



## Legislation Text

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**File #:** 24-0308, **Version:** 1

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**TO:** Mayor Richard C. Irvin and City Council

**FROM:** Tim Weidner, P.E., Engineering Coordinator

**DATE:** May 16, 2024

**SUBJECT:**

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 2 Engineering Agreement with Baxter & Woodman, Inc. in the not to exceed amount of \$70,476.00, and the appropriation of \$70,476.00 of MFT Funds for the South Edgelawn Drive at BNSF Railway Tracks Crossing Project.

**PURPOSE:**

To execute the Joint Funding Agreement for Federally Funded PE/ROW, there by reserving sufficient funds to cover the local agency share of the project cost by resolution, to approve the Phase 2 Local Public Agency Engineering Services Agreement with Baxter & Woodman, Inc. and to Appropriate Motor Fuel Tax (MFT) Funds by Illinois Department of Transportation (IDOT) Resolution for MFT # 20-00335-00-FL.

**BACKGROUND:**

The City recently received Design Approval from IDOT on the Phase 1 Preliminary Engineering study regarding the construction of a bike and pedestrian crossing at the BNSF Railroad at Edgelawn Drive and is now looking to move forward to Phase 2 Design Engineering.

**DISCUSSION:**

This project received Local Rail-Highway Crossing Safety Program federal funds, 90% federal funding up to \$490,680.00. During Phase 1 Engineering, the total project construction cost increased from the previously estimated \$545,200 to \$949,050. This increase is largely due to additional railroad requirements from BNSF. The City has requested additional federal funding, and the request is currently under review.

The project limit span is from the commercial driveway (south of the BNSF tracks) to the Virgil Gilman Trail (north of the BNSF tracks). The proposed improvements include constructing an 8' asphalt bike path on the east side of Edgelawn Drive, through the BNSF tracks. The bike path will connect to the Virgil Gilman Trail to the north and paved shoulder to the south at the commercial driveway using off and on-street bike path, pavement marking and signage. Other improvements include railroad track crossing material and railroad gate/flasher infrastructure and circuitry.

The City posted a Qualifications Based Selection (QBS) on March 1, 2024 to select a Phase 2 Design Engineering Consultant. The posting closed on March 15, 2024. Three (3) firms submitted qualifications on the projects, and the top scoring firm was Baxter and Woodman of Naperville, Illinois.

Baxter and Woodman also completed the Phase 1 Preliminary Engineering.

The attached Phase 2 Design Engineering Agreement (BLR 05530) from Baxter & Woodman Inc. in the amount of \$70,476.00 noted as Exhibit B will provide Phase 2 Design Engineering Services. We are anticipating the design work to be completed over the next year, with construction to take place in 2026.

This followed the Request for Qualifications process and is not subject to the Local Preference Policy. The funding source, federal and MFT funds, is not subject to the Local Preference Policy.

The federally funding is a 90/10 split and is a reimbursable program. The attached Joint Funding Agreement for Federally Funded PE/ROW (BLR 05310PE) is shown as Exhibit A and will need to be executed to utilize those funds. The City will front fund engineering costs and will be reimbursed roughly 90% of the costs. The City's final share of the Phase 2 Engineering costs is anticipated to be \$7,048.00.

Due to the extensive agreement processing time by IDOT, staff has opted to go for a Section 1440 processing to start the project as soon as possible. A traditional agreement approval process by IDOT takes 6 months to over a year to get the notice to proceed to kick start Phase 1 or 2 engineering services. Section 1440 allows the local agency to get started with design engineering services prior to Federal/State authorization of the Phase 2 engineering funds. However, the City needs to wait to ask for reimbursement until the agreements are reviewed & executed by IDOT.

Currently, both Exhibit A and Exhibit B are drafts that are under review by IDOT. Since IDOT needs to shift some funding around between phases, it is possible (though unlikely), the amount of federal funding for this phase will not be increased and the City share could be \$25,476.00. Since City has opted for Section 1440 processing, these attachments will need to be executed by City to start the Phase 2 engineering services. If the forms are amended by IDOT or CBLRS (Central Office), the Mayor and City Clerk will execute the most current forms.

IDOT requires a Resolution to appropriate the MFT Funds prior to their expenditure for approved projects. The Resolution for Improvement - BLR 09110 (Exhibit C) appropriating MFT Funds in the amount of \$70,476.00 is attached. The resolution amount is higher than the anticipated City's share in order to cover front funding the Design Engineering cost.

The 2024 City budget provides the funds through the following account:

GB136	Edgelawn Dr at BNSF RR 203-4060-431.79-99	\$70,476.00
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**IMPACT STATEMENT:**

The project will provide alternate mode of transport for commuters and encourages recreational use of the amenity.

**RECOMMENDATIONS:**

Please forward this to Finance Committee for approval.

cc: Finance Committee



CITY OF AURORA, ILLINOIS

RESOLUTION NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 2 Engineering Agreement with Baxter & Woodman, Inc. in the not to exceed amount of \$70,476.00, and the appropriation of \$70,476.00 of MFT Funds for the South Edgelawn Drive at BNSF Railway Tracks Crossing Project.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City seeks to enhance bicycle and pedestrian facilities through South Edgelawn Drive at BNSF Railway Tracks Crossing Project for better connectivity and accessibility to regional, local trails and amenities on the west side of Aurora. Project limits - are from the commercial driveway to the south of the BNSF tracks to the Virgil Gilman Trail north of the BNSF Railroad tracks, the project is approximately 0.07 miles in length, that consists of constructing 8 feet wide asphalt bike path on the east side of Edgelawn Drive over the BNSF Railway tracks, bike lane/bike route pavement marking, signage, railroad track crossing material, railroad gate/flasher infrastructure, circuitry and other pertinent work. The project has a State Job No.: D-91-074-24, Federal Project No.: SPPP(372) and MFT Section No.: 20-00335-00-FL; and

WHEREAS, South Edgelawn Drive at BNSF Railway Tracks Crossing Project has been awarded Local Rail-Highway Crossing Safety Program federal funds in the amount of \$490,680.00 in total (for all engineering and construction) and the City is currently pursuing additional federal funding; and

WHEREAS, the use of federal funds requires the City to execute the Joint Funding Agreement for Federally Funded PE/ROW with the State of Illinois (IDOT), a copy of which draft agreement is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, a Qualifications Based Selection process was followed and three firms submitted in March 2024. Baxter & Woodman, Inc., was selected to conduct Phase 2 Design Engineering through the ranking system; and

WHEREAS, the use of federal funds requires the City to execute the Phase 2 Design Engineering Agreement with Baxter & Woodman, Inc., 1548 Bond Street, Suite 103, Naperville, Illinois 60563 by way of appropriating funds in the not to exceed amount of \$70,476.00 (front funding Phase 2

Preliminary Engineering) of which the agreement is attached; and

WHEREAS pursuant to Section 1440, the City must wait to ask for federal reimbursement of engineering services until Exhibit A and Exhibit B are reviewed & executed by IDOT; and

WHEREAS, there is a need to appropriate Motor Fuel Tax (MFT # 20-00335-00-FL) funds for this project in the amount of \$70,476.00 a copy of which resolution is attached for approval, and

WHEREAS, the City of Aurora 2024 Budget provides funds by way of the following account:  
GB136            Edgelawn Dr at BNSF RR 203-4060-431.79-99            \$70,476.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Local Public Agency Agreement for Federal Participation with the State of Illinois in substantially the same form as attached to this Resolution as Exhibit A shall be and hereby is approved; and further

BE IT RESOLVED, that Phase 2 Design Engineering Agreement with Baxter & Woodman, Inc., in substantially the same form as attached to this Resolution as Exhibit B in the amount of seventy thousand four hundred seventy-six and 00/100 dollars (\$70,476.00) shall be and hereby is approved; and further

BE IT RESOLVED, that seventy thousand four hundred seventy-six and 00/100 dollars (\$70,476.00) of available Motor Fuel Tax (MFT) Funds, MFT Section Number 20-00335-00-FL shall be and hereby is appropriated for the purposes set forth in this resolution; and further

BE IT RESOLVED, that the Mayor and the Clerk respectively, shall be and hereby are directed to execute all the aforementioned documents on behalf of the City and any other documents required to carry the purposes of this resolution into execution, including, but not limited to the document entitled "Resolution for Improvement Under the Illinois Highway Code, Form (BLR 09110)" attached to this Resolution as Exhibit C.