



# Pinellas County

## Legislation Details (With Text)

**File #:** 21-1583A      **Version:** 1

**Type:** Contract/Agreement      **Status:** Passed

**File created:** 8/5/2021      **In control:** Public Works

**On agenda:** 10/26/2021      **Final action:** 10/26/2021

**Title:** Construction Agreement with CSX Transportation, Inc. for the replacement of the Keene Road Railroad Crossing.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. FE\_Agreement with Exhibits, 2. PE\_Agreement with Exhibits, 3. Agreement with Exhibits A-F, Schedule I, Plans, 4. CSX Project Initiation Form, 5. Project Location Map, 6. Resolution 06-70

Date	Ver.	Action By	Action	Result
10/26/2021	1	Board of County Commissioners	approved	Pass

**Subject:**

Construction Agreement with CSX Transportation, Inc. for the replacement of the Keene Road Railroad Crossing.

**Recommended Action:**

Approval of the construction agreement with CSX Transportation, Inc. (CSXT) for the Keene Road (County Road 1) Railroad Reconstruction project.

- Existing concrete 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 2021 with the rail crossing work completed in 3-4 day and total project within 30 days.
- Project is programmed in County’s Capital Improvements Program with Penny for Pinellas funding.

CSXT OP No. FL2763, County PID No. 004506A in the amount of \$398,459.00; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

**Strategic Plan:**

Ensure Public Health, Safety and Welfare

2.1 Provide planning, coordination, prevention and protective services to ensure a safe and secure community.

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs.

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity.

## Deliver First Class Services to the Public and Our Customers

### 5.3 Ensure effective and efficient delivery of county services and support

#### **Summary:**

This agreement establishes the responsibilities between the parties in preparation of construction activities within CSXT's right-of-way for the crossing surface replacement at Keene Road (CR 1) in Clearwater. Work includes replacement of the existing concrete surface with a new tub (platform-type) crossing surface. Rail crossing work is anticipated to take three (3) to four (4) days to complete. The entire project should be completed within approximately thirty (30) days.

#### **Background Information:**

Per the terms of Exhibit A - Allocation of Work contained in the construction agreement, CSXT shall perform: 1) removal of existing crossing surface; 2) installation of new tub (platform-type) crossing surface; 3) rebuild rail and track as necessary; 4) remove and haul away debris related to crossing work; 5) flagging services and other protective services and devices as may be necessary; and 6) construction engineering and inspection services to protect the interests of CSXT.

Per the terms of Exhibit A - Allocation of Work, the County will provide the following services through its contractor(s): 1) install approach roadway paving on each side of the new crossing surface; 2) provide maintenance of traffic and police protection as necessary for CSXT and rail contractor; 3) remove and haul away debris related to County's milling and resurfacing work.

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 acceptable.

#### **Fiscal Impact:**

This agreement is budgeted in the County's Capital Improvement Program: Transportation Function, Railroad Crossing Projects program, project 004189A Railroad Crossing Program PIV funded by the Infrastructure Sales Tax (Penny for Pinellas).

The County's total cost for CSXT's construction services is \$398,459.00. As required by the terms of the agreement, advance payment in full is required upon issuance of a notice to proceed for project activities. The CSXT charges for this type of request are standard and do not typically vary from the amount stated in the agreement. However, in the event that payments received by CSXT from the County exceed the reimbursable expenses, CSXT shall remit such excess to the County, and conversely, should actual expenses exceed the estimate, CSXT shall provide the County with a revised estimate for County approval.

The County's roadways cross CSXT property and require an appropriate crossing material for vehicles to safely cross the tracks. Because the County's roadways encroach on CSXT's property the County is responsible for all costs incurred by CSXT for construction materials, personnel, construction activity, traffic control, and inspection, etc. as defined by the agreement. All State and local agencies having roadways crossing CSXT property are required to follow the procedures outlined in the CSX Public Project Manual.

#### **Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works Department

**Partners:**

CSXT

**Attachments:**

Agreement with Exhibits A - F, Schedule I, Plans

CSX Project Initiation Form

Project Location Map