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----- Forwarded message -----

From: **Mary R. Schroll** <[MRSCHROL@up.com](mailto:MRSCHROL@up.com)>

Date: Fri, May 1, 2020 at 7:52 PM

Subject: Re: Folder 3196-94 Signal/Surface > UT > LOGAN > 1400 N > DOT 806354Y

To: Jim Golden <[jimgolden@utah.gov](mailto:jimgolden@utah.gov)>

Cc: Bill Young <[bill.young@loganutah.org](mailto:bill.young@loganutah.org)>, Corey Nelson <[coreynelson@utah.gov](mailto:coreynelson@utah.gov)>, Craig Carlston <[craig.carlston@loganutah.org](mailto:craig.carlston@loganutah.org)>, Daniel C. Peters <[dcpeters02@up.com](mailto:dcpeters02@up.com)>, Garret Jenson <[gjenson@utah.gov](mailto:gjenson@utah.gov)>, Jeff Upright <[jeffery.upright@aeom.com](mailto:jeffery.upright@aeom.com)>, Peterson, Kris <[krispeterson@utah.gov](mailto:krispeterson@utah.gov)>, Lance Kippen <[lance.kippen@railpros.com](mailto:lance.kippen@railpros.com)>, Paul Lindhardt <[paul.lindhardt@loganutah.org](mailto:paul.lindhardt@loganutah.org)>, Robert Miles <[robertmiles@utah.gov](mailto:robertmiles@utah.gov)>, Terrel Anderson <[Terrel.Anderson@railpros.com](mailto:Terrel.Anderson@railpros.com)>, Tom Dickinson <[tom.dickinson@loganutah.org](mailto:tom.dickinson@loganutah.org)>, Travis Bailey <[travis.bailey@railpros.com](mailto:travis.bailey@railpros.com)>, Richard L. Ellison <[RICHARDELLISON@up.com](mailto:RICHARDELLISON@up.com)>, Paul D. Rathgeber <[PAULRATHGEBER@up.com](mailto:PAULRATHGEBER@up.com)>

Jim and Tom,

I appreciate your feedback below and will do what I can to reach an agreement with UDOT on this topic. Unfortunately, I cannot waive the City's traffic control devices' annual maintenance fees outlined in this project's agreement. The railroad's position is that traffic control devices are not our responsibility to maintain at our expense per federal and state code and MUTCD. I see three ways we can resolve this:

- 1) City of Logan accepts proposed annual maintenance language and AREMA estimate outlined in the draft agreement;
- 2) City of Logan pays a lump sum amount for X years of maintenance and the draft agreement's language/AREMA estimate are revised accordingly.
- 3) City of Logan/UDOT revise the draft agreement to be a three party contract wherein the City of Logan, or if subsequently decided, UDOT, will reimburse UPRR for annual maintenance.

The third option will add a significant amount of time because you'll be revising the agreement and railroad management has been instructed to take one week of mandatory unpaid leave each month between May and August. If you would like to consider the second option, Lance Kippen will gather the required information (number of years; costs; general contract language/expectations) for you.

I will be out of office on unpaid leave of absence Sunday, May 3rd through Saturday, May 10th. I will not be checking email, voicemails, traveling, participating in conference calls, etc.during my leave.

Stay safe.

Thanks,

**Mary Schroll**

**Union Pacific Railroad - Engineering**

9451 Atkinson Street| Roseville, CA 95747 USA



Public Project Information: [http://www.up.com/real\\_estate/roadxing/industry/index.htm](http://www.up.com/real_estate/roadxing/industry/index.htm)  
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**UPRR Response Management Communication Center 1-888-877-7267**

*When making a submittal to UPRR, ensure that the following information is in the email subject line:  
"Project type, % Plans, City, State, Street, Milepost, Subdivision, DOT# and Lat/Long"  
If this information is not provided, your submittal and UPRR's response thereto will likely result in delay.*

Fiber optic cable systems may be buried on the **Railroad's** property. Protection of these systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Call the telephone the **Railroad's Fiber Optic Hotline** at **1-800-336-9193** (a 24-hour number) to determine if fiber optic cable is buried anywhere on the **Railroad's** property. Notification is required at least 48 hours prior to start of construction.

From: "Jim Golden" <[jimgolden@utah.gov](mailto:jimgolden@utah.gov)>  
To: "Mary R. Schroll" <[MRSCHROL@up.com](mailto:MRSCHROL@up.com)>  
Cc: "Daniel C. Peters" <[dcpeters02@up.com](mailto:dcpeters02@up.com)>, "Terrel Anderson" <[Terrel.Anderson@railpros.com](mailto:Terrel.Anderson@railpros.com)>, "Lance Kippen" <[lance.kippen@railpros.com](mailto:lance.kippen@railpros.com)>, "Bill Young" <[bill.young@loganutah.org](mailto:bill.young@loganutah.org)>, "Paul Lindhardt" <[paul.lindhardt@loganutah.org](mailto:paul.lindhardt@loganutah.org)>, "Travis Bailey" <[travis.bailey@railpros.com](mailto:travis.bailey@railpros.com)>, "Jeff Upright" <[jeffery.upright@aeacom.com](mailto:jeffery.upright@aeacom.com)>, "Craig Carlston" <[craig.carlston@loganutah.org](mailto:craig.carlston@loganutah.org)>, "Tom Dickinson" <[tom.dickinson@loganutah.org](mailto:tom.dickinson@loganutah.org)>, "Peterson, Kris" <[krispeterson@utah.gov](mailto:krispeterson@utah.gov)>, "Corey Nelson" <[coreynelson@utah.gov](mailto:coreynelson@utah.gov)>, "Garret Jensen" <[gjensen@utah.gov](mailto:gjensen@utah.gov)>, "Robert Miles" <[robertmiles@utah.gov](mailto:robertmiles@utah.gov)>  
Date: 05/01/2020 02:19 PM  
Subject: Re: Folder 3196-94 Signal/Surface > UT > LOGAN > 1400 N > DOT 806354Y

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**\* PROCEED WITH CAUTION - This email was sent from outside the Company \***

Mary - and UP Team,

Thank you for helping with Logan City and this agreement. As Tom stated in his email, UDOT has been working with Logan City and helping them through the agreement process.

You will recall, on April 15, 2020 we had a conference call with our team members about our different

interpretations of where these fees should be paid.

Currently, UDOT senior staff and our legal support are reviewing Utah Code and Administrative Rules to determine where our legal obligations are with respect to railroad maintenance fees. At this point we are still working through this to prepare our response. While Logan City states that we are working on a Master Agreement to manage these fees, this should not be taken to understand that an agreement is imminent. We do commit to working with your team to come to a resolution of this issue.

Once again, we appreciate your willingness to help Logan City move forward with their project while we continue to work through these legal issues.

Thanks.

Jim

**Jim Golden, P.E., TSSP**  
**Chief Railroad Engineer**  
**State Safety Oversight - Program Manager**  
UDOT Traffic and Safety  
Email: [jimgolden@utah.gov](mailto:jimgolden@utah.gov)  
Mobile Phone: 801-360-0052

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On Wed, Apr 29, 2020 at 3:06 PM Tom Dickinson <[tom.dickinson@loganutah.org](mailto:tom.dickinson@loganutah.org)> wrote:  
Mr. Peters,

Thank you for providing to me the proposed UPRR At Grade Highway Crossing Agreement, Folder 3196-94 located at 1400 N 600 W in Logan (UPRR Cache Valley Crossing M.P 25.910). In review of the Agreement, the City does not agree to the fee contained in Exhibit F and in section 16.A SIGNAL MAINTENANCE COSTS: The City hereby requests that the Signal Maintenance Fee clause be removed from the Agreement.

Logan City has been working with the Utah Department of Transportation (UDOT) on this matter, and in turn, UDOT is working with UPRR on a Master Agreement addressing the issue on a statewide level. Until such time that a Master Agreement is executed between UPRR and UDOT, and codified at the State level, the City of Logan believes that Maintenance Fees should not be incurred by local municipalities.

Please recognize that the project is currently under construction and resolve of this matter is time sensitive. Your immediate attention and expeditious action are greatly appreciated.

The City of Logan is eager to resolve this issue. Please direct any questions or comments to me.

Best regards,

On Thu, Mar 19, 2020 at 9:00 AM Daniel C. Peters <[dcpeters02@up.com](mailto:dcpeters02@up.com)> wrote:  
Tom,

Please sign and return two color copies with check for \$9,800 real estate fee. Address below.

Dan Peters  
Manager II - Real Estate Public Projects  
**Union Pacific Railroad**  
**1400 Douglas St. STOP 1690**  
**Omaha, NE 68179 - 1690**  
(402) 544-8549

Link to Public Projects home page

[https://www.up.com/real\\_estate/roadxing/industry/index.htm](https://www.up.com/real_estate/roadxing/industry/index.htm)

Link to project submittal page

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Tom Dickinson, EIT  
Assistant City Engineer

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