



## Legislation Text

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**File #:** 24527, **Version:** 1

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### Fiscal Note

The agreement does not involve any expenditure of City funds. The proposed indemnification language has been reviewed by the Risk Manager, whose recommendation is that the City self-insure the risk at this time. No anticipated budgetary impact.

### Title

Authorizing the Mayor and City Clerk to execute a Permit agreement between the City of Madison and State of Wisconsin Department of Transportation for the Marsh View Bike Path crossing of the WisDOT rail corridor near Highway 30, including indemnification of the railroad operator, currently Wisconsin & Southern Railroad (WSOR), from liability associated with use of the bike path. (15th AD)

### Body

#### Preamble

The City sponsored a federally-funded project to complete a shared use (bicycle and pedestrian) path connecting Corporate Drive to Mayfair Avenue, which was constructed by State-let contract in 2005-6. A previous resolution was adopted in 2004 (Resolution No. 62010, ID 36968) authorizing agreements with the State of Wisconsin Department of Transportation (WisDOT) for the funding and construction of the Marsh View path. The path crosses the railroad tracks operated by Wisconsin & Southern Railroad (WSOR) at the railroad underpass of Highway 30. The office of Commissioner of Railroads (OCR) approved the path crossing of the railroad on July 30, 2004.

An agreement for a Permit from WisDOT Rails and Harbors Section was drafted in 2005 for the operation and maintenance of the portion of the path within the railroad corridor. However, it was not completed at that time due to a pending transfer of ownership of the rail corridor from WSOR to WisDOT. That transfer was not completed until several years later. The current proposed resolution remedies the earlier omission, and is substantially similar to other Permit agreements with WisDOT Rails and Harbors Section for bike paths on railroad property.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute an agreement for a Permit with Wisconsin Department of Transportation, Railroads and Harbors Section for operation and maintenance of the Marsh View bike path within the rail corridor owned by WisDOT and currently operated by Wisconsin & Southern Railroad Co. at Highway 30.

BE IT FURTHER RESOLVED that the Common Council approves indemnification of the Railroad Operator designated by the State of Wisconsin Department of Transportation, currently WSOR, as set forth in the agreement in order to secure the City's use of the railroad corridor for bike path purposes.