



## Legislation Text

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**File #:** 78071, **Version:** 1

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### **Fiscal Note**

No appropriation is required.

### **Title**

Authorizing the City Engineer to obtain a Permit from the Wisconsin Department of Transportation for construction along the John Nolen Dr. 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 sanitary sewer utilities in the rail corridor along John Nolen Dr. between the cul-de-sac of S. Hancock St and S. Blair St. Three of the sewer mains under/near the rail corridor will be Cured-In-Place (CIP) lined with the public works project CIPP UV Lining Rehabilitation of Sanitary Sewers East Phase 1 - 2023.

The Permit to Construct, Operate, and Maintain Utility Facilities on Wisconsin Department of Transportation Railroad Property 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 construction and maintenance is ongoing and occasionally of an 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 permits on behalf of the City with the Wisconsin Department of Transportation for the construction and maintenance of public utilities on railroad property in the Railroad Corridor along John Nolen Dr., in a format approved by the City Attorney and the Risk Manager; and

BE IT FURTHER RESOLVED that the Mayor and 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.