Risk Insurance Review

Risk #: 2433401

Review Title: Construction Agreement with CSX Transportation, Inc. for the replacement of the 46th Avenue North Railroad Crossing.

Granicus/SP#: 24-1724A **PID #:** **Amount:** $ 413,297.00

Point of Contact: Kelli Hammer Levy **Dept:** Public Works **Type of Review:** Service Agreement

Dates/Term: **History:** 21-1583A

Partners/Vendors: CSX Transportation Inc

Additional Insureds Required:

PE to PE, §768.28 Language: Select **Insurance Required:** Yes

Coverage	Limits	Add'l Language/ Exclusions	Justification

Reviewer Comments: 9/19/24 - Exhibit F attached to the agreement requires the County and its contractors carry insurance in compliance with CSX agreement – Certificate of Insurance requested for compliance. Additionally, Exhibit A of the agreement outlines responsibilities of CSXT and Pinellas County. Section 11.1 of the Agreement requires the County to indemnify CSXT, in conflict with County Resolution 06-70. However, the language in this section has been modified by CSXT to limit sovereign immunity in accordance with Florida Statutes 768.28(5), thus the County Attorney deems the risk level to the County

Project Detail: Approval of the construction agreement with CSX Transportation, Inc. (CSXT) for the 46th Avenue North Railroad Reconstruction project.

· Existing asphalt surface to be replaced with new tub (platform-type) crossing surface by CSXT.

· County to install approach roadway paving on each side of new crossing surface.

· Work expected to commence and be completed in winter 2024.

Reviewer: Laura Averill **Date:** 09/19/24 **Manager:** Valerie Edmons **Date:** 09/19/24

Please note: *The Insurance & Contractual Risk Division reviews requests to assess risk, assign insurance requirements and provide compliance reviews for insurance certificates. However, this review does not imply approval for any event, purchase, service or project. It is the requestor's responsibility to obtain all necessary approvals.*