BNSF, for the construction of the above improvements, is \$4,736,444.84 and includes a \$2,500.00 administrative fee, \$5,044.84 temporary construction license fee, and \$28,500.00 for a permanent street easement needed to construct the street improvements.

SCRRA, at the City's sole cost and expense, will furnish all labor, materials, tools and equipment to reconstruct the subgrade beneath the SCRRA track through the crossing and to replace the existing concrete track panels to current SCRRA standards. The total agreement amount with SCRRA for the construction of these improvements is \$1,079,804.00.

UP, at the City's sole cost and expense, will furnish all labor, materials, tools and equipment to remove the existing westerly warning device (one gate mechanism) and install two new vehicular gate mechanisms (one entrance gate and one exit gate), and one pedestrian gate mechanism. The total agreement amount with UP for the construction of these improvements is \$520,240.00.

Concurrent with the above improvements, the City, at its sole cost and expense, shall construct all the necessary street improvements. The street improvements consist of construction of a concrete sidewalk on the north side of the crossing, construction of concrete curbs and gutters, installation of fencing and emergency pedestrian exit gate systems at both sides of the crossing, repaving of the road between Vine Street and Commerce Street, and installation of signing and striping.

City shall pay to BNSF and UP the City's share of the annual inspection and maintenance costs of the additional active warning devices. The City's share of the annual inspection and maintenance cost is estimated at \$40,000 for the first year of operation and will be subject to annual adjustments for future costs as long as the Quiet Zone is in operation.

In the event the crossing signal equipment is damaged or destroyed by any other cause (except BNSF's sole negligence), City must reimburse BNSF for the costs to replace or repair such crossing signal equipment and/or crossing signal house.

If the crossing signal equipment and/or crossing signal house installed cannot, through age, be maintained, or by virtue of its obsolescence, requires replacement, the cost of installation of the new crossing signal equipment and/or new crossing signal bungalow will be negotiated by the parties hereto on the basis of the current Federal Aid Railroad Signal Program participation.

Construction of the project is expected to start in early 2025, and last approximately two months. Upon completion of the project, a Notice of Quiet Zone Establishment (NOQZE) will be filed by the City. The Quiet Zone can be established no earlier than 21 days after the date on which the NOQZE is mailed.

### **STRATEGIC PLAN ALIGNMENT:**

This item aligns with **Strategic Priority 6 – Infrastructure, Mobility, and Connectivity** by improving safety, circulation, and providing critical infrastructure for our community to thrive and is in accordance with **Goal 6.2** – Maintain, protect, and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

Furthermore, this project aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside is transparent and makes decisions based on sound policy,

inclusive community engagement, involvement of City Boards and Commissions, and timely and reliable information. Activities and actions by the City serve the public interest, benefit the City's diverse populations, and result in greater public good.

2. **Equity** – After Project completion and upon regulatory approval, the train horn will be eliminated to allow for improved quality of life for all the neighborhoods surrounding the Cridge Street crossing.
3. **Fiscal Responsibility** – Riverside is a prudent steward of public funds and ensures responsible management of the City's financial resources while providing quality public services to all. Public Works responsibly manages a variety of funding sources to complete projects included in the City's Capital Improvement Program.
4. **Innovation** – This project utilizes the most up-to-date warning devices and sensors to ensure efficiency and safety at the Cridge Street rail crossing for all modes of transportation.
5. **Sustainability & Resiliency** – Riverside is committed to meeting the needs of the present without compromising the needs of the future and ensuring the City's capacity to persevere, adapt and grow during good and difficult times alike. The construction materials specified for this project are considered the most reliable and sustainable in the industry standards for these applications.

### **FISCAL IMPACT:**

The total fiscal impact of the action is \$6,336,488.84. The estimated total project cost including design, construction, construction engineering, construction work by the railroads, railroad flagging, and contingencies is itemized in Table 1 below. Upon Council approval a budget adjustment will be recorded to move unexpended funds from the Misc Railroad Project Management account to the BNSF/UP QZ-Panorama/Cridge project account as indicated in Table 2 below. With the transfer of Measure A funds indicated in Table 2 below, sufficient funds will be available in the expenditure accounts shown in Table 3 below.

Table 1 – Project Costs

<b>Task</b>	<b>Amount</b>
Design Engineering (In House) – Includes \$49,500 in administrative costs by BNSF	\$ 400,000.00
City Construction	\$ 550,000.00
Construction Engineering	\$100,000.00
Construction Work (by Railroad)	\$6,336,488.84
Railroad Flagging	\$300,000.00
Contingencies	\$313,511.16
<b>Total:</b>	<b>\$8,000,000.00</b>

Table 2 – Project Fund Transfer

<b>Fund</b>	<b>Project</b>	<b>Account</b>	<b>Amount</b>
Measure A	Misc Railroad Project Management – 2009 Measure A	9586630-440313	(\$2,250,000.00)
		<b>Total Reduction:</b>	<b>(\$2,250,000.00)</b>
	BNSF/UP QZ-Panorama/Cridge – 2009 Measure A	9593430-440313	\$2,250,000.00
		<b>Total Additions:</b>	<b>\$2,250,000.00</b>

Table 3 – Project Funding

<b>Fund</b>	<b>Project/Program Task</b>	<b>Account</b>	<b>Amount</b>
Measure A	BNSF/UP QZ-Panorama/Cridge – 2009 Measure A	9593430-440313	\$3,197,293.35
	BNSF/UP QZ-Panorama/Cridge – Measure A Special	9593432-440312	\$4,681,433.33
	BNSF/UP QZ-Panorama/Cridge - Measure A	9593430-440302	\$121,273.32
<b>Total:</b>			<b>\$8,000,000.00</b>

Prepared by:	Farshid Mohammadi, Engineering Manager
Approved by:	Gilbert Hernandez, Public Works Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Kris Martinez, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

## Attachments:

1. Location Map
2. BNSF Agreement
3. SCRRA Agreement
4. UP Agreement
5. Presentation