

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 10, 2025

Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation and Infrastructure Development

Requested Motion

Motion to approve a Grade Crossing Maintenance Agreement between CSX Transportation, Inc. and Town of Apex, for the BL-0047 Downtown Safe Routes to School Project (sidewalk) located on the North Side of Hunter Street, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

Approval Recommended?

Yes

Item Details

The project includes connection of sidewalk to the railroad crossing on the north side of Hunter St. The Construction Agreement with CSX Transportation, Inc. for this work has already been executed, dated December 5, 2023. The Town Attorney requested the following language changes to the agreement which CSX declined.

1. Page 4, item 9), add: (c) CSXT shall draw from the Annual Surface Fee paid by AGENCY for any costs incurred pursuant to this Agreement. In the event CSXT costs will exceed the Annual Surface Fee paid, except in the case of an emergency, CSXT shall first notify AGENCY of needed maintenance and provide AGENCY reasonable time to perform such maintenance before incurring any cost pursuant to this Agreement, beyond the Annual Surface Fee.
2. Page 4, item 11), add: The AGENCY shall, at its sole expense, maintain, and if deemed necessary by the AGENCY, replace the remainder of the road on either side of the SURFACE within CSXT's right-of-way at the CROSSING, plus any paving which may be located between the ends of the ties.
3. Page 7, item 21), add: Notwithstanding the foregoing, the AGENCY shall have no indemnification obligation for the negligence or intentional, wrongful acts of CSXT.

Attachments

- CN1-A1: Agreement - CSX Transportation Inc. and Town of Apex - Grade Crossing Maintenance Agreement - Hunter Street - BL-0047 Downtown Safe Routes to Schools Project

