



## Legislation Text

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**File #:** 14-0300, **Version:** 1

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### PROPOSED AGREEMENT

**Department:** Planning and Development

**Request:** Requesting authorization for the Forest Preserve District of Cook County (“the Preserves”) to enter into an agreement with Wisconsin Central Limited (“WC”), a subsidiary of Canadian National Railway, to construct and maintain a bicycle-pedestrian pass under WC tracks in Chicago Heights, Illinois.

**Reason:** The Forest Preserve plans to connect three separate portions of the existing Thorn Creek Trail System and link the Thorn Creek Trail with the Old Plank Road Trail and the Burnham Greenway Trail. The project will add 4.75 miles of new trail to the existing system of 12.7 miles. This trail project was initially approved at the 1/10/2007 meeting of the Forest Preserve District Board of Commissioners. Authorization to pay 20% of the cost of construction was approved on 11/12/2013.

To provide safe crossings and create a contiguous trail system, construction of trail improvements is required under an existing span beneath the railroad’s existing bridge where the railroad crosses the Thorn Creek tributary at railroad milepost 24.25. The underpass has been designed to IDOT standards and has been approved for construction.

The Forest Preserve has filed a petition before the Illinois Commerce Commission (the “Commission”) requesting permission to build the proposed underpass and it is anticipated that the Commission will grant approval subject to the terms of the proposed agreement between the Forest Preserves and the WC.

The proposed agreement includes a license fee of \$2,500.00 to be paid by the Preserves. In addition to the license fee, the proposed agreement includes provisions that could result in additional future costs to the Preserves that are unknown at this time. The Preserves will at its sole cost and expense be responsible for the maintenance of the proposed trail. The proposed agreement also requires the Preserves to indemnify the railroad for any liability resulting from the use of the trail on railroad property.

**Contract period:** Agreement effective until terminated.

**Estimated Fiscal Impact:** \$2,500.00

**Account(s):** Trail Accounts 25-6780, 51-6780, 52-6780, 54-6780 & 60-6780

**Concurrence(s):**

The Chief Attorney and Comptroller have approved this item.

**District(s):** 5 and 6