



Agenda Report

Fullerton City Council

MEETING DATE: DECEMBER 7, 2021

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEVE DANLEY, ACTING CITY MANAGER

PREPARED BY: MEG MCWADE, PUBLIC WORKS DIRECTOR
DEREK WIESKE, ACTING CITY ENGINEER
DAVID ROSEMAN, CITY TRAFFIC ENGINEER

SUBJECT: PRELIMINARY ENGINEERING SERVICE AGREEMENT
WITH BURLINGTON NORTHERN AND SANTA FE (BNSF)
RAILWAY COMPANY AND COST SHARING
AGREEMENT WITH GLC FULLERTON LLC FOR
VARIOUS TRAFFIC IMPROVEMENTS RELATED TO THE
INDUSTRIAL LOGISTICS CENTER AT 2001 EAST
ORANGETHORPE AVENUE (GOODMAN LOGISTICS
CENTER FULLERTON)

SUMMARY

The BNSF railroad requires the City to serve as lead agency for any capital improvement coordination. This action will approve two agreements to facilitate the engineering design of various traffic improvements in proximity to the railroad associated with the Goodman Logistics Center Project located at 2001 East Orangethorpe Avenue.

RECOMMENDATION

1. Authorize City Manager, or designee, to execute the Preliminary Engineering Service Agreement (PSA) with Burlington Northern Santa Fe Railway Company (BNSF) for various traffic improvements related to the Goodman Logistics Center Project located at 2001 East Orangethorpe Avenue.
2. Authorize City Manager, or designee, to approve and execute amendments to the PSA with BNSF, in a form approved by the City Attorney.

3. Approve Cost Sharing Agreement with GLC Fullerton LLC for reimbursement of costs and expenses that the City incurs from BNSF in performance of the work outlined in the PSA.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Infrastructure and City Assets.

FISCAL IMPACT

Staff does not anticipate any fiscal impact related to execution of the two agreements. GLC Fullerton LLC will reimburse all costs incurred by the City as a result of the PSA with BNSF through the Cost Sharing Agreement.

DISCUSSION

The Goodman Logistics Center Project at 2001 East Orangethorpe Avenue involves the redevelopment of the former Kimberly Clarke site with an industrial logistics center consisting of four buildings on four separate lots, totaling over 1.5 million square feet. City Council approved the project and development agreement in November 2020, which included a series of traffic improvements in the vicinity of the project and specifically along Kimberly Avenue in close proximity to the BNSF railroad as conditions of approval. The following three traffic improvements require coordination with and approval of BNSF since they impact rail operations:

- Installation of an all-way stop at the intersection of Acacia Avenue and Kimberly Avenue.
- Removal of two unused rail spurs that cross Kimberly Avenue.
- Installation of a new traffic signal at the intersection of North State College Boulevard and Kimberly Avenue.

BNSF does not enter into agreements directly with developers or private parties for the design of traffic and rail improvements at railroad street crossings. BNSF will only coordinate on the design and implementation of such improvements with the local roadway authority, which is the City of Fullerton. BNSF's estimated cost for the engineering and design work related to the three traffic improvements as outlined in the PSA totals \$50,000, with actual expenses based on work performed. GLC Fullerton LLC will reimburse the City for these expenses, through the implementation of the attached Cost Sharing Agreement. In order to facilitate the design of these three traffic improvements, staff recommends that City Council approve and authorize the City Manager to execute the PSA agreement with BNSF for the railroad-related design work and concurrently approve and authorize the City Manager to execute the Cost Sharing Agreement with GLC Fullerton LLC to provide the funds necessary to reimburse BNSF for their costs.

Attachments:

- Attachment 1 – Proposed PSA Agreement with BNSF
- Attachment 2 – Proposed Cost Sharing Agreement with GLC Fullerton LLC