



Legislation Details (With Text)

**File #:** 69478      **Version:** 1      **Name:** Authorizing and Delegating authority to the City Engineer to obtain a Temporary Access Permit (TAP) from the Wisconsin Department of Transportation for storm and sanitary sewer maintenance along the John Nolen Drive Railroad Corridor and authorizing the i

**Type:** Resolution      **Status:** Passed

**File created:** 1/24/2022      **In control:** Engineering Division

**On agenda:** 2/22/2022      **Final action:** 2/22/2022

**Enactment date:** 2/25/2022      **Enactment #:** RES-22-00115

**Title:** Authorizing and Delegating authority to the City Engineer to obtain a Temporary Access Permit (TAP) from the Wisconsin Department of Transportation for storm and sanitary sewer maintenance along the John Nolen Drive Railroad Corridor and authorizing the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad L.L.C., and WATCO Companies, L.L.C. (4th AD)

**Sponsors:** Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/22/2022	1	COMMON COUNCIL	Adopt	Pass
2/2/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/1/2022	1	COMMON COUNCIL	Refer	Pass
1/24/2022	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

No appropriation required.

**Title**

Authorizing and Delegating authority to the City Engineer to obtain a Temporary Access Permit (TAP) from the Wisconsin Department of Transportation for storm and sanitary sewer maintenance along the John Nolen Drive Railroad Corridor and authorizing the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad L.L.C., and WATCO Companies, L.L.C. (4th AD)

**Body**

The City of Madison has both storm and sanitary sewer utilities to throughout the rail corridor running along John Nolen Drive roughly from Blair Street to Bedford Street. These facilities require ongoing maintenance to remain functional. City Engineering has met with representatives of both the WDOT, the WSOR Railroad and WATCO to determine the best method to do this from an administrative perspective. It has been determined that a WDOT issued Temporary Access Permit (TAP) will be utilized to allow this maintenance to be completed on the WDOT owned and WSOR operated railroad corridor.

The TAP permit requires indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad L.L.C., and Watco Companies, L.L.C. APM 1-1 allows the City to indemnify other parties with Common Council approval. The indemnification language has

been reviewed by the City Attorney and the City's Risk Manager. While the City's risk exposure is increased by the indemnification clause contained in the permit, the exposure is covered by the City's insurance policies, subject to their terms and conditions.

As the maintenance is ongoing and occasionally of a urgent and critical nature this resolution allows the City Engineer to apply for and sign these permits, provided they are reviewed and approved by the City Attorney and insurance is bound through the City Risk Manager.

NOW THEREFORE BE IT RESOLVED that the City Engineer is hereby authorized to apply for and execute temporary access permits, in a form an and manner approved by the City Attorney, on behalf of the City with the Wisconsin Department of Transportation for the maintenance of the City's storm and sanitary sewers on the railroad corridor in the John Nolen Drive Corridor between Blair and Bedford Streets, and;

BE IT FURTHER RESOLVED that the Common Council hereby approves of the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad L.L.C., and Watco Companies, L.L.C. as a condition of these permits.