



City of Conway, Arkansas
Resolution No. R-08-27

RESOLUTION OF THE CITY COUNCIL OF CONWAY, ARKANSAS, PERTAINING TO CLOSING SALEM ROAD AT THE RAILROAD CROSSING INTERSECTION SALEM ROAD AND REPLACING SUCH AT-GRADE RAILROAD CROSSING WITH AN ABOVE-GROUND RAILROAD CROSSING STRUCTURE

WHEREAS, the City Council of Conway, Arkansas, has considered modifications to the existing at-grade railroad crossing of Salem Road with the Union Pacific Railroad by eliminating such at-grade railroad crossing and replacing it with an above-grade railroad crossing structure and the impact of such at-grade railroad crossing consolidation upon the safety of pedestrian and automobile traffic by its citizens and has reached the following conclusion:

1. The benefits of consolidating unnecessary at-grade railroad crossings include:
 - a. fewer intersections at which collisions between motor vehicles and trains can occur; and
 - b. redirection of limited resources to the remaining at-grade railroad crossings which have the greatest public necessity;
2. the elimination of the existing at-grade railroad crossing at Salem Road and replacing it with an above-grade railroad crossing structure would accommodate transportation and safety for the citizens of the City and other traffic within the City;
3. such modifications of the existing at-grade railroad crossing at Salem Road would improve traffic flow and safety, and would cause improved development of commerce within the City; and
4. such modifications of the existing at-grade railroad crossing at Salem Road would be in the best interest of and would improve the safety and welfare of citizens and traffic within the City; and

WHEREAS, in order to accomplish such modifications of the existing at-grade railroad crossing at Salem Road, it is necessary that the City enter into certain agreements pertaining to the construction of an above-grade railroad crossing structure, including an Overpass Construction Agreement which provides, in part, for the closing of the existing at-grade railroad crossing at Salem Road.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Conway, Arkansas, should be, and hereby is, authorized to negotiate for and to enter into on behalf of the City such agreements as the Mayor deems necessary or appropriate to accomplish the elimination of the existing at-grade railroad crossing at the intersection of Salem Road and the Union Pacific Railroad right-of-way (Department of Transportation No.434 244 J, Mile Post 375.54, Van Buren Subdivision) and replacing it with an above-grade railroad crossing structure (Department of Transportation No. 920 457J, Mile Post 375.48, Van Buren Subdivision), such agreements to include a Construction and Maintenance Agreement that provides, among other things, for the elimination of the existing at-grade railroad crossing; and

FURTHER RESOLVED, the elimination of the of the existing at-grade railroad crossing at the intersection of Salem Road and the Union Pacific Railroad right-of-way described above shall be conditioned upon the completion of Arkansas Highway and Transportation Department Job No. 080142 and the opening of the above-grade railroad crossing structure contemplated thereby for public vehicular traffic; and

FURTHER RESOLVED, upon completion of such above-grade railroad crossing structure, the City shall erect barricades to, and Union Pacific Railroad shall remove, all at the City's expense, the existing at-grade railroad crossing at the intersection of Salem Road and the Union Pacific Railroad right-of-way; and

FURTHER RESOLVED, that the Mayor should be, and hereby is, further authorized to take such further steps and actions on behalf of the City as such officer shall deem necessary or appropriate to accomplish the purposes of these Resolutions and to consummate the transaction contemplated hereby.

PASSED this 8th day of October, 2008.

ATTEST:

Mayor:



Michael O. Garrett
City Clerk/Treasurer



Mayor Tab Townsell