

**MEMORANDUM OF UNDERSTANDING
REGARDING
THE BUSINESS LOOP 70 HIGHWAY-RAILROAD CROSSING**

THIS MEMORANDUM is between the Missouri Highways and Transportation Commission ("Commission") and City of Columbia, Missouri ("City"). Commission and City are each individually referred to herein as a "Party" and collectively as the "Parties".

WHEREAS, Business Loop 70 East is a route within the City's limits maintained by the Commission; and

WHEREAS, Business Loop 70 East, at the railroad crossing, south of the City power plant, located at 1501 Business Loop 70 East, Columbia, Missouri, DOT# 480798K, Milepost 145.16 ("Railroad Crossing") is in need of repair and maintenance; and

WHEREAS, the Railroad Crossing is part of the COLT Railroad owned by City; and

WHEREAS, Commission's maintenance and repair of Business Loop 70 East is complicated and more costly with the rail and crossing surface in place; and

WHEREAS, City does not intend to use the Railroad Crossing for railroad purposes in the near future, and City is amenable to the removal of the rails and crossing surface at the Railroad Crossing to alleviate Commission's repair and maintenance complications and costs and to further the safety and convenience of Business Loop 70 East for the public.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Memorandum, the Parties agree as follows:

(1) PURPOSE: The purpose of this Memorandum is to establish responsibilities of City regarding the temporary removal of railroad rails at the Railroad Crossing and of Commission regarding the repair and maintenance of Business Loop 70 East at the Railroad Crossing.

(2) APPLICATION: City (as the Railroad) shall file, in coordination with Commission (as the Public Road Authority), a "Missouri Highways and Transportation Commission Application for Alteration, Abolishment or Construction of a Public Highway / Rail Grade Crossing, Grade Separation Structure or Both" ("Application"), in compliance with § 389.610, RSMo, and state regulation 7 CSR 265-8.320, requesting approval to alter the Railroad Crossing. The Parties agree to each select "Yes" in the Waiver of Hearing section of the Application. The Application is attached.

(3) WORK BY CITY: Following approval of the Application, at a time mutually agreed by the Parties, City shall remove the rails, crossing surface, and accompanying support structures and hardware at the Railroad Crossing. City shall not remove any railroad signals, lights, signs or other markers or devices associated with the Railroad

Crossing as they will remain in place for future use.

(4) WORK BY THE COMMISSION: The Commission, following the City's removal of the rails and crossing surface at the Railroad Crossing, shall repair and maintain Business Loop 70 East at the Railroad Crossing without the presence of railroad rails crossing the roadway.

(5) FUTURE RAILROAD ACTIVITY: The Commission acknowledges that if and when a need arises for City to once again utilize the Railroad Crossing for rail transportation as determined by City, City will submit an Application to reinstall or facilitate the reinstallation of rails and crossing surface at the Railroad Crossing at City's expense subject to appropriate approvals, standards, regulations and law in existence at that time and through coordination between the Parties.

(6) NO WAIVER OF PROPERTY RIGHTS: In the removal of the rails and crossing surface at the Railroad Crossing, Commission acknowledges that City does not expressly or implicitly relinquish or waive any property rights to the Railroad Crossing or any rights to reinstall rails at the Railroad Crossing in the future.

(7) COMMISSION REPRESENTATIVE: The Commission's district engineer is designated as the Commission's representative for the purpose of administering the provisions of this Memorandum. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Memorandum.

(8) CITY REPRESENTATIVE: City's Director of Utilities is designated as the City's representative for the purpose of administering the provisions of this Memorandum. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Memorandum.

(9) LAW OF MISSOURI TO GOVERN: This Memorandum shall be construed according to the laws of the State of Missouri. The Parties shall comply with all state and federal laws and regulations relating to the performance of this Memorandum.

[Remainder of Page Intentionally Left Blank. Signatures Appear on Following Page.]

IN WITNESS WHEREOF, the Parties have established this Memorandum on the date last written below.

**Missouri Highways and
Transportation Commission**

City of Columbia, Missouri

By: _____

By: _____
De'Carlton Seewood, City Manager *JAS*

Attest:

Attest:

By: _____
Secretary to the Commission

By: _____
Sheela Amin, City Clerk

Approved as to Form:

Approved as to Form:

By: _____
Commission Counsel

By: _____
Nancy Thompson, City Counselor/ek

CERTIFICATION: I hereby certify that there are no costs, expenditures, or appropriations obligated by this Agreement.

By: _____
Matthew Lue, Director of Finance

Ordinance Number: _____

(A copy of City's ordinance or resolution authorizing execution of this Agreement is attached.)



MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
APPLICATION FOR ALTERATION, ABOLISHMENT OR CONSTRUCTION
OF A PUBLIC HIGHWAY / RAIL GRADE CROSSING,
GRADE SEPARATION STRUCTURE OR BOTH

RESET

SECTION 1. INTRODUCTION

<p>The purpose of this Application is to request approval to: (Check each box that applies)</p> <p><input checked="" type="checkbox"/> ALTER <input type="checkbox"/> ABOLISH <input type="checkbox"/> CONSTRUCT</p>	<p align="center">APPLICATION NUMBER <i>(To be assigned by MoDOT)</i></p>
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Upon information and belief, Applicant states that public necessity will not be adversely affected and public safety will be promoted, by so altering, abolishing, or constructing the facilities as described in this Application.

SECTION 2. INTERESTED PARTIES

Each party identified in this section is known to have an interest in the project described in this Application. (Please include each party that has an interest in the project which differs from the general public interest.)

1. PUBLIC ROAD AUTHORITY <i>(List Agency or Official that has responsibility to construct or maintain public street or road at project location)</i>	2. RAILROAD <i>(List each company that owns or operates over railroad tracks at the project location)</i>	3. OTHER INTERESTED PARTY <i>(List each party that has an interest in this project or location, which is different from that of the general public)</i>
1A. Name of Party: Missouri Department of Transportation	2A. Name of Party: Columbia Terminal Railroad	3A. Name of Party:
Contact Person/ ATTN:	Contact Person/ ATTN: David Sorrell	Relationship to Project or Location:
Address:	Address: 701 E. Broadway P.O. Box 6015	Address:
City, State, Zip:	City, State, Zip: Columbia MO 652025	City, State, Zip:
Telephone No:	Telephone No: 573-874-7300	Telephone No:
1B. Name of Party:	2B. Name of Party:	3B. Name of Party:
Contact Person/ATTN:	Contact Person/ATTN:	Contact Person/ATTN:
Address:	Address:	Address:
City, State, Zip:	City, State, Zip:	City, State, Zip:
Telephone No:	Telephone No:	Telephone No:

APPLICANT: Which of the above parties is filing this Application? 1 2 3

SECTION 3. PUBLIC HIGHWAY / RAIL CROSSING PROJECT LOCATION	
The Applicant seeks to improve the highway/rail crossing location described in this section.	
US DOT Crossing Inventory Number: 480-798K	Roadway Classification: Old Hwy
Route Number:	Roadway Name: Business Loop 70
<input checked="" type="checkbox"/> In <input type="checkbox"/> Near	City/Town/Village: Columbia County: Boone
Railroad/Division/Subdivision: Columbia Terminal Railroad (CT)	Railroad Milepost: 145.16
SECTION 4. PROJECT SUMMARY	
REQUIRED DOCUMENTS	
Applicant seeks approval of the project as described in the detailed plans, specifications, cost estimates and agreements, which are attached as exhibits and incorporated by reference into this Application. Applicant has checked each applicable box below to confirm that these required documents are attached to this Application.	
<input type="checkbox"/> DETAILED PLANS <input type="checkbox"/> SPECIFICATIONS <input type="checkbox"/> COST ESTIMATES <input type="checkbox"/> AGREEMENTS	
SECTION 5. GENERAL QUESTIONS FOR ALL APPLICANTS	
EVERY APPLICANT MUST PROVIDE WRITTEN ANSWERS TO EACH OF THE GENERAL QUESTIONS IN THIS SECTION:	
1. Are there any existing grade crossings that could or should be eliminated because of your project? If so, please provide the USDOT numbers and street names: This will temporarily remove the crossing until a need arises in the future.	
2. In each direction from the project location, how far is it to the nearest public crossings or grade separations over the same railroad line? 1/4 mile	
3. How many traffic lanes exist on the roadways at the project location? 4- Traffic 1-Turning	
4. What are the directions of the traffic lanes (eastbound, westbound, etc.) at the project location? East to West	
5. Are there or will there be pedestrian sidewalks or walkways at the project location? Yes	
6. What is the angle of intersection of the roadway and the railroad at the project location? 90 Degrees	
7. What is the alignment of the roadway at the project location – straight or curve? Straight	
8. What is the width of the roadway at its crossing with the railroad tracks at the project location? 70 feet	
9. Who is responsible for maintaining the roadway on each side of the track crossing at the project location? MO-DOT	
10. What is the roadway surface made of, on both sides of the track crossing at the project location? Asphalt	
11. What specific types of vehicles use the roadway at the crossing? (i.e. school buses, commercial vehicles carrying hazardous materials, etc.) All types no restrictions	
12. What is the roadway speed limit at the project location? 35 MPH	
13. If known, what is the average annual daily traffic of motor vehicles at the project location?	
14. If known, what are the daily number and the types of train movements (passenger, freight, switching) at the project location? None -0-	

SECTION 5. GENERAL QUESTIONS FOR ALL APPLICANTS

15. Please state the number of railroad tracks at the project location, and if known, what types of railroad track they are (main, siding, spur, house, industrial, etc.):

1-Spur line

16. What is the alignment of the track at the project location – straight or curve?

Curved

17. What is the estimated width of the railroad right-of-way at the project location?

10 Feet

18. What provisions will be required for drainage at the project location?

None

19. What is the height of any overhead utility wires within the project area?

24 Feet South side of the road.

20. Please state the names of all other railroads operating over the crossing at the project location:

None

21. What is the timetable train speed limit at the project location (if known)?

5 MPH

22. Please provide the number and date of each accident, crash or collision known to you, which occurred at this crossing, involving highway users and trains, and how many persons were injured and killed in each accident:

23. Who will maintain the safety improvements you are seeking after they are completed?

MO-DOT

SECTION 6. SPECIFIC QUESTIONS RELATING TO NEW AT-GRADE CROSSINGS

Each Applicant seeking approval to construct any **NEW** highway / rail grade crossings must provide written answers to each of the additional questions in this section. Otherwise proceed to section 7.

24. What is the general character of the area (urban, rural, industrial, etc.)?

25. Are there any applicable zoning restrictions in the project area?

26. Please describe the approach grades of the roadway(s) at the project location, on both sides of the tracks.

27. Is the railroad track on fill, or in a cut, at the project location?

28. Will railroad equipment be stored within 250' of the crossing?

29. What new warning devices or alteration of existing warning devices are you seeking?

30. Why is a grade separation impracticable for the project location?

31. What is (are) the proposed type and dimensions of the crossing surface(s)?

32. Please state the location and description of any obstructions, at or near the crossing, which could obscure a motorist's view of approaching trains:

SECTION 6. SPECIFIC QUESTIONS RELATING TO NEW AT-GRADE CROSSINGS

33. If known, state the distances along the track where unrestricted view of approaching trains may be obtained, from locations 25, 50, 100, and 300 feet from the track on the approach to the crossing. (PLEASE NOTE: This Application does not give the Applicant any legal authority or permission to trespass on railroad tracks, or upon other private property, in order to measure these distances!) Permission from the appropriate railroad must first be obtained.

From 25' W-S of track can see _____ feet N-E, and _____ feet S-W.
 From 50' W-S of track can see _____ feet N-E, and _____ feet S-W.
 From 100' W-S of track can see _____ feet N-E, and _____ feet S-W.
 From 300' W-S of track can see _____ feet N-E, and _____ feet S-W.
 From 25' E-N of track can see _____ feet N-E, and _____ feet S-W.
 From 50' E-N of track can see _____ feet N-E, and _____ feet S-W.
 From 100' E-N of track can see _____ feet N-E, and _____ feet S-W.
 From 300' E-N of track can see _____ feet N-E, and _____ feet S-W.

SECTION 7. SPECIFIC QUESTIONS RELATING TO GRADE SEPARATION STRUCTURES

Each Applicant seeking approval to construct, alter or abolish any highway / rail grade separation structure, (either highway / rail underpasses or overpasses), must provide written answers to each of the additional questions in this section. Otherwise proceed to Section 8.

34. What is the overall length and width of the grade separation structure?

35. What type of structural materials—wood, concrete, steel, etc.—do you propose to use in this project?

36. What are the minimum proposed vertical and horizontal clearance distances between the tracks and the proposed grade separation structure?

SECTION 8. WAIVER OF HEARING

Do the Public Road Authority, Railroad and Other Interested Party waive a hearing before the Administrative Hearing Commission, and consent to the submission of this Application to the Missouri Highways and Transportation Commission and Department of Transportation for its issuance of an Administrative Order deciding this matter, provided that no other interested party requests a hearing from the Administrative Hearing Commission on this case?

PUBLIC ROAD AUTHORITY: YES NO

RAILROAD: YES NO

OTHER INTERESTED PARTY: YES NO

SECTION 9. ATTORNEY SIGNATURE AND ENTRY OF APPEARANCE (Optional)

The undersigned attorney at law hereby enters his or her appearance as legal counsel on behalf of the Applicant, in relation to this Application, and in relation to all proceedings pursuant to the Application within the jurisdiction of the Missouri Highways and Transportation Commission and Department of Transportation.

Attorney's Signature	Name (printed)
Date Signed	Name of Law Firm

The undersigned individuals hereby declare under penalty of perjury, under the laws of Missouri and of the United States, that all the information stated in this Application, and in any documents incorporated by reference in this Application, are true and correct to the best of their knowledge and belief, and that each of the below signed individuals are authorized to execute this Application.

PUBLIC ROAD AUTHORITY

Date _____

By _____

Name _____

Title _____

RAILROAD

Date _____

By _____

Name David Sorrell

Title Director of Utilities

OTHER INTERESTED PARTY

Date _____

By _____

Name _____

Title _____

Submit Completed and Signed Application To:

**Missouri Department of Transportation
Multimodal Operations Division
Administrator of Railroads
P. O. Box 270
Jefferson City, Missouri 65102**