



# Pinellas County

## Staff Report

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**File #:** 18-936A, **Version:** 1

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### **Subject:**

Construction Agreement with CSX Transportation, Inc. for the crossing surface replacement on McMullen Booth Road.

### **Recommended Action:**

Approval of a Construction Agreement with CSX Transportation, Inc. (CSXT) for the crossing surface replacement on McMullen Booth Road.

Authorize the Chairman to sign and the Clerk of the Circuit Court to attest the agreement.

CSXT OP No. FL2151, County PID No. 002541A for a total cost of \$418,313.00.

### **Strategic Plan:**

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

5.1 Maximize partner relationships and public outreach

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 on McMullen Booth Road. Work includes replacement of the existing concrete surface with a new tub (platform-type) crossing surface.

### **Background Information:**

Per the terms of Exhibit A - Allocation of Work contained in the construction agreement, CSXT shall perform: 1) removal of existing crossing service; 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 paving work.

Additionally, Section 11.1 of the agreement requires the County to indemnify CSXT. The language in

this section has been modified by CSXT to limit sovereign immunity in accordance with Florida Statutes, Section 768.28(5).

**Fiscal Impact:**

Funding for this agreement is budgeted in the County's Capital Improvement Program. The source of funding is provided by the Infrastructure Sales Tax (Penny for Pinellas): Transportation and Traffic Flow, Rail Crossing Improvements program allocation.

The County's total cost for CSXT preliminary engineering and construction services is \$432,813.00, less \$14,500.00 paid to CSXT during the preliminary engineering design phase, for a total revised cost of \$418,313.00. 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.

**Staff Member Responsible:**

Rahim Harji, Assistant County Administrator

**Partners:**

CSXT

City of Clearwater

**Attachments:**

Construction Agreement

Exhibit B - Plans

Project Location Map