



**Date:** July 8, 2014

**To:** Thomas J. Bonfield, City Manager

**Through:** W. Bowman Ferguson, Deputy City Manager

**From:** Marvin G. Williams, Director of Public Works

**Subject:** U-0071 East End Connector Norfolk Southern Railroad Permit

**Executive Summary**

The North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to construct the East End Connector project from NC 98 (Holloway Street) to NC 147 (Buck Dean Parkway) under Project U-0071. See Attachment B for a map of the project limits. The project requires the relocation of existing City of Durham water utilities that are within the project boundaries. Part of this utility work will occur within a Norfolk Southern Railroad Right of Way and a railroad permit (Attachment A) is required. Railroad permits must be approved by the City Council under current signature authority arrangements. The City is financially responsible for relocation of the utilities and will reimburse the NCDOT for the cost of the relocation as defined in a previously executed Utility Agreement. The work will be performed by the contractor for NCDOT.

**Recommendation**

The Public Works Department recommends that the City Council authorize the City Manager to execute a Railroad Permit with Norfolk Southern for the relocation of City water associated with the East End Connector project (U-0071).

**Background**

The East End Connector project is part of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's adopted Long Range Transportation Plan and Transportation Improvement Program. The purpose of the project is to improve the capacity on NC 147 (Buck Dean Parkway) and US 70 and to improve connectivity between these high speed routes which provide direct access to I-40 to the south, and I-85 to the north. Right-of-way acquisition and utility relocation are currently underway for this project and construction is anticipated to begin later this year (2014).

There are City of Durham water utilities located within the boundaries of the project. Utility agreements are required and are already in place. Additional permits are required when the utilities are also located within a railroad right of way. The railroad permit must be signed by the utility owner, who is the City of Durham for this water utility.

The City is financially responsible for the relocation of these utilities and will reimburse NCDOT for the cost of the utility relocation work. At the March 20, 2014 Council Meeting the City Council approved a Utility Agreement with NCDOT in the amount of \$1,255,096.70 for the utility relocation associated with this project. The work will be performed by the contractor for NCDOT.

**Issues/Analysis**

The project will require the relocation and adjustment of City utilities located within NCDOT right-of-way. The related costs, terms and conditions for the municipal utility relocation are covered in a previously executed NCDOT Utility Agreement.

**Alternatives**

The Council can choose to authorize the City Manager to execute the Railroad Permit. The Council can choose to not authorize the Manager to approve the Railroad Permit in which case the proposed NCDOT project will not be able to move forward.

**Financial Impact**

This section is not applicable to the item. Expenses for the utility relocation are already encumbered as a part of the previously executed Utility Agreement with NCDOT.

**SDBE Requirements**

This section is not applicable to the item.