RESOLUTION No. 2007-85

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO (1) APPROVING A COOPERATIVE AGREEMENT WITH SAN JOAQUIN VALLEY RAILROAD FOR THE REPAIR OF RAILROAD CROSSINGS WITHIN THE CITY AND (2) AUTHORIZING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT AND ALL RELATED DOCUMENTS ON BEHALF OF THE CITY OF FRESNO

WHEREAS, the San Joaquin Valley Railroad is comprised of approximately 347 miles of track that run throughout the southern San Joaquin Valley of the State of California; and

WHEREAS, the Railroad's track along the California Avenue alignment intersects several City streets, including but not limited to, Peach Avenue, Maple Avenue, Clovis Avenue, Willow Avenue, Cedar Avenue, Chestnut Avenue, and Fowler Avenue; and,

WHEREAS, besides the crossings on the California Avenue alignment, San Joaquin Valley Railroad tracks cross Hughes Avenue, Pacific Avenue, Cherry Avenue, Van Ness Avenue, "L" Street, Los Angeles Street, Monterey Street, "M" Street and Butler Avenue; and

WHEREAS, the manner in which the Railroad inspects, repairs and maintains its track, is regulated by the California Public Utilities Commission; and

WHEREAS, the California Public Utilities Commission has issued General Order No. 72-B that establishes rules governing the construction and maintenance of railroad crossings with public streets, roads and highways in the State of California; and

WHEREAS, since at least October, 2001 the City has informed the Railroad of the rough surfacing at the at-grade crossings in the City; and

WHEREAS, the Railroad has failed to repair and/or maintain the at-grade crossings noted above in compliance with General Order 72-B; and

WHEREAS, the City is permitted to file a complaint with the California Public Utilities Commission in order to compel the Railroad to repair and maintain the subject crossings in compliance with General Order 72-B; and

WHEREAS, the City and Railroad seek to avoid the time and expense associated with prosecuting and defending a complaint filed with the California Public Utilities Commission by reaching this agreement establishing a timeline and scope of work to repair and maintain the subject crossings.

Adopted _____
Approved 3/6/07
Effective _____

2007-85

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. The City Council approves the Cooperative Agreement with the San Joaquin Valley Railroad for railroad crossing repair at the at-grade crossings noted above.

2. The City Council authorizes the Public Works Director or his designee to sign the Cooperative Agreement and all related documents on behalf of the City of Fresno.

****

****

STATE OF CALIFORNIA)
COUNTY OF FRESNO) SS.
CITY OF FRESNO)

I REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 6th day of March, 2007.

AYES	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
NOES	:	None
ABSENT	:	Xiong
ABSTAIN	:	None

Mayor Approval: N/A, 2007

Mayor Approval/No Return: N/A, 2007

Mayor Veto: N/A, 2007

Council Override Veto: N/A, 2007

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

BY: [illegible]
Deputy