

INTRODUCED: November 13, 2023

AN ORDINANCE No. 2023-333

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute an Agreement between the City of Richmond, the Virginia Department of Transportation, and CSX Transportation, Inc., for the purpose of constructing a concrete surface crossing at the crossing for CSX Transportation, Inc.'s railroad tracks on Hopkins Road.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 11 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

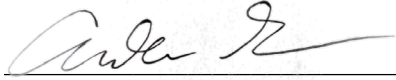
§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute an Agreement between the City of Richmond, the Virginia Department of Transportation, and CSX Transportation, Inc., for the purpose of constructing a concrete surface crossing at the crossing for CSX Transportation, Inc.'s railroad tracks on Hopkins Road. The Agreement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

AYES: 8 NOES: 0 ABSTAIN: _____

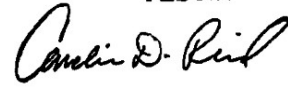
ADOPTED: DEC 11 2023 REJECTED: _____ STRICKEN: _____

APPROVED AS TO FORM:



City Attorney's Office

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2023-1781

File ID: Admin-2023-1781

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department: Public Works

Cost:

File Created: 10/20/2023

Subject: TRI-PARTY AGREEMENT FOR THE CONSTRUCTION OF A CONCRETE CROSSING SURFACE AT THE RAILROAD AT HOPKINS ROAD (DOT NO. 623635A)

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 11/13/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1781 WD - Agmt - Tri-Party Hopkins AG AATF.pdf, Admin-2023-1781 Tri-party Agreement for Hopkins Road Crossing.pdf, Admin-2023-1781 OR Transmittal Letter Hopkins Road CSX Crossing Tri Party Agreement UPC 110971 10162023.doc

Enactment Number:

Contact:

Introduction Date: 11/13/2023

Drafter: Michael.Sawyer@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/20/2023	M.S. Khara	Disapprove	10/24/2023
Notes: Please save all attachments starting with File ID # as required by Granicus Process and resubmit. Thanks.					
1	2	10/20/2023	M.S. Khara	Approve	10/24/2023
Notes: Please save all attachments starting with File ID # as required by Granicus Process and resubmit. Thanks.					
1	3	10/25/2023	Bobby Vincent	Approve	10/24/2023
1	4	10/25/2023	Robert Steidel - FYI	Notified - FYI	
1	5	10/27/2023	Lincoln Saunders	Approve	10/27/2023
1	6	11/9/2023	Mayor Stoney (By Request)	Approve	10/31/2023
1	7	11/9/2023	Mayor Stoney	Approve	11/13/2023
Notes: Hagensj -- We added this line for Clarity in that it was the Mayor head of Admin approve this request and not the clerk's Mantel Account to denote another from the admin was approving this. Per: From: Hayes Jr., Cordell - Mayor's Office <Cordell.HayesJr@rva.gov> Sent: Thursday, November 9, 2023 11:52 AM To: Hagen, Kit - DIT <Kit.Hagen@rva.gov>					

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-1781

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 16, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Bobby Vincent Jr., Director, Department of Public Works

FROM: M.S. Khara, P.E., City Engineer, Department of Public Works

RE: **TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY AGREEMENTS TO ENTER INTO A TRI-PARTY AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION, CSX TRANSPORTATION, INC., AND THE CITY OF RICHMOND FOR THE CONSTRUCTION OF A CONCRETE CROSSING SURFACE AT THE RAILROAD AT HOPKINS ROAD (DOT NO. 623635A)**

ORD. OR RES. No.

PURPOSE: To authorize the Chief Administrative Officer or his designee, for and on behalf of the City of Richmond, to enter into a tri-party agreement with the Virginia Department of Transportation (VDOT), CSX Transportation, Inc. (CSXT), and the City of Richmond for CSXT to construct a pre-fabricated full depth concrete surface crossing on Hopkins Road (DOT No. 623635A) in accordance with plans prepared by CSXT.

BACKGROUND: As part of the City of Richmond’s ongoing initiative to maintain its infrastructure and promote safe access through its street network, the City supports the use of federal grants to upgrade the condition of existing railroad grade crossings. This particular grant provides for the

construction of a prefabricated full depth concrete crossing by CSXT. The estimated cost by CSXT is \$357,004, which will be paid directly to CSXT by VDOT. Per the agreement, CSXT will perform construction on the railroad crossing with all expenses reimbursed by VDOT. This agreement benefits all the parties to construct a new pre-fabricated full depth concrete surface crossing in accordance with plans prepared by CSXT. United States Code “Fixing America’s Surface Transportation Act (FAST ACT)” provides funds for construction with no additional funding required from the City of Richmond.

COMMUNITY ENGAGEMENT: None. A formal public hearing of this paper will be conducted thru City Council Land Use and Transportation Committee. The Department of Public Works recommends approval of this maintenance replacement activity for the benefit of the users crossing the CSXT rail on Hopkins Road.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan (Objective 9.5 Improve 80% of street pavement to a condition index of good or better.); No other governmental entity needs to review.

FISCAL IMPACT: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation Committee (LUHT)

AFFECTED AGENCIES: Public Works; Law Department; Planning & Development Review; Public Utilities; Assessor; Finance; Budget and Strategic Planning; Fire Department; Police Department, Mayor’s Office, and CAO’s Office

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: Project: U000-127-018-FS701-P101 Standard Tri-Party Agreement with VDOT, CSXT, and the City of Richmond

STAFF: Prepared for Bobby Vincent, Jr., Director, DPW (646-6444)
Prepared by M.S. Khara, City Engineer, DPW (646-5413)
Coordinated By: Michael B. Sawyer, City Transportation Engineer DPW

City of Richmond

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Route: Hopkins Road

Project: U000-127-018-FS701-P101

CSX Transportation, Inc.

Install Concrete Surface Crossing

DOT No. 623635A MP AR-2.62

Southern East Zone – North End Subdivision

City of Richmond, VA

UPC 110971 CSXT OP# VA0633

Hopkins Road
UPC 110971
CSXT OP# VA0633

Route: Hopkins Road
Project: U000-127-018-FS701-P101
CSX Transportation, Inc.
Install Concrete Surface Crossing
DOT No. 623635A MP AR-2.62
Southern East Zone – North End
Subdivision
City of Richmond, VA
UPC 110971 CSXT OP# VA0633

THIS AGREEMENT dated this _____ day of _____, 2023, by and among the COMMONWEALTH OF VIRGINIA, acting by and through the STATE Right of Way and Utilities Director for the Virginia Department of Transportation, hereinafter called "STATE", the CSX TRANSPORTATION, INC., hereinafter called "CSXT", and the CITY OF RICHMOND, VA, a municipal corporation of the Commonwealth of Virginia, hereinafter called "CITY".

WITNESSETH THAT:

WHEREAS it is proposed by the parties hereto install concrete surface crossing at the crossing of CSXT and Hopkins Road, in the City of Richmond, Virginia, DOT No. 623635A; MP: AR-2.62 and

WHEREAS, United STATES Code "Fixing America's Surface Transportation Act (FAST ACT)", including amendments and revisions thereof, has become effective providing part of the funds for the construction of warning devices such as contemplated herein; and

Hopkins Road
UPC 110971
CSXT OP# VA0633

WHEREAS the said parties wish to agree as to the manner of carrying out the requisite work, the costs, and expenses to be borne by each and the time of payment, therefore.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter set forth, the parties hereto covenant and agree as follows:

SECTION I

CSXT shall perform or cause to be performed all of the work for the installation of a concrete surface crossing in accordance with plans for same prepared by CSXT and made a part of this Agreement by reference, no changes in said plans to be made without approval of STATE, together with such other plans and specifications as may be agreed upon by the parties hereto as necessary to carry out the work fully in accordance with the intent of this Agreement and in accordance with good engineering practices.

SECTION II

CSXT shall furnish an estimate for the work, said estimate in the amount of \$357,004, shall meet the approval of STATE, and upon such approval shall become a part of this Agreement, attached hereto.

SECTION III

In accordance with the Federal - Aid Policy Guide, Subchapter G, Part 646, Subpart B, Section 210, (b) (1) and revisions and supplements thereto, this Project is not deemed to be of any benefit to CSXT and therefore no monetary participation shall be required of CSXT. It is understood that the construction of the Project herein contemplated is to be

Hopkins Road
UPC 110971
CSXT OP# VA0633

financed from funds provided by the Federal and STATE Governments and expended under Federal regulations; all plans, specifications, estimates of costs, awards of contract, acceptance of work and procedures in general are always subject to Federal laws, rules and regulations, orders, and approvals applicable to Federal projects of the character herein contemplated. CSXT shall render its bills for actual costs and expenses incurred by it on account of the Project in accordance with Federal - Aid Policy Guide, Subchapter B, Part 140, Subpart I of the Federal Highway Administration and revisions and supplements thereto. STATE agrees to promptly pay CSXT's bills upon receipt thereof. Any items paid CSXT by STATE and not approved by the Federal Highway Administration in accordance with Federal regulations in their final audit will be promptly refunded STATE by CSXT upon submission of the items so disapproved.

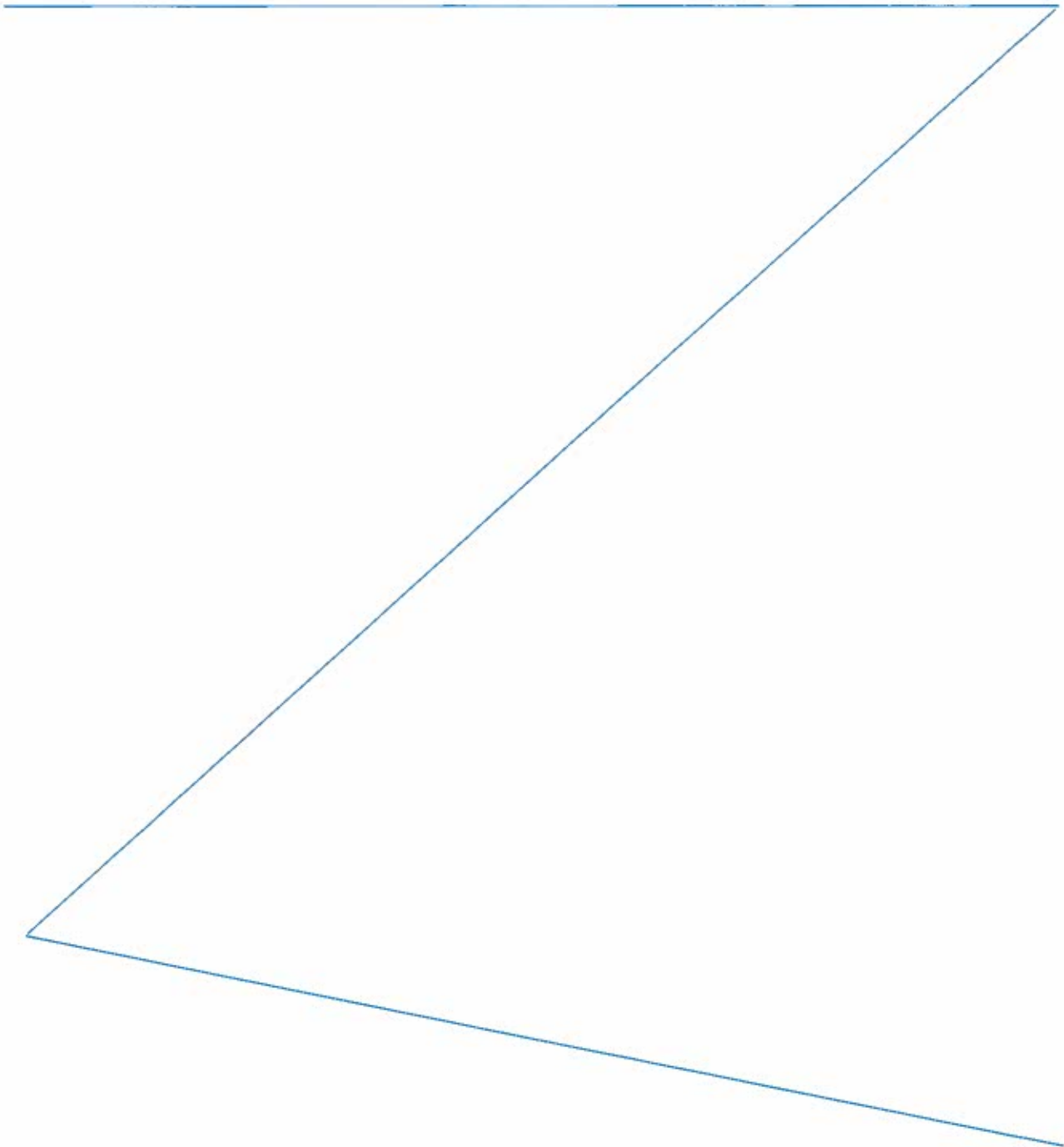
SECTION IV

After the prefabricated full depth concrete crossing surface is installed, it shall thereafter be maintained in good condition by CSXT throughout the useful life of such crossing, and when it becomes necessary to replace or rebuild the crossing surface, CSXT will replace the crossing surface in accordance with its standards at that time. In the event the Government Agency responsible for maintaining the road desires a crossing surface other than CSXT's standard, the cost differential between the Agencies' preferred crossing surface type and CSXT's standard crossing surface type shall be borne by State. In the event funds are made available by Federal or State laws or regulations for the purpose of assuming, in whole or in part, the expense of maintaining grade crossing surfaces, nothing herein shall continue to obligate CSXT to bear such expense to the extent that such public funds are made available for such purposes. The Agreement shall be binding upon the legal representative and assigns of the respective parties thereto.

Hopkins Road
UPC 110971
CSXT OP# VA0633

SECTION V

This Agreement when properly executed shall be binding upon the parties hereto and their respective successors and assigns.



Hopkins Road
UPC 110971
CSXT OP# VA0633

IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate, each by its duly authorized officers, all as of the day, month, and year hereinabove first written.

COMMONWEALTH OF VIRGINIA
Department of Transportation

WITNESS:

By _____
Lori A. Snider
Title: State Right of Way and Utilities Director

CSX TRANSPORTATION, INC.

WITNESS:

By Tony C. Bellamy
Tony Bellamy
Title: Senior Director Design & Construction

CITY OF RICHMOND
VIRGINIA

WITNESS:

By _____
Title: _____

Approved as to form:



Senior Assistant City Attorney

ESTIMATE SUBJECT TO REVISION AFTER: 8/10/2024 DOT NO.: 623635A
 CITY: Richmond COUNTY: Richmond STATE: VA
 DESCRIPTION: VA0633 Replace Crossing Surface at N. Hopkins Road
 ZONE: Southern East SUB-DIV: North End MILE POST: AR 2.61
 AGENCY PROJECT NUMBER: 0

PRELIMINARY ENGINEERING:

212 Contracted & Administrative Engineering Services 0
 Subtotal 0

CONSTRUCTION ENGINEERING/INSPECTION:

212 Contracted & Administrative Engineering Services 3000
 Subtotal 3000

FLAGGING SERVICE: (Contract Labor)

70 Labor (Conductor-Flagman) 0 Days @ \$ 350.00 0
 50 Labor (Foreman/Inspector) 0 Days @ \$ 504.00 0
 70 Additive 182.00% (Transportation Department) 0
 50 Additive 223.00% (Engineering Department) 0
 Subtotal 0

SIGNAL & COMMUNICATIONS WORK: 7000

TRACK WORK: 314549

PROJECT SUBTOTAL: 324549

900 CONTINGENCIES: 10.00% 32455

PROJECT TOTAL: ***** 357004

CURRENT AUTHORIZED BUDGET: ***** 0

TOTAL SUPPLEMENT REQUESTED: ***** 357004

DIVISION OF COST:

Agency 100.00% 357004
 Railroad 0.00% 0

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Chief Engineer Public Projects-- Jacksonville, Florida

Estimated prepared by: M. Liebelt Approved by: 0 CSXT Public Project Group
 DATE: 08/10/23 REVISED: 01/00/00 DATE: 01/00/00