

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING)	RESOLUTION NO. 90-1317
AN AGREEMENT BETWEEN BURLINGTON)	
NORTHERN RAILROAD COMPANY AND)	Introduced by Rena Cusma,
METRO FOR CONSTRUCTION AND)	Executive Officer
MAINTENANCE OF RAILROAD CROSSINGS)	
AT METRO EAST STATION)	

WHEREAS, Resolution No. 89-1169A authorized the award of contracts to Trans Industries for construction and operation of the Metro East Station ; and

WHEREAS, The Public Utility Commission of Oregon requires that, at the railway crossings at the two entrances to Metro East Station, grade crossings be constructed and maintained, and protective devices be installed and maintained; and

WHEREAS, Trans Industries has agreed to pay for materials and labor for installation of the required crossing work and to also pay for maintenance costs during the period of their existing operations contract; and

WHEREAS, Burlington Northern Railroad Company has submitted a letter of agreement to Metro (hereto attached as Attachment A and hereinafter referred to as the "Burlington Northern Agreement") detailing the estimated costs of construction and maintenance of the portion of the required work that Burlington Northern will perform; and

WHEREAS, Metro General Counsel has reviewed the Burlington Northern Agreement and recommends its execution; and


WHEREAS, Metro Council approval is required because the agreement commits the District to expenditures for maintenance in future years [Metro Code 2.04.033 (a)]; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

That the Executive Officer is authorized to execute the agreement, hereto attached as Attachment A, with Burlington Northern Railroad Company for construction and maintenance of railroad crossings at Metro East Station.

ADOPTED by the Council of the Metropolitan Service District the 13th day of September, 1990.



Tanya Collier, Presiding Officer

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 90-1317, FOR THE PURPOSE OF APPROVING AN AGREEMENT BETWEEN BURLINGTON NORTHERN RAILROAD COMPANY AND METRO FOR CONSTRUCTION AND MAINTENANCE OF RAILROAD CROSSINGS AT METRO EAST STATION

Date: September 6, 1990

Presented by: Councilor
DeJardin

Committee Recommendation: At the September 4, 1990, meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 90-1317. Voting in favor were Councilors Buchanan, Collier, DeJardin, Saucy and Wyers.

Committee Issues/Discussion: James Watkins, Engineering & Analysis Manager, explained that the Public Utilities Commission is requiring construction of protective devices at the North and South entrances to Metro East Station. Under the proposed agreement, Metro agrees to pay Burlington Northern to construct and maintain the automatic gates and flashing light signals at the South entrance. Trans Industries has separately agreed to pay Metro not only for these construction costs, but also for construction of a traffic signal at the North entrance, and to pay maintenance costs as long as Trans Industries operates the facility.

Although Trans Industries is bearing these expenses, Burlington Northern will enter into an agreement only with Metro in its capacity as the long-term owner.

Construction costs are estimated at \$118,000 with annual track and signal maintenance costs estimated at \$8,000. After Trans Industries' operating contract expires, Metro will pay the annual maintenance costs directly to Burlington Northern.

The Committee had no questions or comments about the resolution and voted unanimously to recommend Council adoption.

TD:KF:pa

90-1317.RPT



BURLINGTON NORTHERN RAILROAD

PACIFIC DIVISION

2200 First Interstate Center
 999 Third Avenue
 Seattle, WA 98104-1105

Mr. Bob Martin
 Metro Solid Waste Director
 2000 SW First Avenue
 Portland, OR 97201-5398

July 30, 1990

Dear Mr. Martin:

The Metropolitan Service District of Portland, Oregon, is sponsoring a project to construct two driveway crossings of Burlington Northern trackage adjacent to the west edge of NW 61st Street between NW Culebra Street and NW Front Street at Willbridge (Portland) Oregon.

This is an agreement between the Metropolitan Service District of Portland, hereinafter called "Metro", and the Burlington Northern Railroad Company hereinafter called the "Railway".

Metro desires to construct a 60-foot wide crossing with automatic flashing light signals and gates at the south crossing as shown on Exhibit A sketch attached and a ~~96~~ foot wide crossing with a signal interconnection to the adjacent traffic light at the north crossing, as shown on Exhibit A-1 sketch attached.

The grade crossing surface for each of the two above crossings will be furnished by Metro. Metro intends to purchase "OMNI" shimless rubber crossings and furnish that material to the Railway for installation.

Railway work is required for accomplishment of the Metro project. Railway work includes signal work, track rehabilitation and placement of the rubber crossing surface material at each of the two planned crossings. All Railway work to be done under terms of this agreement will be done at Metro expense. Attached are estimates of cost for Railway work to be done at Metro expense amounting to a total estimated cost of ~~\$127,500~~ not including flagging (\$76,799--signal work and ~~\$45,800~~--track work). The estimate is provided for information only and all construction billings made by the Railway to Metro will be for actual cost of the work performed.

\$41,200
 JMC
 \$117,999 JMC

Flagging and other protective services or devices may be required for the project at the discretion of our Roadmaster in Vancouver, Washington. The Roadmaster should have 72 hours' notice in advance of any work affecting Railway property or operations. We would expect the Railway to bill Metro for any flagging or protective service cost, and that Metro would promptly pay such billing. Flagging charges would be approximately \$13.50 per hour, per man, per eight hour day, plus additives. Additives amount to approximately 55 percent of direct labor charges.

Mr. Bob Martin
July 30, 1990
Page 2

On completion of the project, Metro, at its sole cost and expense, shall maintain all improvements, other appurtenances, advance warning signs and pavement markings, with the exception of the crossing which will be maintained by the Railway at Metro's expense.

Jac
Metro will reimburse the Railway for 100 percent of the annual crossing maintenance cost, including the cost of removal and reinstallation of the crossing surface material for periodic track maintenance work as well as renewals as required, amounting to \$15 per track foot for the crossings installed under this agreement. The crossings in this project amount to ~~154~~ track feet at \$15 per foot equals ~~\$2,310~~ ^{\$1,800} annual maintenance cost based on 1989 ¹⁹⁸⁷ costs. Adjustments to the annual maintenance charge will be made annually commencing July 1, 1991, and will be based upon the percentage of change in the Association of American Railroads' Cost Recovery Index Series RCR (1977 equals 100), Table A for the Western District Material Prices, Wage Rates and Supplements Combined (excluding fuel), or successor index mutually agreed upon by the parties, from the year 1989 which shall be used as a base year for the calendar year immediately prior to the year in which the change is to be made effective.

Upon completion of the installation of crossing signal equipment, the Railway shall thereafter operate and maintain said equipment in accordance with normal operating procedures and requirements. Metro will reimburse the Railway for 100 percent of the annual maintenance cost based upon the Association of Railroads' (AAR) Maintenance Cost Recovery Index. Signal equipment in this proposed installation contains 39 AAR units (two units in the north crossing signal interconnection and 37 units in the south crossing signal system) and the annual maintenance cost is \$151.97 per AAR unit based upon 1987 costs. Adjustments to the annual maintenance cost will be made based upon the percentage of change in the Association of American Railroads' Cost Recovery Index.

In the event the signal systems installed under this agreement are partially or wholly destroyed and the cost of repair or replacement cannot be recovered from the person or persons responsible for such destruction, then, in that event the cost of repair or replacement shall be borne by Metro.

Either party hereto may assign any receivables due them under this agreement provided, however, such assignments shall not relieve the assignor of any of its rights or obligations under this agreement.

Mr. Bob Martin
July 30, 1990
Page 3

If Metro agrees to the above conditions, please have the proper official of Metro execute duplicate copies of this letter form of agreement in the space provided and return one copy of the fully executed agreement for my further handling.

Sincerely,


G. E. Haug
Division Engineer

By: C. A. Lundgren
Public Works Engineer

CAL/jl2790fb02

Att.

cc: Mr. R. J. Frazier
Mr. R. L. Boyce

File: Portland, Oregon--Metro Waste Transfer Crossings of the
61st Street Spur Track

File: AFE 90-1865

METRO

By: _____

Title: _____

COMMUNICATIONS/CONTROL SYSTEMS COST ESTIMATE

WILLBRIDGE ORE.

HIGHWAY GRADE CROSSING - NO. & SO. KINGS.
 BNRR TRACKS MILE POST - 4.21 (DOT NO.)
 TYPE OF WARNING DEVICE - FL/GATES(EM)
 TYPE OF SIGNAL CONTROL - MOTION(SO.) + INTER-TIE(NO.)
 BN LINE SEGMENT NUMBER -

 CHARGE ACCOUNT 709 - ACCURED ACCOUNTS RECEIVABLE
 CONSTRUCTION EXPENDITURES - REIMBURSABLE

BASIC ESTIMATE	LABOR	MATERIAL
HCS-3 FLASHING LIGHT SIGS. W/GATES(EM TYPE)	2500	22000
OVERLAY TRACK CIRCUIT W/CASE	1200	4500
HCS-9 PMD-2 MOTION DETECTOR(BI-DIRECTIONAL)ST	3000	17750
1-WAY ASSEMBLY F/EM GATE	200	700
ELECTRICAL POWER SERVICE	1200	800
TRAFFIC SIGNAL INTERCONNECTION	120	300
MISC. LABOR/MAT'L.	250	500

ADDITIVES		
PURCHASE AND STORE EXPENSE		4451
FREIGHT ON MATERIAL		466
RENTAL OF EQUIPMENT		2118
ENGINEERING-CONSTRUCTION	423	
ENGINEERING-PRELIMINARY	1694	
PREPARATION OF BILLS	848	
LIABILITY INSURANCE		1711
EXPENSES		847
LABOR SURCHARGE	6428	

SUB TOTALS	\$ 17863	\$ 56143
		17863

TOTAL ACCOUNT - 709		\$ 74006
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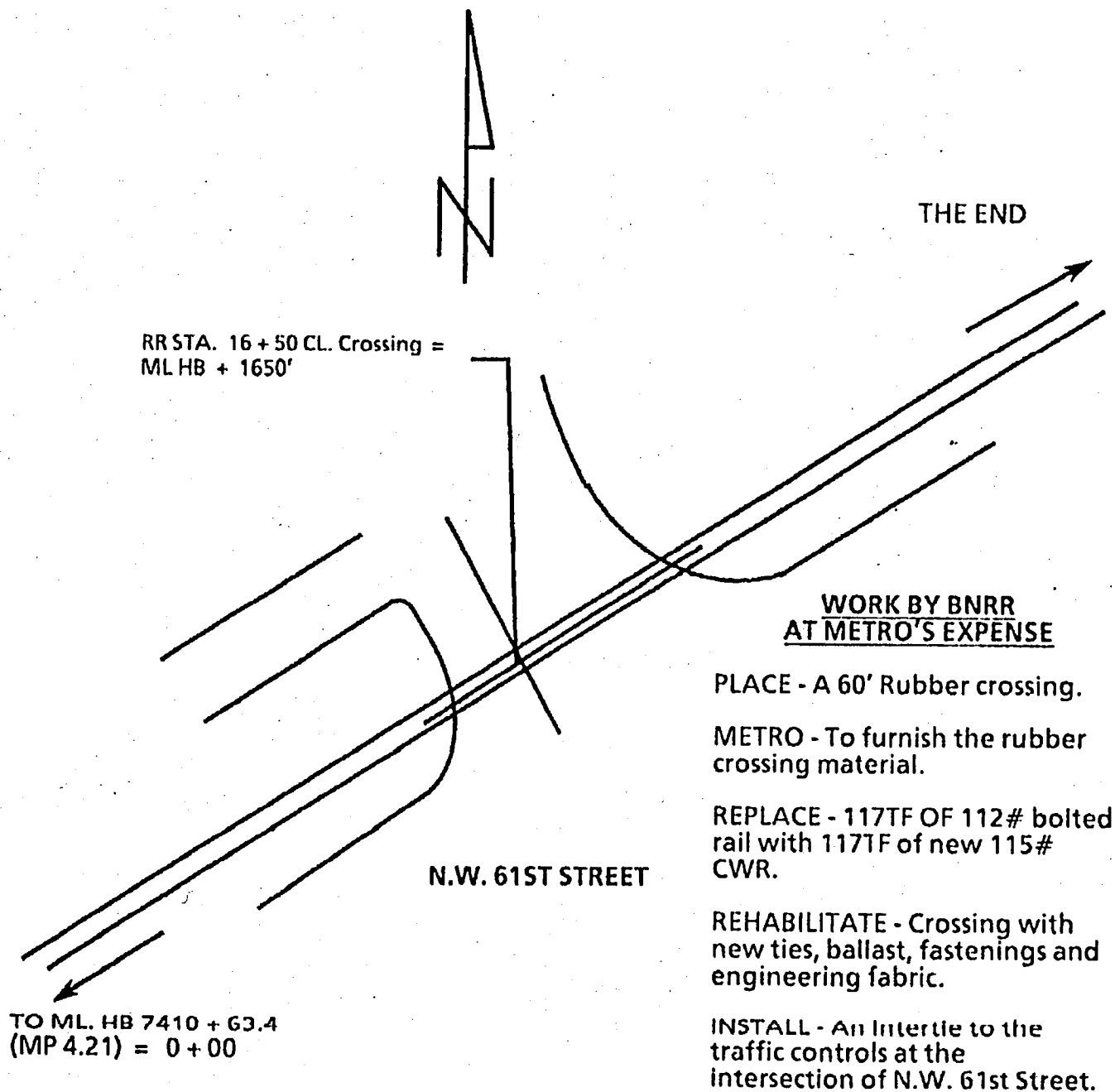
CHARGE ACCT. 761 - USE TAX STATE AND PROVIDENCE		
STATE TAX		2793

TOTAL COST		\$ 76799
LESS SALVAGE		0

NET COST OF PROJECT		\$ 76799
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OFFICE OF:
 ENGINEER COMMUNICATIONS AND CONTROL SYSTEMS
 NORTHERN REGION
 ST PAUL MINNESOTA
 05-09-1990

*Cost Estimate
 Signal Work - Metro Driveways
 (North & South Crossings)
 N.W. 61st Street
 Willbridge, OR.*

**EXHIBIT 'A-1'**

BN RAILROAD CO.
NORTHERN REGION - PACIFIC DIVISION

**CONSTRUCT XING & INSTALL INTERTIE AT
DRIVEWAY / N.W. 61ST STREET
(NORTH CROSSING)
WILLBRIDGE, OREGON.**

NO SCALE

SUPT. MAINT. & ENGINEERING - SEATTLE, WA. - 7-5-90
REVISED 8-24-90

AFE ESTIMATE SHEET



BURLINGTON
NORTHERN
RAILROAD

Cost Estimate for track work
Metro Driveway North Crossing-NW 61ST. St.

RFA No. North Xing

Sheet No. 1 of 2

Description	Labor	Material	Total
LINE SEGMENT NO. 0646			
Construct North Crossing at Willbridge, OR			
Pacific Division 5th Sub.			
Acct. 709 - Accrued Accounts Receivable			
Preliminary Engineering	200		
Construction Engineering	400		
Excavate & Place Engineering Fabric - 100'	785	250	
Renew 65 Cross Ties No. 5	920	1,173	
Relay 117 Feet of Track	470		
234 LF New 115# CWR		1,996	
4 Plant Welds (Laurel)		152	
130 Tie Plates		330	
482 Track Spikes 5/8" X 6"		102	
250 Rail Anchors 115#		180	
4 Compromise Joints 115/112		374	
12 Track Bolts 1 1/8" X 6"		20	
12 Track Bolts 1 1/16" X 6"		15	
12 Lock Washers 1 1/8"		4	
12 Lock Washers 1 1/16"		3	
130 Cu. Yds. of Crushed Rock (160 Tons)		778	
Surface Line & Tamp Track	630		
Place 60' Rubber Crossing	1,350		

AFE ESTIMATE SHEET



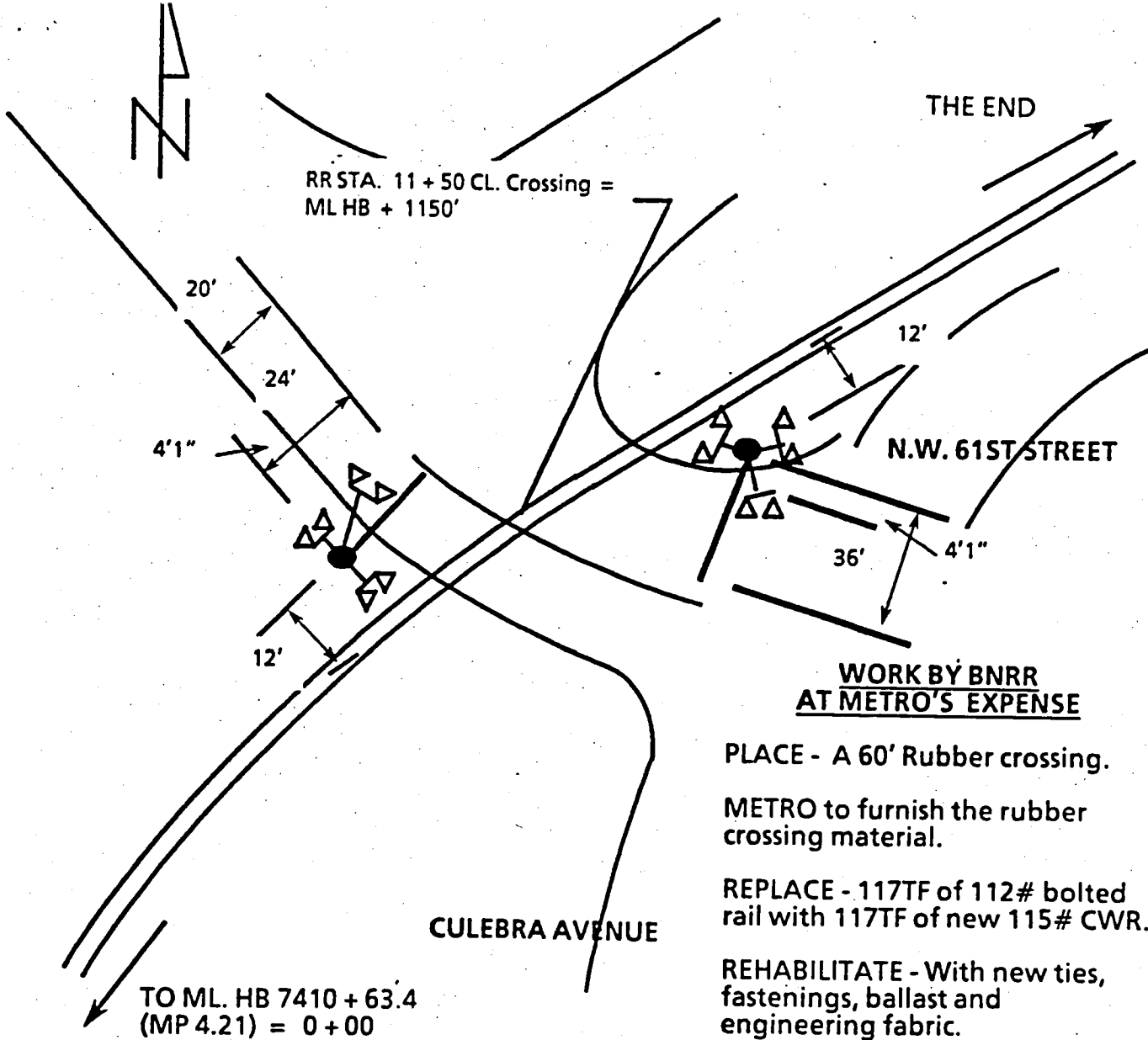
BURLINGTON
NORTHERN
RAILROAD

Cost Estimate for track work
METRO Driveway North Crossing - NW 61st St.

RFA No. North Xing

Sheet No. 2 of 2

Description		Labor	Material	Total
Unload Material		200		
Load Salvage		100		
Work Train Service		220		
Material Handling - 9.56%	5,377		514	
Transportation			538	
Equipment Rental - 37%	5,275		1,952	
Business Expense - 30%	5,237		1,583	
Accounting - 5%	5,237	264		
Labor Additives		2,996		
70.41% @ 600 = 422				
51.02% @ 317 = 135				
52.51% @ 5,445 = 2,339				
45.57% @ 300 = 100				
Liability Insurance			528	
Salvage Credit			(350)	
Contingencies		865	1,058	
Total Acct. 709		9,400	11,200	20,600
DTJ 6/29/90 revised 8/24/90				



WORK BY BNRR
AT METRO'S EXPENSE

- PLACE - A 60' Rubber crossing.
- METRO to furnish the rubber crossing material.
- REPLACE - 117TF of 112# bolted rail with 117TF of new 115# CWR.
- REHABILITATE - With new ties, fastenings, ballast and engineering fabric.
- INSTALL - Automatic flashing light traffic control devices, shoulder mount type, with gates and motion sensing devices.

EXHIBIT 'A'
BN RAILROAD CO.
NORTHERN REGION - PACIFIC DIVISION
CONSTRUCT XING & SIGNALIZE DRIVEWAY
N.W. 61ST STREET (SOUTH CROSSING)
WILLBRIDGE, OREGON.

NO SCALE
 SUPT. MAINT. & ENGINEERING - SEATTLE, WA. - 7-6-90

AFE ESTIMATE SHEET BURLINGTON NORTHERN RAILROAD

*Cost Estimate for Track Work
Metro Driveway South Crossing - NW 41st Street*

RFA No. *South King*
Sheet No. 1 of 2

Description	Labor	Material	Total
<u>LINE SEGMENT NO. 0646</u>			
Construct South Crossing at Willbridge, OR			
Pacific Division 5th Sub.			
Acct. 709 - Accrued Accounts Receivable			
Preliminary Engineering	200		
Construction Engineering	400		
Excavate & Place Engineering Fabric - 100'	785	250	
Renew 65 Cross Ties No. 5	920	1,173	
Relay 117 Feet of Track	470		
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12 Lock Washers 1 1/8"		4	
12 Lock Washers 1 1/16"		3	
130 Cu. Yds. of Crushed Rock (160 Tons)		778	
Surface Line & Tamp Track	630		
Place 60' Rubber Crossing	1,350		

AFE ESTIMATE SHEET



BURLINGTON
NORTHERN
RAILROAD

*Cost Estimate for Track Work
Metro Driveway South Crossing - N.W. 61st Street*

RFA No. *South King*

Sheet No. 2 of 2

Description		Labor	Material	Total
Unload Material		200		
Load Salvage		100		
Work Train Service		220		
Material Handling - 9.56%	5,377		514	
Transportation			538	
Equipment Rental - 37%	5,275		1,952	
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Salvage Credit			(350)	
Contingencies		865	1,058	
Total Acct. 709		9,400	11,200	20,600
DTJ 6/29/90				

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1317 FOR THE PURPOSE OF APPROVING AN AGREEMENT BETWEEN BURLINGTON NORTHERN RAILROAD COMPANY AND METRO FOR CONSTRUCTION AND MAINTENANCE OF RAILROAD CROSSINGS AT METRO EAST STATION

Date: September 4, 1990

Presented by: Bob Martin

PROPOSED ACTION

Approval of an agreement with Burlington Northern Railroad Company for construction and maintenance of railroad crossings at Metro East Station.

BACKGROUND AND ANALYSIS

The Public Utility Commission is requiring the construction of protective devices and grade crossings at the north and south entrances to the Metro East Station. The north entrance - the primary access to the site - will be protected by a traffic signal. The south entrance will be protected by automatic gates and flashing light signals. Additional work required includes an electronic intertie between the railroad tracks and the traffic signal, track rehabilitation, and placement of rubber surface materials at each crossing.

The City of Portland is filing the application for the PUC permit. Trans Industries and their subcontractor CH2M-Hill have worked closely with both the City and Burlington Northern in preparing the application. The application is currently out for final review and comment to Multnomah County, Burlington Northern, Metro, Trans Industries, and the Oregon Department of Transportation.

The agreement between Metro and Burlington Northern addressed in Resolution 90-1317 obligates Metro to pay for construction and maintenance of that portion of the crossing work to be performed by Burlington Northern. The portion of the work not included within this agreement is the equipment and installation costs for the traffic signal at the north entrance. The signal purchase and installation will be done under the subcontract for the reconstruction of NW 61st Ave.

In keeping with their testimony before the Metro Council, Trans Industries has agreed to pay material and labor costs for both the Burlington Northern work and the traffic signal. Trans Industries has also agreed to pay the Burlington Northern maintenance costs for the duration of their operations contract (three to five years).

Burlington Northern has estimated the materials and labor costs

for work on both entrances at \$117,999. The annual costs for track maintenance is estimated at \$1,800. The annual cost for signal equipment maintenance is estimated at \$5,927.

Staff plans that under future operations contracts for Metro East Station Metro will pay the maintenance costs.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 90-1317.