

INTERLOCAL AGREEMENT  
Southwest 40th Street Feasibility Study

THIS AGREEMENT is made and entered into by and between the Lincoln-Lancaster County Railroad Transportation Safety District (hereinafter the "District") and the City of Lincoln, Nebraska, a political subdivision of the State of Nebraska (hereinafter the "City").

WHEREAS, the District operates to further the policy of the State of Nebraska to reduce the number of fatalities and injuries caused by collisions between motor vehicles and railroad trains; to eliminate as far as possible unnecessary conflicts between railroad transportation and highway transportation; to improve the movement of both rail and highway traffic by eliminating at-grade crossings; and to assist in the relocation of railroad facilities that bisect the central portions of municipalities, thus hampering the growth of both the municipality and the railroad services; in order to benefit and enhance the community as a whole pursuant to *Neb. Rev. Stat* § 74-1301, *et seq.*; and

WHEREAS, the District has the right and authority to enter into contracts or other arrangements with municipal corporations making full use of the Interlocal Cooperation Act, *Neb. Rev. Stat.* § 13-801 to 13-827 (Reissue 1997) for, among other things, assistance in the design, construction, maintenance, sale, or lease of the works of the District; making surveys and investigations or reports in relation to the objectives of the District; and receiving the title or possession, or both, of any property and funds connected directly or indirectly within the purposes of the District; and

WHEREAS, the District desires to conduct a feasibility, function design and environmental study of the Southwest 40th Street Corridor at the existing Burlington Northern Santa Fe Railroad (hereinafter "BNSF" ) tracks crossing Southwest 40th Street approximately one half mile south of West "O" Street in Lincoln, Nebraska, to be accomplished under the District's Budget for 2002-2003 (hereinafter the "Study"); and

WHEREAS, the City of Lincoln under its Capital Improvements Program and as authorized under Article XV Section 18 of the Nebraska Constitution; the Interlocal Cooperation Act, *Neb. Rev. Stat.* § 13-

801, et seq. (Reissue 1997); Article II Section 5 of the City's Charter; and *Neb. Rev. Stat. § 74-1305* acting on its own is willing to cooperate with the District to enter into contracts or other arrangements to provide for the feasibility, functional design and environmental studies; and

WHEREAS, other than as specifically set forth herein, the District will provide all the funding for the above-described study; and

WHEREAS, the City and the District are mutually benefitted by the determinations of and recommendations of the study.


NOW, THEREFORE, the City and the District, pursuant to the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, do hereby agree as follows:

1. Duration. The duration of this Agreement shall be until the completion of all obligations hereunder, in any event, not to exceed three (3) years from the date of execution of this Agreement.
2. Purpose. The purpose of this Agreement is to allow the District to coordinate with the City for the purpose of conducting feasibility, functional design and environmental studies to reach a reasonable, prudent, economical and feasible determination on whether to continue operation of the existing at-grade crossing or to close the existing street crossing or construct a grade separation in this area.
3. Estimated Study Budget. (Available Funds 2002-2003 - \$250,000)
  - Phase I: Evaluate the short-term and long-term impacts of the potential closing of Southwest 40th Street given the City's 25-year transportation plan shows an overpass across BNSF near Southwest 40th Street - \$40,000.
  - Phase II: Determine the feasibility of constructing an overpass in Southwest 40th Street across BNSF corridor between West "O" Street and West "A" Street. This phase shall include an environmental analysis - \$95,000.

Phase III: Develop and evaluate various alternatives for roadways and overpasses across the BNSF corridor near Southwest 40th Street between Interstate 80 and West Van Dorn Street - at the City's option - an estimate for this phase would be negotiated.

Executed by the District this 9th day of December, 2002.

LINCOLN-LANCASTER COUNTY RAILROAD  
TRANSPORTATION SAFETY DISTRICT

By:   
Executive Director

ATTEST:

  
Chairperson

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

CITY OF LINCOLN, NEBRASKA

By: \_\_\_\_\_  
Don Wesely, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

