

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Scott Gibson		2. Telephone No. (503) 823-7615	3. Bureau/Office/Dept. Environnemental Services
4a. To be filed (hearing date): September 21, 2011	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> 11		5. Date Submitted to Commissioner's office and FPD Budget Analyst: September 14, 2011
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

* Authorize the Director of the Bureau of Environmental Services to enter into an agreement with Union Pacific Railroad for construction equipment staging in the Union Pacific right-of-way to facilitate the structural reinforcement of the Guilds Lake Junction Structure. (Ordinance)

2) Purpose of the Proposed Legislation:

To allow the Bureau of Environmental Services (BES) to enter into a Right of Entry Agreement with UPRR to temporarily stage construction equipment in UPRR right of way to gain access to and facilitate the structural reinforcement of the Guilds Lake Junction Structure (GLJS). GLJS will be subjected to significantly higher hydraulic pressures when the BES CSO Tunnel System is operational. The structure requires reinforcement and sealing to withstand these increased pressures.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input checked="" type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

\$5000.00 in permitting fees and Railroad Liability Insurance. The funding source is BES CIP Project E10120.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

184884

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☐ **YES:** Please proceed to Question #9.

☒ **NO:** Please, explain why below; and proceed to Question #10.

Public involvement has been very active in local and city-wide notification of ongoing efforts and construction needed to complete the CSO program. This work is a part of that program and neighbors have been notified of the work. But, as this work is in isolated railroad transportation corridor there are no impacts to the community expected.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

This work is a part of the larger CSO Program. Neighbors and community members will continue to be notified of the work and progress of the project and the program.



APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

City Council
Agenda Item
Staff Supplemental Report

TO: Commissioner Dan Saltzman
THROUGH: Amy Trieu

FROM: Scott Gibson

Scott *Will Fly*

DATE: September 21, 2011

RE: Request to authorize BES to enter into a Right of Entry Agreement with Union Pacific Railroad (UPRR).

Requested Council Hearing Date:

I. RECOMMENDATION

Approve BES to indemnify UPRR against possible damages while working in their right of way to the extent allowed by the Oregon Constitution and the limits of the Oregon Tort Claims Act.

II. BACKGROUND

This approval will allow the Bureau of Environmental Services (BES) to enter into an Agreement with UPRR to temporarily stage construction equipment in UPRR right of way to gain access to and facilitate the structural reinforcement of the Guilds Lake Junction Structure (GLJS). GLJS will be subjected to significantly higher hydraulic pressures when the BES CSO Tunnel System is operational. The structure requires reinforcement and sealing to withstand these increased pressures.

Negotiations with UPRR to gain access to the property and determine language acceptable to all parties has been ongoing since February 2011 when the application was submitted. The rehabilitation work should occur dry weather and prior to system testing in November 2011. This Right of Entry Agreement is key to starting this work. The agreed upon content with UPRR is substantially similar to the attached agreement.

III. FINANCIAL IMPACT

\$5000.00 in permit fees from BES Project E10120.

IV. LEGAL ISSUES

Indemnification of the City must be approved by City Council.

V. CONTROVERSIAL ISSUES

None.

VI. LINK TO CURRENT CITY POLICIES

None.

VII. CITIZEN PARTICIPATION

None.

VIII. OTHER GOVERNMENT PARTICIPATION

None.

IX. FINANCIAL IMPACT ON LOCAL ECONOMY

None.

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

- X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? ____ WHAT IS THEIR BUSINESS LICENSE NUMBER? ____ IS THEIR ACCOUNT WITH THE CITY CURRENT? ____ IF NOT, HOW MUCH IS OWING? ____

Not applicable.