



Legislation Text

File #: 24-008, **Version:** 1

A Resolution Authorizing the Acquisition of a Permanent Easement of 23,940 Square Feet and a Temporary Construction Easement of 61,969 Square Feet from BNSF Railway and a Permanent Easement of 17,127 Square Feet and a Temporary Construction Easement of 44,662 from Union Pacific with Funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project

Presenter:

Gayle Sturdivant, PE, PMP, Acting Public Works Director/City Engineer

Summary:

The proposed resolution would authorize the acquisition of easements from BNSF Railway and Union Pacific with funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project

Background:

The City of Colorado Springs ("City") is working to complete the Circle Drive Bridge Replacement Project. The Project consists of capital improvements to the eastbound and westbound lanes of Circle Drive over the Pikes Peak Greenway Trail, Fountain Creek, Las Vegas Street, Union Pacific and BNSF Railway rail lines, the Fountain Mutual Irrigation Company canal, and Hancock Expressway. The Project was identified by the Pikes Peak Rural Transportation Authority ("PPRTA") as a Priority "A" Project in 2012.

In order to demolish the existing bridges and rebuild new bridges over the BNSF Railway and Union Pacific properties, the City has been engaged in extensive coordination with the railroad companies. The railroad companies reviewed, commented on, and ultimately approved the design plans. The City, BNSF Railway, and Union Pacific have entered into a joint agreement that outlines all roles and responsibilities associated with constructing the bridges and maintaining them in perpetuity. In order for this agreement to be fully executed the City must provide compensation to the railroads for the temporary and permanent impacts to their respective properties.

Historically the property agreements with the railroad companies have not been traditional easements, but license areas or simply fees for use of railroad property. In this particular case, Union Pacific maintains the terminology of license area to describe the conveyance of the rights necessary to construct and maintain the new bridges. However, BNSF Railway uses the terminology of easement to describe the conveyance of the rights necessary to construct and maintain the new bridges.

The railroad companies independently calculate the cost of these property license (easement) fees based upon whether the impacts are temporary or permanent, the size, and what type of impact such as aerial or ground plane. The railroad expenses are not subject to negotiation. The total cost to

execute the Union Pacific portion of the agreement is \$143,687.25. The total cost to execute the BNSF Railway portion of the agreement is \$211,537.00.

Pursuant to the City Real Estate Manual, City Council must approve property acquisitions if the total acquisition amount of the property interest acquired in the transaction exceeds \$100,000. Since in the City's opinion these railroad expenses are considered property acquisitions, City staff requests that City Council approve the Resolution for acquisition of the easements from BNSF Railway and Union Pacific.

Previous Council Action:

On August 14, 2012, City Council endorsed the extension of the Pikes Peak Rural Transportation Authority Capital Program in Resolution No. 109-12. Subsequently, on November 6, 2012, the citizens approved Ballot Issue 5A extending the PPRTA Capital Program until December 31, 2024, and the issue included this Project.

Financial Implications:

The costs of these easement acquisitions are accounted for in the PPRTA project budget.

City Council Appointed Board/Commission/Committee Recommendation:

The PPRTA Board approved the funds for these easements at the November 8, 2023, meeting.

Stakeholder Process:

BNSF Railway and Union Pacific have approved the project's construction plans, executed the Construction and Maintenance Agreement, and have agreed to the value of the easements.

Alternatives:

City Council may approve, modify, or deny approval of the Resolution.

Proposed Motion:

Approval of the Resolution Authorizing the Acquisition of a Permanent Easement of 23,940 Square Feet and a Temporary Construction Easement of 61,969 Square Feet from BNSF Railway and a Permanent Easement of 17,127 Square Feet and a Temporary Construction Easement of 44,662 from Union Pacific with Funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project

N/A