

REPORT TO THE BOARD OF MAYOR & ALDERMEN

DATE: November 10, 2025

FROM: Dale Perryman, P.E., Town Engineer

SUBJECT: Agreement with Norfolk Southern Railway Company for Wire and/or Pipe Occupation within the Limits of a Public Right-of-Way

INTRODUCTION:

This agenda item is to consider entering into an agreement with Norfolk Southern Railway Company for a wire and/or pipe occupation within the limits of a Public Right-of-Way.

BACKGROUND:

At the August 23, 2021, BMA meeting, the Board approved an agreement with Schilling Farms in which the developer agreed to make a one-time contribution of \$217,440.00 toward the construction of a right-turn lane on Poplar Avenue. Once Schilling Farms made this payment, the Town assumed responsibility for any additional costs associated with the construction of the turn lane. Over the past two and a half years, Town staff have worked with Norfolk Southern Railway to obtain the necessary approvals for the project's construction plans.

At the November 27, 2023, meeting, the Board approved a contract with Norfolk Southern Railway to cover costs related to Construction Engineering (CEI) and Administrative Services.

On March 7, 2025, the Norfolk Southern easement was recorded, which enabled the Tennessee Department of Transportation (TDOT) to approve the final construction plans and allow the Town to proceed with the bidding process.

Subsequently, at the June 9, 2025, BMA meeting, the Board approved the construction contract with ENSCOR, LLC for the turn lane project. Since then, the contractor and Town staff have continued coordinating with Norfolk Southern to complete the required paperwork, arrange flagging services, and finalize other administrative items necessary to begin construction.

DISCUSSION:

The attached Acknowledgement Form outlines the conditions under which the fiber installation will be permitted within the Norfolk Southern right-of-way. Approval of this document is necessary for the project to proceed in compliance with Norfolk Southern's requirements. Town staff has reviewed the Certificate of Insurance for the construction of the project and confirmed it meets the specified coverage requirements.

Town staff has contacted the railroad to inquire about the \$1,900.00 "Risk Financial Fee" to determine whether it is required, given the contractor has met the insurance limits. As of the date of this report, staff has not yet received a response from the railroad. Language is included in the recommendation to address this need as well.

STAFF RECOMMENDATION:

To approve the agreement with Norfolk Southern Railway Company for a Wire and/or Pipeline Occupation and authorization to pay the \$1,900.00 “Risk Financial Fee” if it is determined to be required.

BUDGET IMPACT:

Fund	Dept.	Obj. Code	Description	Approved Line Item Budget	Previous Expenses	Proposed Expense	Balance	Budget Impact
321	43120	931-202203	Schilling Farms Poplar Ave Turn Lane	\$391,800.00	\$374,546.25	\$1,900.00	\$15,353.75	N/A

ATTACHMENTS:

[Vicinity Map.pdf](#)

[Acknowledgment Form.pdf](#)

PROPOSED MOTION:

To approve the agreement with Norfolk Southern Railway Company for a Wire and/or Pipeline Occupation within the limits of the Public Right-of-Way, as required for the installation and maintenance of traffic signal fiber and to approve the payment of the nineteen hundred dollar (\$1,900.00) “Risk Financial Fee “if it is required.

Board Action: Motion By _____ Seconded By _____

Vote Total	Hall	Jordan	Robbins	Marshall	Stamps	Fraser
Yes						
No						
Abstain						