

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Executive to execute an Agreement with the Missouri Highway and Transportation Commission and the Union Pacific Railroad Company in connection with the installation of warning devices at the railroad crossing at Schuster Road, at no cost to the county.

**RESOLUTION #17289**, May 24, 2010

**INTRODUCED BY** Bob Spence, County Legislator

WHEREAS, due to a history of accidents at or near the railroad crossing at Schuster Road in Jackson County it has been recommended that improvements be made in grade crossing warning devices at that location; and,

WHEREAS, the Union Pacific Railroad Company ("UPRR") and the Missouri Highway and Transportation Commission ("MHTC") have agreed to make the improvements at the Schuster Road railroad crossing at no cost to the county; and,

WHEREAS, the identified grade crossing is located at the point where Schuster Road intersects railroad tracks west of Levasy and along a route presently maintained by the County; and,

WHEREAS, the MHTC has requested the execution of a three-party Agreement ("Agreement") with UPRR and the County wherein MHTC will reimburse UPRR for 80% of the installation cost and UPRR will pay the remaining 20% of the cost of the installation; and,

WHEREAS, under the Agreement, Jackson County will be responsible for cooperation in handling of traffic during construction; and,

WHEREAS, the improvements made to this railroad crossing will increase safety for the benefit of increasing number of the citizens of Jackson County operating vehicles in this area; and,

WHEREAS, the attached Agreement will secure the funding for improvements and confirm the understanding of the parties; now therefore,

BE IT RESOLVED, by the County Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to execute the attached Agreement with the Missouri Highway and Transportation Commission and the Union Pacific Railroad Company for the installation of warning devices near Levasy, Missouri.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Pamela Fellin  
Deputy/Assistant County Counselor  
Certificate of Passage

Tom G. Suter  
Acting County Counselor

I hereby certify that the attached resolution, Resolution #17289 of May 24, 2010, was duly passed on May 24, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7 Nays 0

Abstaining 0 Absent 2

5-25-10  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

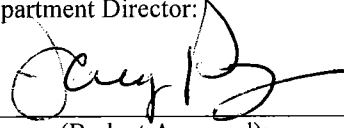
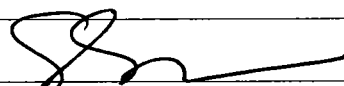
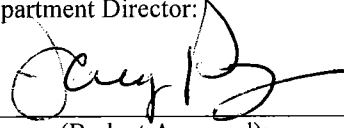
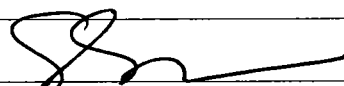
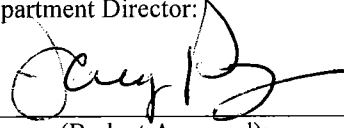
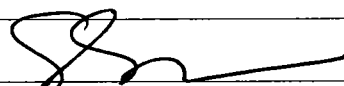
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 17289

Sponsor(s): Bob Spence

Date: May 24, 2010

SUBJECT	Action Requested <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance Project/Title: <u>Improvements to UPRR Crossing at Schuster Road</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 430 1209 682"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$0</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$0</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$ N/A</p> <p>OTHER FINANCIAL INFORMATION:  <input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: _____ Estimated Use: \$ _____</p> <p>Prior Year Budget (if applicable): _____                  Prior Year Actual Amount Spent (if applicable): _____</p>		Amount authorized by this legislation this fiscal year:	\$0	Amount previously authorized this fiscal year:	\$0	Total amount authorized after this legislative action:	\$0	Amount budgeted for this item * (including transfers):	\$0	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
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Amount budgeted for this item * (including transfers):	\$0											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by (name, title, & phone): Earl Newill, P. E. , Chief Engineer, 881-4538											
REQUEST SUMMARY	<p>The RR crossing at Schuster Road in unincorporated Jackson County has, because of a history of accidents warrants grade crossing warning devices. This consists of warning signals and traffic control arms along with all the electronics, wiring and power supply.</p> <p>The state of Missouri thru MoDot, along with the Union Pacific RR has offered to make the improvements to the RR crossing at no cost to Jackson County.</p> <p>The three party's agreement provides for the RR to accomplish the work on RR right of way and provide 20% of the funding, for MoDot to provide 80% of the funding, and for Jackson County to provide traffic control as needed on the road right of way. Jackson County has no financial obligation. The installation will take place as scheduled by the RR.</p> <p>The Public Works Department recommends approval of the agreement.</p> <p>We therefore request, that the county executive be authorized to execute the agreement.</p>											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	Three Party Agreement with Exhibit A, A1, and B, Location Map.											
REVIEW	<table border="1" data-bbox="324 1638 1534 1932"> <tr> <td>Department Director: </td> <td>Date: 5/14/2010</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 5/17/10</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: 	Date: 5/14/2010	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 5/17/10	County Counselor's Office:	Date:		
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County Counselor's Office:	Date:											

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Missouri  
Department  
of Transportation



105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, MO 65102  
(573) 751-2551  
Fax (573) 751-6555  
[www.modot.org](http://www.modot.org)

Kevin Keith, Interim Director

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May 3, 2010

Jerry A. Page, P.E.  
Director Jackson County  
Department of Public Works  
303 W. Walnut  
Independence, MO 54050

Dear Mr. Page:

I have enclosed copies (3) of the supplemental agreement for your signature of the proposed planned safety improvement project to install active warning devices at Schuster Road (DOT# 442-299S), near Levasy, Jackson County, Missouri.

Please have each copy signed, and return the documents to this office for further handling. If you have any questions or if I can be of assistance, please contact me at (573) 751-6595 or (573) 291-4792.

Thank you for your continued cooperation in the improvement of highway/rail crossings.

Sincerely,

Donald R. Schwartze  
Railroad Safety Specialist