

ORDINANCE No. 186418

Authorize a cost share agreement with BNSF Railway Company for \$185,483
Project E09017 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services is implementing sewer system improvements that eliminate contaminated groundwater inflow (polychlorinated biphenyls and dissolved zinc) into the combined sewer system, prevent flood stage water (Willamette River) from entering the Combined Sewer System, and, abandons a failing City of Portland-owned sewer pipeline that lies under an active railroad.
2. Sewer construction is necessary in order to prevent eventual collapse of the pipeline, sewer back-ups and flooding of the CSO Tunnel System, damage to the City street and private property, and disruption of service to railroad customers.
3. The sewer work is located under an active railroad owned by BNSF Railway Company, Fort Worth, TX.
4. Risk adverse construction methods include temporary removal and reconstruction of railroad tracks.
5. BES desires to share costs of railroad crossing surface reconstruction with BNSF.
6. The existing public street intersection surface containing the railway is in extremely poor condition.
7. The Crossing Surface Installation Agreement to share costs and collaborate BES sewer construction activities with BNSF surface installation activities is both economically advantageous and risk adverse.
8. Conditions of the cost share agreement include that the City indemnify BNSF.
9. The Office of the City Attorney has reviewed this matter and recommends that the City provide the requested indemnification to the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act.
10. The estimated cost to the City is \$185,483. Funds are available in the Sewer System Operating Fund, FY 2014 Budget, Bureau of Environmental Services, BES CIP No. E09017.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services and City Auditor are authorized to execute an agreement in a form substantially in accordance with the agreement attached as CROSSING SURFACE INSTALLATION AGREEMENT, with BNSF for the purpose described in Section 1, in the amount of \$185,483.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,
Commissioner Nick Fish

JAN 15 2014

Scott Gibson
November 25, 2018

E09017

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Authorization to enter into a cost share agreement with BNSF Railway Company for \$185,483, Project E09017 (Ordinance)

INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED <u>JAN 03 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>Susan Parsons</u> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Dean Marriott Prepared by: Scott Gibson Date Prepared: November 25, 2013	ACTION TAKEN: JAN 08 2014 PASSED TO SECOND READING JAN 15 2014 9:30 A.M.
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: City Attorney Approval:	
Council Meeting Date January 8, 2013	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1 Fritz ✓	
2. Fish	2 Fish ✓	
3. Saltzman	3 Saltzman	
4. Novick	4 Novick ✓	
Hales	Hales	