

## CROSSING SURFACE INSTALLATION AGREEMENT

BNSF RIGHT-OF-WAY  
Viera Avenue  
DOT # 029677A  
MP 1149.44

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of \_\_\_\_\_, 2009, by and between Contra Costa County (hereinafter called, "Agency") and BNSF RAILWAY COMPANY (hereinafter called, the "Company").

WHEREAS, Company operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, Agency is engaged in a project to install 4 foot wide bike lanes along Viera Avenue between 18<sup>th</sup> Avenue and Wilbur Avenue in the Antioch, California area.; and

WHEREAS, Agency and Company desire to replace and widen the existing northern railroad crossing surface at Viera Avenue in the Antioch area as shown on the attached Exhibit 1. Company will install concrete panels and rubber crossing surface at the railroad crossing, and widen the adjacent pavement within 25 feet of the centerline of either set of tracks to a minimum 32 foot width, including leveling the area between the main line and siding tracks.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Company Work.** The Company will install a new 40 foot wide concrete and rubber crossing surface on center with the new centerline of at the Viera Avenue crossing. The new crossing surface will adequately cover all vehicular driving lanes and bike lanes along Viera Avenue. The Company will perform all necessary track upgrades to accommodate the new crossing surface. The Company will widen Viera Avenue to a minimum 32 feet wide asphalt pavement section extending 25 feet from the centerline of each set of tracks.

2. **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, Company will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Company shall send to Agency a final invoice upon completion and Agency shall pay the final invoice within 30 days of receipt.

Agency agrees to pay Company for the new crossing surface, pavement widening and surfacing. Agency's **ESTIMATED** total cost for the improvements is \$101,622 and 00/100 Dollars (\$101,622.00).

3. **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, the Company will maintain, at its own cost and expense, the crossing surface in accordance with General Order No. 72-B of the California Public Utilities Commission. Notwithstanding the preceding sentence, the Company shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

4. **Vehicular Traffic during Installation.** The Company shall provide, at the project's cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular traffic at the

Viera Avenue crossing during installation of the new crossing surface.

5. **Drainage.** The Agency agrees to allow the Company to drain water from the Viera Avenue crossing area into existing Agency storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by the Company.

6. **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and Agency’s payment of the amount set forth in Section 2 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

**COMPANY:**

**BNSF RAILWAY COMPANY:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**AGENCY:**

**CONTRA COSTA COUNTY:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**FORM APPROVED**  
SILVANO B. MARCHESI, County Counsel  
By Deputy Abigail L. Dye

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****			
BNSF RAILWAY COMPANY FHPM ESTIMATE FOR CONTRA COSTA COUNTY			
LOCATION EAST ANTIOCH	DETAILS OF ESTIMATE	PLAN ITEM : PTR029677A	VERSION : 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

DESCRIPTION OF PROJECT AS PROVIDED BY PROJECT ENGINEER HAG  
BNSF PUBLIC PROJECTS IS ENTERING INTO AN AGREEMENT WITH CONTRA COSTA COUNTY TO RENEW A CROSSING ON THE SIDING TRACK AT VIERRA AVE. 100% BILLABLE TO CONTR COSTA COUNTY - LS 7200 - MP 1149.450 - STOCKTON SUB - NC DIVISION  
RDM MORRIS - DE JOHN CRISLER

BILLING FOR THIS PROJECT SHOULD BE DIRECTED TO: CONTRA COSTA COUNTY AT 100%

MAINTAIN PROPRIETARY CONFIDENTIALITY  
THE PHYSICAL LIMITS OF THIS PROJECT ARE DESCRIBED BY LINE SEGMENT, MILE POST RANGES, AND IN SOME CASES TRACK NUMBER. THIS IS THE PRIMARY AREA FOR THE PROJECT. THERE WILL BE CASES WHERE WORK MAY OCCUR BEYOND THE DEFINED LIMITS.  
PROJECTS THAT INCLUDE SIGNAL, ELECTRICAL, OR TELECOMMUNICATION EQUIPMENT MAY REQUIRE ACTIVITY BEYOND THESE DEFINED TRACK LIMITS. ALL OR PORTIONS OF SOME PROJECTS MAY OCCUR IN AREAS WHERE NO MILEPOST SIGNS EXIST SUCH AS YARDS.  
THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.






DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
***** LABOR *****				
PLACE FIELD WELDS - CAP	112.0	MH	2,551	
REPLACE PUBLIC CROSSING - TOTAL REHAB	64.0	MH	1,390	
SIGNAL FIELD LABOR - CAP	11.0	MH	290	
SURFACE TRACK - REPLACEMENT - CAP	24.0	MH	565	
UNLOAD BALLAST - REPLACEMENT - CAP	6.0	MH	131	
UNLOAD CROSSING MATERIAL - PUBLIC - CAP	16.0	MH	348	
PAYROLL ASSOCIATED COSTS			3,627	
EQUIPMENT EXPENSES			3,056	
DA LABOR OVERHEADS			5,642	
INSURANCE EXPENSES			841	
TOTAL LABOR COST			18,441	18,441
***** MATERIAL *****				
BALLAST, NEWBERRY CA (NC, SC)	200.0	NT **	2,866	
TRACK PANEL, 136 LB 40 FT- 10 FT TIES-PANDROL	4.0	EA **	19,492	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	12.0	KT	852	
CONC 136 08-SEC WITH FILLER FOR 10' WOOD TIES	40.0	FT	8,288	
CONCRETE XING RAMP AND PANEL RESTRAINT,	2.0	ST	513	
SIGNAL MATERIAL	1.3	DAY	195	
MATERIAL HANDLING			1,607	
ONLINE TRANSPORTATION			2,000	
USE TAX			2,791	
OFFLINE TRANSPORTATION			290	
TOTAL MATERIAL COST			38,894	38,894
***** OTHER *****				
ASPHALT BY CONTRACTOR	1.0	LS	22,000	
LEASED EQUIPMENT WITH OPERATOR	1.3	DAY	5,200	
TRAFFIC CONTROL	1.0	LS	7,000	
TOTAL OTHER ITEMS COST			34,200	34,200
PROJECT SUBTOTAL				91,535
CONTINGENCIES				9,080
BILL PREPARATION FEE				1,007
GROSS PROJECT COST				101,622
LESS COST PAID BY BNSF				0

TOTAL BILLABLE COST

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101,622

[illegible]

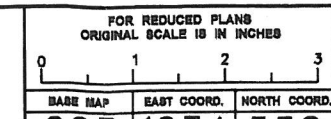
- |   |                                   |
|---|-----------------------------------|
|  | <b>HMA Overlay &amp; Leveling</b> |
|  | <b>HMA Pvrmt Widening</b>         |
|  | <b>PCC Panel</b>                  |
|  | <b>Sawcut Line</b>                |
|  | <b>Limits of Work</b>             |

**NOTE:** Prior to BNSF construction, the County will provide construction staking.

<b>REVISIONS</b>				<b>DES:</b> L. THEIS
<b>NO.</b>	<b>DESCRIPTION</b>	<b>BY</b>	<b>DATE</b>	<b>DRAWN:</b> H. HUSSEY
				<b>CHKD:</b> J. PULLIAM
				<b>DATE:</b> 9-23-09
				<b>SCALE:</b> 1" = 10'

**CONTRA COSTA COUNTY  
PUBLIC WORKS DEPARTMENT  
255 GLACIER DRIVE  
MARTINEZ, CALIFORNIA 94553**

EXHIBIT 1



VIERA AVENUE BIKE LANES

BNSF EXHIBIT