



office memorandum

**DATE:** 8/9/2024

**TO:** Darrel Pyle, City Manager  
Shannon Stevenson, Assistant City Manager

**FROM:** Tim Miles, Capital Projects Manager *TM*

**SUBJECT:** Amendment No. 1 to Contract K-1718-53 Tecumseh Rd. at 24<sup>th</sup> Ave. NW and Flood Ave. in the amount of \$35,000 with Garver for the Tecumseh Road Railroad Grade Separation Planning Grant Application

Tecumseh Road east of Flood Avenue is a vital route for the traveling public and Emergency Services traveling from the east side of Norman to the Norman Healthplex on Tecumseh Road west of I-35. As a result, a grade separation project at the railroad crossing located on Tecumseh Road approximately 0.3 miles east of Flood Avenue has been on City Staff and Council radar for quite some time. City staff believe that a study is necessary to evaluate the options and impacts of a grade separation at this location. We also believe being awarded a planning grant will greatly increase our chances of receiving federal funds for the actual construction project at a later date.

Garver is the consultant working on the Tecumseh Road improvements at 24<sup>th</sup> Avenue NW and Flood Avenue. The east limits of the proposed improvements will be inside the footprint of the grade separation project. Because of their familiarity of the current project and experience with grade separation projects, we have asked them to prepare the Tecumseh Road Railroad Grade Separation Planning Grant Application. The \$35,000 cost would be paid from funds currently in the Tecumseh Road improvements at 24<sup>th</sup> Avenue NW and Flood Avenue Project No. UT0015. City staff will need to make a \$35,000 budget transfer from the CONSTRUCTION account to the DESIGN account within Project No. UT0015 to fund Amendment No. 1 to Contract K-1718-53 if you approve this agreement.

Reviewed by: Scott Sturtz, Interim Director of Public Works *SS*

08/13/2024  
Date

*[Signature]*  
Signature

- APPROVED BY:  Darrel Pyle, City Manager  
 DISAPPROVED  Shannon Stevenson, Assistant City Manager

Cc: N/A

AMENDMENT NO. 2 1 gm  
AGREEMENT FOR PROFESSIONAL SERVICES

This is an amendment, AMENDMENT NO. 2, attached to and made a part of the original AGREEMENT, dated September 12, 2017, between the Norman Tax Increment Authority (OWNER) and Garver, LLC (CONSULTANT) for additional professional engineering services as necessary for the development of a Railroad Crossing Elimination (RCE) Program planning grant application for the existing BNSF Railroad crossing at Tecumseh Road just east of Flood Avenue in Norman, Oklahoma.

WHEREAS, all provisions of Contract No. K-1718-53 not in conflict with this amendment shall hereinafter remain in full force and effect,

WHEREAS, Engineer is prepared to provide additional services in support of the project;

NOW THEREFORE, in consideration of the promises contained in said AGREEMENT and this AMENDMENT NO. 2, Owner and Consultant agree as follows:

**ARTICLE 3 - SCOPE OF SERVICES**

CONSULTANT shall provide the additional services described in Attachment A, Scope of Services.

**ARTICLE 4 - SCHEDULE**

CONSULTANT shall exercise its reasonable efforts to perform the additional services described in Attachment A according to the schedule set forth in Section C of Attachment A.

**ARTICLE 5 – COMPENSATION**

OWNER shall pay CONSULTANT Thirty-five Thousand Dollars (\$35,000.00) for additional services in accordance with Section D of Attachment A. Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.


**ARTICLE 6 – OWNER’S RESPONSIBILITIES**

OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities of the original AGREEMENT.

IN WITNESS WHEREOF, OWNER and Garver, LLC have executed this Amendment No. 2.1 gm  
DATED this 13<sup>th</sup> the day of August, 2024.

The City of Norman  
(OWNER)

Signature



Name

DARREL PYLE

Title

CITY MANAGER

Date

8-13-24

Attest:



Secretary

Garver, LLC  
(CONSULTANT)

Signature



Name

J. Bret Cabbiness, PE

Title

Sr. Project Manager

Date

8/12/24

Attest:





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## APPENDIX A SCOPE OF SERVICES

Tecumseh Road Railroad Grade Separation Planning Grant Application  
Norman, Oklahoma  
Garver Project No. – 2401713

### BACKGROUND

The City of Norman (City) continues to experience safety and operational issues due to the at-grade rail crossings throughout the City. In order to improve both traffic operations and safety, grade separated rail crossing(s) are needed within the City.

### SCOPE OF WORK

Generally, the scope of services includes the development of a Railroad Crossing Elimination Program (RCE) planning grant application for the existing BNSF Railroad crossing at Tecumseh Road just east of Flood Avenue in Norman, Oklahoma.

All professional services rendered and all deliverables for this project will follow the terms and conditions of the City of Norman Engineering Services Contract K1718-53 (Tecumseh Road at 24<sup>th</sup> Avenue NW and Flood Avenue).

#### A. Task 1 – Project Administration

1. Garver will attend one kickoff meeting at City offices with up to three (3) Garver team members present to discuss project objectives, internal and external team member roles and responsibilities, communication protocols, document management protocols, and schedule. The meeting will be a hybrid of in-person and online attendees. Garver will prepare a meeting agenda and meeting minutes to document the meeting.
2. Garver will facilitate bi-weekly progress meetings with the City with up to three (3) Garver team members to review the project status, discuss interim findings, discuss technical aspects, obtain information, and review comments, review upcoming activities, and provide schedule updates. The meetings will be a hybrid of in-person and online attendees. Garver will prepare meeting agendas and meeting minutes to document the meetings.
3. Garver will submit the draft Grant Applications to the City prior to compilation of the final applications. Draft submittal will contain an outline with sections marked for inclusion in subsequent draft and identify any information or action items required to be provided by the City.
4. Garver will prepare and provide monthly progress/status reports, sufficient to support monthly billings. Monthly status reports shall be submitted with monthly invoices and project updates.

#### B. Task 2 – Rail Crossing Elimination Program (RCE) Planning Grant Preparation

The purpose of the RCE Program is to fund highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods. This Notice of Funding Opportunity (NOFO) is funded through the advanced appropriation in Division J of the Infrastructure Investment and Jobs Act (IIJA). The RCE Program provides a Federal funding opportunity to improve American rail infrastructure to enhance rail safety, improve the health and safety of communities, eliminate highway-rail and pathway-rail grade crossings that are frequently blocked by trains, and



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reduce the impacts that freight movement and railroad operations may have on underserved communities. Discretionary grant awards, funded through the RCE Program, will support projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability, consistent with the U.S. Department of Transportation's (DOT) strategic goals.

Garver will prepare a planning grant application that generally follows the outline as indicated below:

1. Criteria

a. Eligibility, Completeness, and Applicant Risk Review

b. Evaluation Criteria

i. Project Benefits

- Improve safety at Highway-Rail or Pathway Rail Grade Crossings.
- Grade separate, eliminate, or close crossings.
- Enhance mobility for people and goods.
- Reduce emissions, benefit the environment, and community (including noise reduction).
- Improve emergency services access including direct and an uninterrupted route to regional medical facilities/hospital.
- Enhance community access.
- Enhance future Rapid Transit/Commuter Rail services.
- Provide economic benefits (i.e., Benefits/Cost Analysis).
- Utilize local labor incentives within federal law.

ii. Technical Merit

- Appropriateness of tasks and subtasks to achieve project outcomes.
- Strong project readiness and compliance with RCE Program requirements.
- Qualifications of key personnel and organizations to execute the project successfully.
- Inclusion in relevant state freight, commuter rail, or highway-rail plans.
- Utilization of innovative technologies, designs, materials to reduce emissions.
- Incorporation of financial support from rail carriers.
- Improvement of multi-mode transportation and accessibility.

c. Selection Criteria

• Address Program Preferences and DOT Strategic Goals:

A Safety

- Foster a safe transportation system, reduce fatalities and injuries.
- Enhance safety at crossings, reduce trespassing incidents, upgrade infrastructure.

B Equitable Economic Strength and Improving Core Assets

- Contribute to economic progress, job creation, industry growth.
- Support good-paying jobs, use of labor agreements, apprenticeships, local hiring.

C Equity and Barriers to Opportunity

- Address equity, mitigate rail-related community impacts, promote diversity.
- Engage impacted communities, accommodate disabilities, consider community feedback.



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- D Climate Change and Sustainability
  - Reduce climate change effects, improve resilience, energy efficiency.
  - Recycle or redevelop existing infrastructure.
- E Transformation of Our Nation's Transportation Infrastructure
  - Expand and enhance rail network, balance capacity increase and maintenance.
  - Improve congested corridors, maintain aging assets.
- F Eliminating Crossings and Making Corridor-Wide Improvements
  - Eliminate crossings through grade separations, track relocations, and improvements.
- G Geographic Diversity
  - Consider geographic diversity, system size, prior awards for fund allocation.

**C. Schedule**

The following schedule milestones for submittals to the City are anticipated for this project with anticipation of final submittal of the RCE grant application to Federal Railroad Administration (FRA) in September 2024.

Milestone Description	Milestone Date
RCE Draft Grant Application	September 15, 2023
RCE Final Grant Application	September 19, 2023

**D. Fee**

The fee for the development of the RCE grant application is lump sum cost of \$35,000.00. Invoices may be submitted on a monthly basis. Monthly progress status reports shall also be submitted with monthly invoices.