

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

March 28, 2022

The City Council  
Niagara Falls, New York

*RE: Grade Crossing Maintenance Agreement – CSX Transportation, Inc.  
(Assumption of Maintenance Responsibilities)*

Council Members:

In order to access and repair certain facilities, including caissons, towers and lines located in the City, National Grid requires improvements to be made to the road grade crossing located on 48<sup>th</sup> Street/New Road (near Lockport Road) that crosses railroad tracks owned by CSX Transportation Inc. CSX has agreed to allow National Grid to complete the project provided that the City, the owner of the road that crosses the railroad tracks, enters into a grade crossing maintenance agreement with CSX. This Maintenance Agreement, which is attached hereto, outlines the terms and conditions governing the maintenance, repair, renewal, replacement and removal of the property and facilities owned and operated by CSX.

In order to facilitate their project, National Grid, pursuant to the terms of a companion Letter Agreement that has also been submitted for your review, agrees to assume responsibility for any obligation the City would assume pursuant to the CSX Maintenance Agreement, including any costs or fees associated therewith.

It is recommended that the Maintenance Agreement with CSX be approved since it will facilitate the completion of the National Grid project which is in the best interests of the City. The Maintenance Agreement with CSX has a term of one year, subject to termination by either CSX or the City upon 60 days prior written notice. It is anticipated that upon completion of the National Grid project, this Maintenance Agreement will be terminated by the City.

Will the Council so approve and authorize the Mayor to execute the same?

Respectfully submitted,

ROBERT M. RESTAINO  
Mayor

Bax \_\_\_\_\_ Myles \_\_\_\_\_ Tompkins \_\_\_\_\_ Zajac \_\_\_\_\_ Spanbauer \_\_\_\_\_

