



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** September 3, 2014

**TITLE:** Motion to approve the proposed amendment to the existing CSX  
Transportation Inc. (CSXT) Supplemental Agreement for the private  
sidetrack at the Fiveash Water Treatment Plant

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**Recommendation**

It is recommended that the City Commission approve the proposed amendment to the existing CSXT Supplemental Agreement for the existing sidetrack at the Fiveash Water Treatment Plant.

**Background**

CSXT and the City of Fort Lauderdale (City) entered into private sidetrack agreement in April 1996, detailing the construction, maintenance, and use of certain private sidetrack facilities located adjacent to the Fiveash Water Treatment Plant (Exhibits 1 and 2).

CSXT has requested that the City execute the proposed amendment to the agreement to account for certain alterations and ownership rights to the track facilities. CSXT is updating the agreement, removing Track 102 (which no longer exists) from the original agreement, and redefining ownership limits. The agreement is being revised to reflect drawings dated April 17, 2014 (See Exhibit 3).

CSXT has requested that the City execute the amendment now because CSXT is transferring maintenance responsibilities of the railway corridor to the Florida Department of Transportation (FDOT). If the City does not execute the amendment, FDOT does not have an agreement to maintain City tracks in the railroad right-of-way, and the City will be responsible for inspection and maintenance of the track sections.

There will be an ongoing fiscal impact to the City for the maintenance of the switch and such fees will continue as long as the City utilizes the sidetrack for deliveries of chemicals to the Fiveash Water Treatment Plant. This impact has not been defined for the period extending from April of 2014 to April of 2015, because CSXT is currently not assessing continuation fees in the South Florida corridor (which includes the City's location).

### **Resource Impact**

There is no fiscal impact for associated with this action at this time as FDOT and CSXT are currently ironing out details of how continuation fees and removal of switches will be handled in the future. For reference, the fiscal impact for the period extending from April 2013 through April 2014 was \$7,918.22.

### **Strategic Connections:**

This item is a *Press Play Fort Lauderdale Strategic Plan* initiative, included within the **Infrastructure Cylinder of Excellence**, specifically advancing:

- **Goal 2:** Be a sustainable and resilient community.
- **Objective 1:** Proactively maintain our water, wastewater, road, and bridge infrastructure.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*.

Attachments: Exhibit 1 – Existing Private Track Agreement

Exhibit 2 – Drawing M-833 dated 3-11-66

Exhibit 3 – Supplemental Agreement CSX025677 and Drawing No ADR04172014

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