



Contract Number: BF-20191384

CROSSING SURFACE INSTALLATION AGREEMENT

BNSF File No.: BF-20191384
Mile Post 531.309
Line Segment 2
U.S. DOT Number 057190R
Brush Subdivision

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of _____, 20____, by and between **CITY OF COMMERCE CITY** (hereinafter called, "**AGENCY**") and BNSF Railway Company (hereinafter called, "**BNSF**" or "**Company**").

WHEREAS, BNSF operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, AGENCY desires to replace the existing concrete crossing surface at 96th Avenue with a new concrete crossing surface ("Project");

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1) **BNSF Work.** The Company will install a new concrete crossing surface for a width of 208 linear feet from the edge of the pavement on the West side of the tracks to the edge of the pavement on East side of the tracks. The new crossing surface will adequately cover all vehicular driving lanes at 96th Avenue. The Company will perform all necessary track upgrades to accommodate the new crossing surface as shown in Exhibit A. In addition, the Company will construct the Project as shown on the attached Exhibit A and do all work provided for in the plans and specifications for the Project with the exception of pavement markings ("Company's Work"). The principal elements of the Company's work are as follows:
 - A. Perform all necessary grading and paving, including backfill of excavations and restoration of disturbed vegetation, on BNSF's right-of-way;
 - B. Ensure stormwater drainage from the crossing occurs, both during and after the Project, consistent with the existing drainage pattern. This shall include the installation of perforated pipes in BNSF right-of-way per BNSF standards;



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C. Construct concrete sidewalk surface on approaches to each track, including detectable warning surfaces per MUTCD and ADA standards; and

D. Job site cleanup including removal of all construction materials, concrete debris, surplus soil, refuse, contaminated soils, asphalt debris, litter and other waste materials to the satisfaction of BNSF.

2) **AGENCY Work.** Agency must install the pavement markings, including stop bar, pursuant to Agency's standards and in compliance with the MUTCD ("Agency's Work"). Agency must furnish all labor, materials, tools and equipment for the performance of Agency's Work.

3) **Payment; Invoicing.** The Parties agree to split the total actual cost of the Project equally with each side paying fifty percent (50%). The total cost of the project is estimated to be five hundred ninety-two thousand eight hundred thirty six and No/100 Dollars (\$592,836.00) or two thousand eight hundred fifty and 17/100 Dollars (\$2850.17) per linear foot. Agency agrees to pay Company one-half of the total actual cost, estimated to be two hundred ninety-six thousand four hundred eighteen and No/100 Dollars (\$296,418.00), upon completion of the Project.

Upon execution of this Agreement by both parties hereto, Company will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Company shall send to Agency a final invoice upon completion detailing the total actual cost of the project and Agency shall pay the final invoice within 30 days of receipt.

4) **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, BNSF will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, BNSF shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

5) **Vehicular Traffic during Installation.** The Company shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular/pedestrian traffic at the 96th Avenue crossing during installation of the new crossing surface with the exception of those required for pavement marking – which will be provided by the AGENCY.



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- 6) **Drainage.** The AGENCY agrees to allow BNSF to drain stormwater from the 96th Avenue crossing area into existing AGENCY storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by BNSF.
- 7) **Roadway Surfacing Work.** The Company agrees to provide, at its sole cost and expense, enough asphalt to cover the distance between the existing roadway surface at 96th Avenue and the new crossing surface on both sides of the track as well as the area between the tracks.
- 8) **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and AGENCY's payment of the amounts set forth in Section 3 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

[Remainder of this page intentionally left blank – signature page(s) follow(s).]



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BNSF Railway Company:

DocuSigned by:
Cheryl L Townlian
3CDF5D5643A34A2...

By: _____

Printed Name: Cheryl L Townlian

Title: Assistant Director of Public Projects

AGENCY:

CITY OF COMMERCE CITY

Jason Rogers, City Manager

ATTEST:

Dylan A Gibson, City Clerk

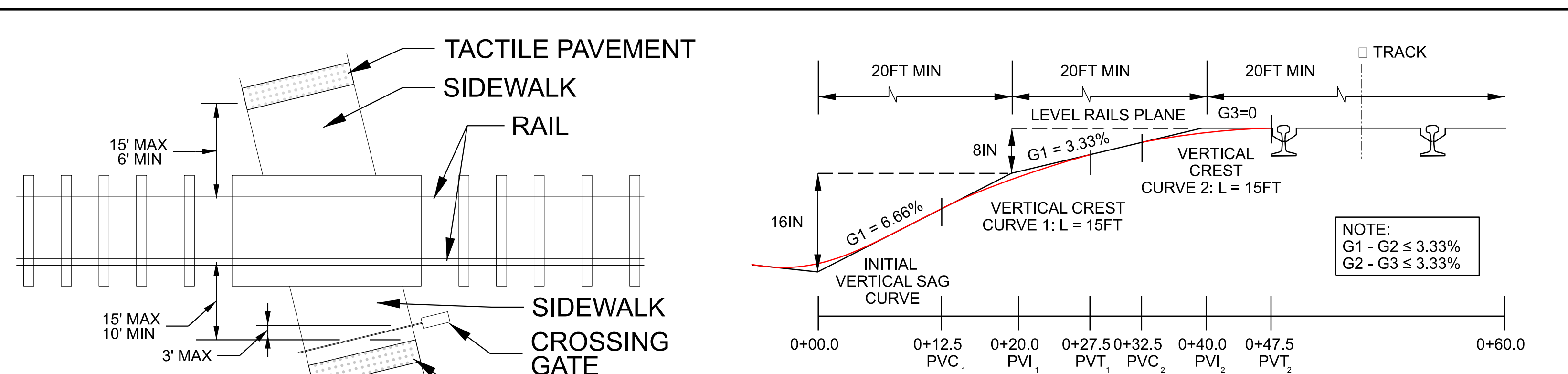
Approved as to form:

Matt Hader, Interim City Attorney

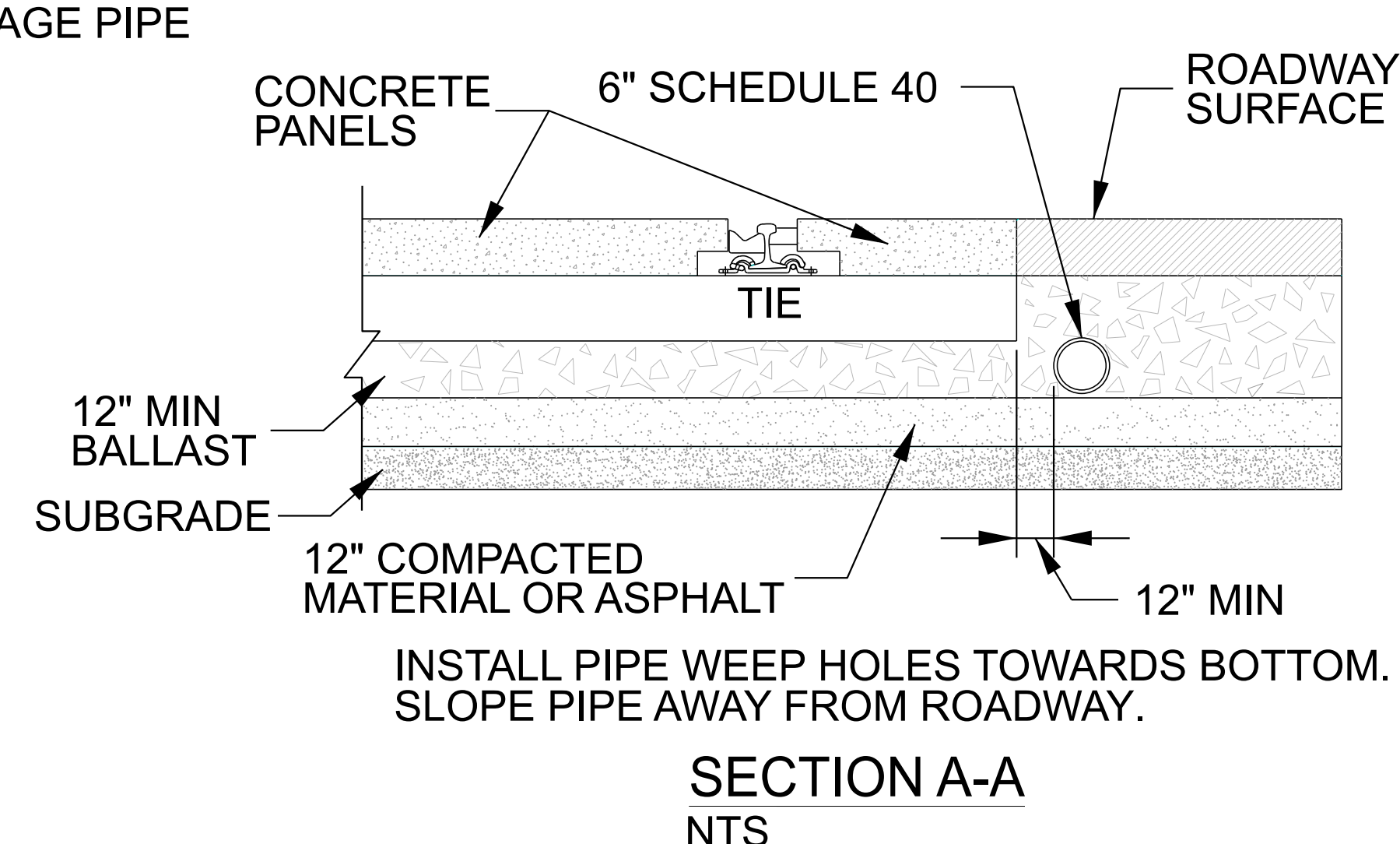
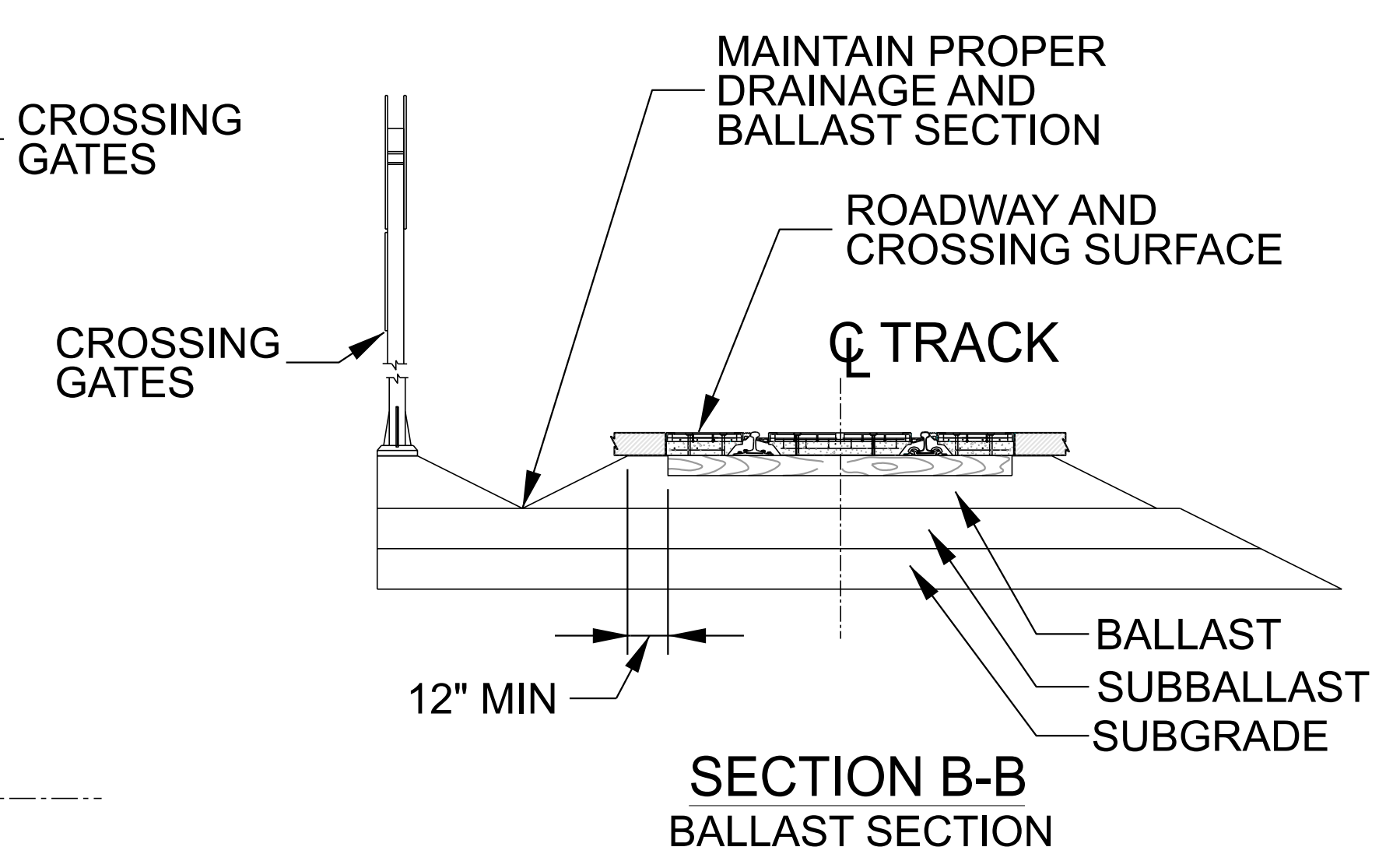
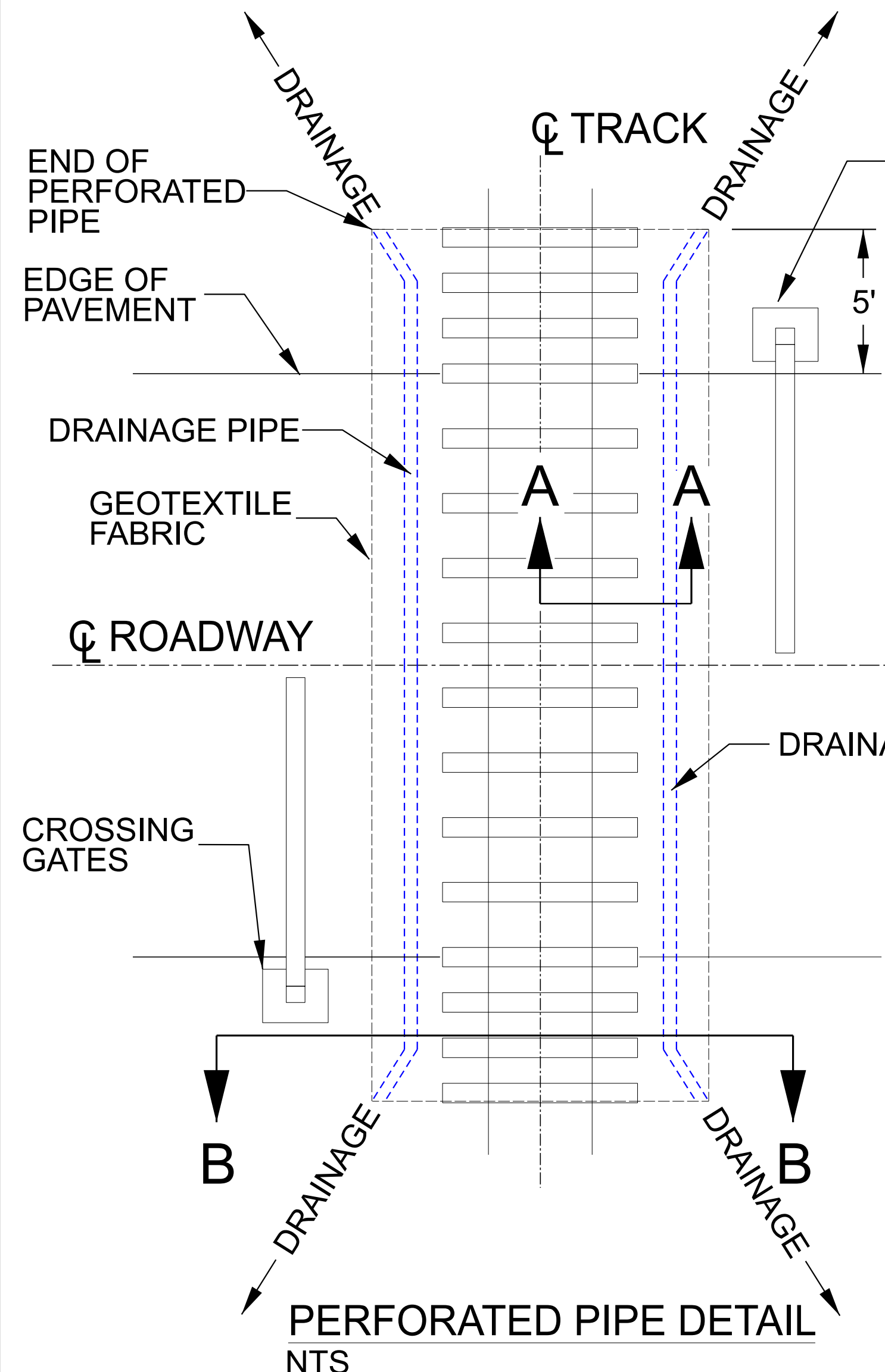


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Exhibit A
Drawing



USE OF THREE VERTICAL CURVES TO AN APPROACH TO A RAILROAD CROSSING PROFILE TO PREVENT HANG-UP OF LOW CLEARANCE VEHICLES
NTS

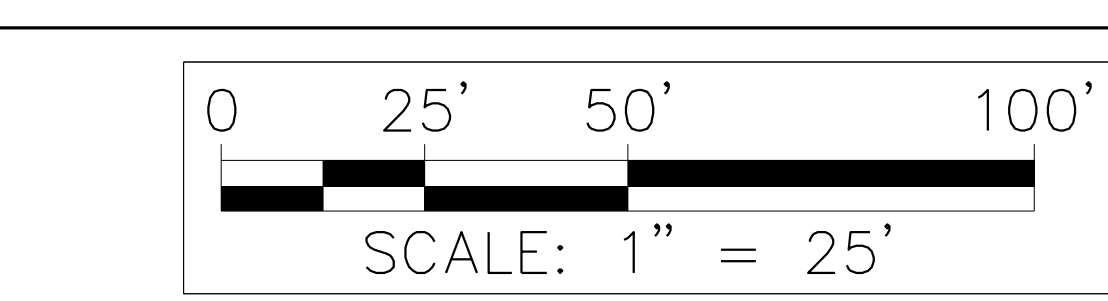


BNSF WORK:

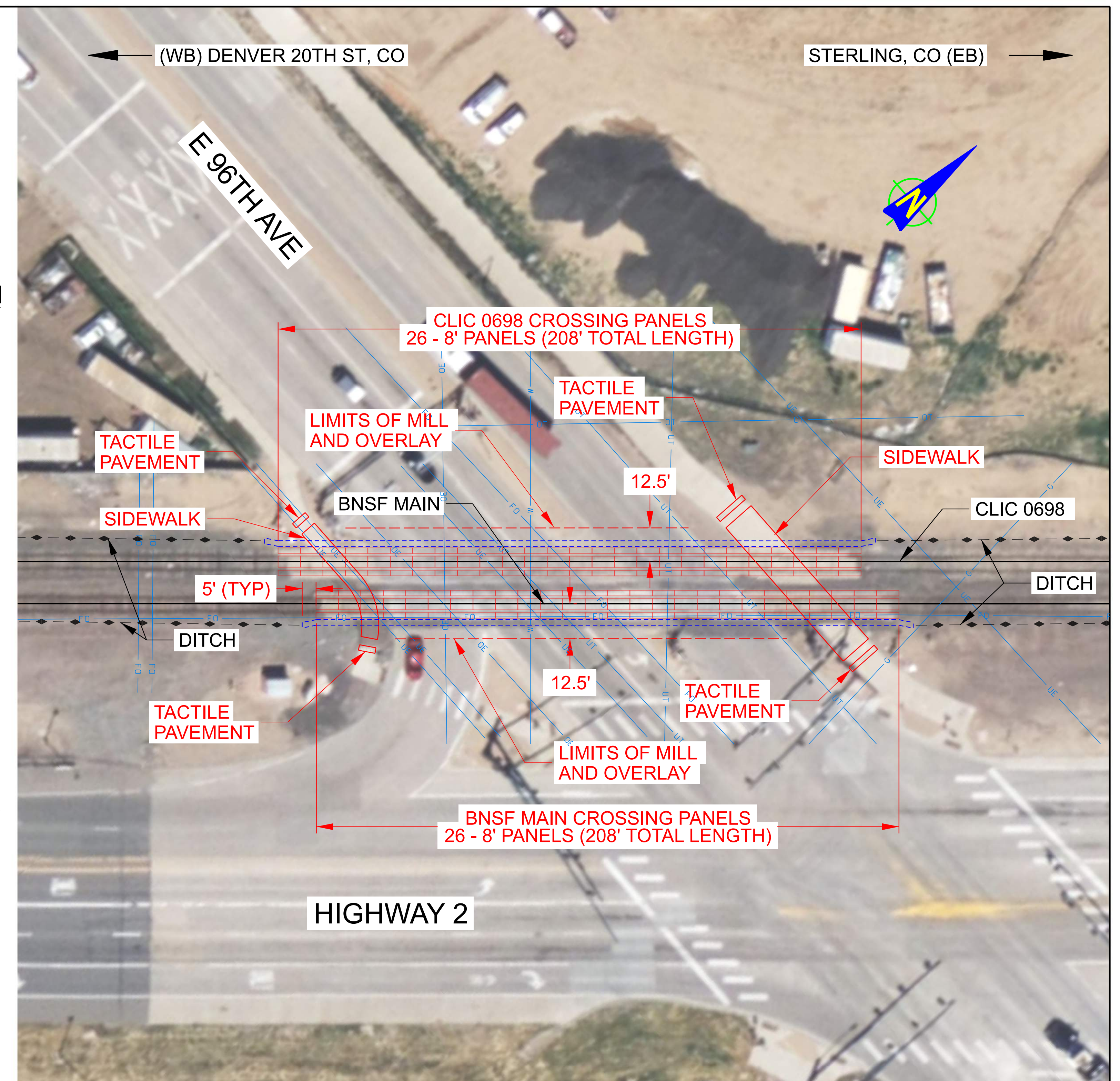
- INSTALL PERFORATED PIPE - 435 LF
- TACTILE PAVEMENT - 72 SF
- CONCRETE SIDE WALK - 1,040 SF
- MILL AND OVERLAY AREA - 2,225 SF

LEGEND:

- EXISTING TRACK
- CONSTRUCT
- PERFORATED PIPE
- DITCH
- FO - FIBER OPTIC
- W - WATER
- OE - OVERHEAD ELECTRIC
- UE - UNDERGROUND ELECTRIC
- G - GAS
- UT - UNDERGROUND TELEPHONE



CONCEPTUAL DRAWING ONLY!
THIS LAYOUT HAS NOT BEEN ENGINEERED AND NEEDS TO BE VERIFIED BY FIELD SURVEY



NOTES:
THIS LAYOUT HAS NOT BEEN ENGINEERED AND NEEDS TO BE VERIFIED BY FIELD SURVEY. ALL ENGINEERING STATIONS AND MILE POSTS ARE REFERENCED TO THE EXISTING BNSF MAINLINE. ALL WETLAND LOCATIONS ARE PROVIDED BY U.S. FISH & WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY. BOUNDARIES SHOULD BE CONSIDERED APPROXIMATE AND NOT ALL ENCOMPASSING.

DATE: 10/3/2022
DRAWN: ST
CHECKED: AE

BNSF RAILWAY COMPANY - ENGINEERING SERVICES

POWDER RIVER DIVISION
BRUSH SUBDIVISION
LINE SEGMENT 2

BNSF RAILWAY
E 96TH AVE
COMMERCE CITY, CO
MP 531.31 DOT #057190R

FILE: 1128_COMMERCE_CITY_CO.dgn
SHEET 1 OF 1
DATE: 10/3/2022



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Exhibit B
Estimate

AUTHORITY FOR EXPENDITURE

LOCATION : EAST IRONDALE PLANITEM NUMBER : 235907002 PROPERTY OF : BNSF RAILWAY COMPANY OPERATED BY : BNSF RAILWAY COMPANY JOINT FACILITY : COMMERCE CITY % BILLABLE (+/-) : 50.0	LINE SEGMENT : 2 MILEPOST : 531.09 DIVISION : PR SUBDIVISION : BRUSH TRACK TYPE : S TAX STATE : CO SPONSOR : VP ENGINEERING	AFE NUMBER : RFA NUMBER : 5953322 CPAR NUMBER : C0000009 BUDGET YEAR : 2022 BUDGET CLASS : 6 REPORTING OFFICE : 710 CENTER/ROLLUP : 29125
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PURPOSE, JUSTIFICATION AND DESCRIPTION

PIP, PRS DIV, BRUSH SUB, DOT# 057190R, LS 2, MP 531.09, CROSSING REHAB OF MAIN AND SIDING AT 96TH AVE IN COMMERCE CITY. 50% BILLABLE TO COMMERCE CITY.
 PRIMARY FUNDING SOURCE IS CITY FUNDS

PLAN ITEM	LINE SEG	BEG MP	END MP	TRK NBR	BEGIN STATION	END STATION	PROJECT TYPE	BUD YEAR
235907002	2	531.09	531.09	S	EAST IRONDALE	EAST IRONDALE	PUBLIC IMPROVEMENT PROJECT	2022

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COSTS	BILLABLE	TOTALS
LABOR COSTS	61,380	0	55,363	0	116,743	233,486
MATERIAL COSTS	100,950	0	0	0	100,950	201,900
OTHER COSTS	78,173	0	554	0	78,724	157,451
TOTALS	240,503	0	55,917	0	296,417	592,837

SYSTEM MAINTENANCE AND PLANNING
 ESTIMATE REF. NUMBER: 5953322
 COSTING DATE: 08/22/2022

PRINTED ON: 08/23/2022
 ESTIMATED BY: SMITH2
 PRINTED BY: SMITH2

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

BNSF RAILWAY COMPANY
FHPM ESTIMATE FOR
COMMERCE CITY

LOCATION EAST IRONDALE

DETAILS OF ESTIMATE

PLAN ITEM : 235907002

VERSION : 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

PIP, PRS DIV, BRUSH SUB, DOT# 057190R, LS 2, MP 531.09, CROSSING REHAB OF MAIN AND SIDING AT 96TH AVE IN COMMERCE CITY. 50% BILLABLE TO COMMERCE CITY.

REQUESTED BY ALLAN BREDEN ON 8/16/22.
PRIMARY FUNDING SOURCE IS CITY FUNDS

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

FLAGGING - PUBLIC CROSSING - CAP	72.0	MH	2,560	
PLACE FIELD WELDS - CAP	256.0	MH	8,921	
REMOVE PUBLIC CROSSING	800.0	MH	26,287	
REMOVE TRACK	23.0	MH	756	
REPLACE PUBLIC CROSSING - TOTAL REHAB	400.0	MH	13,144	
REPLACE TRACK PANELS - CAP	80.0	MH	2,629	
SIGNAL LABOR - CAP	32.0	MH	1,248	
SURFACE TRACK - REPLACEMENT - CAP	72.0	MH	2,441	
UNLOAD BALLAST - REPLACEMENT - CAP	30.0	MH	986	
UNLOAD CROSSING MATERIAL - PUBLIC - CAP	200.0	MH	6,572	
UNLOAD TRACK PANELS - REPLACEMENT	40.0	MH	1,315	
WORK TRAIN - BALLAST - REPLACEMENT - CAP	24.0	MH	1,272	
PAYROLL ASSOCIATED COSTS			45,134	
DA OVERHEADS			73,633	
EQUIPMENT EXPENSES			34,668	
INSURANCE EXPENSES			11,920	
TOTAL LABOR COST			233,486	233,486

MATERIAL				

ASPHALT IN PLACE PER TON	67.0	NT NX	10,164	
BALLAST NT, SYSTEM AVERAGE COST	500.0	NT **	5,485	
WORK TRAIN FUEL - BALLAST	900.0	GAL **	2,187	
PNL TRK, 80FT,136SC,10FT,PNDRL,WOOD	6.0	EA **	80,376	
SIGNAL MATERIAL	700.0	EA	700	
SPIKE, TBR SCREW 3/4"X13", F/ROAD XING	900.0	EA **	1,845	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	24.0	KT **	1,800	
XING CONC 136LB 10FT TIES TANGENT	400.0	FT **	68,760	
XING CONC RAMP 136LB COMPLETE SET	1.0	ST **	329	
PERF PVC DRAIN PIPE	40.0	LF **	1,000	
MATERIAL HANDLING			8,013	
ONLINE TRANSPORTATION			7,750	
USE TAX			11,416	
OFFLINE TRANSPORTATION			2,075	
TOTAL MATERIAL COST			201,900	201,900

OTHER				

MISCELLANEOUS	1.0	LS	8,500	
MISCELLANEOUS	1.0	LS	82,000	
MOBILIZATION	1.0	CY	5,000	
SUBBALLAST - FURNISH AND INSTALL INCLUDING	222.0	CY	12,210	
TRAFFIC CONTROL	4.0	LS	30,000	
TOTAL OTHER ITEMS COST			137,710	137,710
PROJECT SUBTOTAL				573,096
CONTINGENCIES				13,871
BILL PREPARATION FEE				5,870

GROSS PROJECT COST	592,837
LESS COST PAID BY BNSF	296,420
TOTAL BILLABLE COST	296,417