

## Legislation Text

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**File #:** BILL NO. 22-191, **Version:** 1

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An Ordinance authorizing the execution of a Public Highway Overpass Agreement, Northwest Colbern Road - DOT 441960S, pursuant to the Colbern Road Improvements Project by and between the Union Pacific Railroad Company and the City of Lee's Summit, Missouri, and authorizing the City Manager to execute the same.

(Note: First read by Council on September 13, 2022. Passed by unanimous vote.)

### Issue/Request:

An Ordinance authorizing the execution of a Public Highway Overpass Agreement, Northwest Colbern Road - DOT 441960S, pursuant to the Colbern Road Improvements Project by and between the Union Pacific Railroad Company and the City of Lee's Summit, MO, and authorizing the City Manager to execute the same.

### Key Issues:

- The Colbern Road Improvement Project was included in the City's FY2019 (and FY2023) Capital Improvement Plan adopted by Council.
- The Colbern Road Improvement Project includes the reconstruction of a new bridge over the Union Pacific Railroad.
- The Public Highway Overpass Agreement grants the City the right to construct, maintain and repair the bridge over UPRR's right-of-way.
- The new bridge will span UPRR's property, with all bridge foundation requirements located within the City's right-of-way.

### Proposed City Council Motion:

I move for adoption of an Ordinance authorizing the execution of a Public Highway Overpass Agreement, Northwest Colbern Road - DOT 441960S, pursuant to the Colbern Road Improvements Project by and between the Union Pacific Railroad Company and the City of Lee's Summit, MO, and authorizing the City Manager to execute the same.

### Background:

Improvements to Colbern Road were approved by voters as part of the 2017 Capital Improvement Plan Sales Tax Renewal. The project will enhance safety, expand capacity, promote economic development in the area, and accommodate non-motorized transportation. The City's Comprehensive Plan and associated Thoroughfare Master Plan (TFMP) include and support the project. The project is recommended in the TFMP as a high priority considering the capacity and condition deficiencies. The multi-modal elements of the project are also supported in the City's Bicycle Transportation Plan and Greenway Master Plan.

The Colbern Road Improvements project requires a wider bridge over the Union Pacific Railroad (UPRR) right-of-way to accommodate the new four lane roadway and additions of a sidewalk (northside) and shared use path (southside). As part of their Conceptual Report, dated August 2019, Garver studied the options of widening the existing bridge or reconstructing a new wider bridge over the UPRR. The City accepted Garver's recommendation to build a new wider bridge due to the following factors: the original substructure was built in 1930, concrete surface repair was performed to the original 1930 substructure during the 1980 widening and superstructure replacement project, a 2015 Inspection Report notes deteriorating concrete with areas of exposed rebar, significant degradation of the streambed has exposed the top of existing substructure footings, and the existing bridge does not meet today's minimum vertical and horizontal requirements of the UPRR which would complicate the process of approval for widening the existing bridge.

Preliminary bridge plan submittals for UPRR review began in February of 2020 with final bridge plan approval received in March of 2021. This Public Highway Overpass Agreement was received in May of 2022 and grants the City the right to construct, maintain and repair a new wider bridge over the UPRR right-of-way. The License fee of \$23,000 shown in Section 2 of the agreement will be paid by Garver. All License and Submittal fees were included in the Professional Engineering Services Agreement executed in February of 2019 between the City and Garver. The City will be responsible for the estimated \$55,000 shown in the Force Account (Exhibit C - Overpass Agreement) for project and construction management performed by UPRR during construction activities. The flagging services will be the responsibility of the contractor and included in their bid.

#### Impact/Analysis:

Entering into a Public Highway Overpass Agreement is required on all projects involving bridges over railroad right-of-way. Executing this agreement grants the City the right to construct, maintain and repair the bridge over UPRR's right-of-way.

Timeline:

Start Construction: 2023 Construction Season

Other Information/Unique Characteristics:

Craig Kohler, Senior Staff Engineer

Recommendation: Staff recommends approval of an Ordinance authorizing the execution of a Public Highway Overpass Agreement, Northwest Colbern Road - DOT 441960S, pursuant to the Colbern Road Improvements Project by and between the Union Pacific Railroad Company and the City of Lee's Summit, MO, and authorizing the City Manager to execute the same.

Committee Recommendation: [Enter Committee recommendation here]