

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

March 28, 2022

The City Council
Niagara Falls, New York

*RE: Assumption of Maintenance Responsibilities Agreement – National Grid
(Relative to CSX Grade Crossing Maintenance Agreement)*

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 48th 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 has also been submitted for your review, 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 the attached Letter Agreement which is 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 Letter Agreement be approved since it will facilitate the completion of the National Grid project which is in the best interests of the City. The Agreement will terminate upon completion of the project by National Grid and any of its corresponding maintenance, repair, and removal of the CSX property or facilities.

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

Respectfully submitted,

ROBERT M. RESTAINO
Mayor

Bax_____ **Myles**_____ **Tompkins**_____ **Zajac**_____ **Spanbauer**_____