

RESOLUTION No. 37069

Establish an agreement and policy between the Bureau of Environmental Services and the Portland Bureau of Transportation to govern management and cost responsibility for future sewer maintenance under streetcar tracks in SW Montgomery Street. (Resolution)

WHEREAS, in SW Montgomery Street, Portland Bureau of Transportation (PBOT) will construct new streetcar tracks and infrastructure (Streetcar System) to supplement the existing Streetcar System currently in SW Montgomery. The new and existing Streetcar System may severely impact maintenance access to the existing 12-inch sanitary and 15-inch storm sewers. This condition and location is shown on Attachment A to this Resolution. The existing and proposed Streetcar System may impact sewer maintenance from sanitary MH's ANE 208 to AMT 308 and storm MH's ANE 206 to ABU 652; and

WHEREAS, the 12-inch sanitary sewer was reconstructed in 2000 and the 15-inch storm sewer was constructed in 1970. Video inspection shows the sanitary sewer to be in excellent condition and the storm sewer to be in good condition. It is prudent to leave both pipelines in place; and

WHEREAS, prior to Streetcar System construction, Bureau of Environmental Services (BES) had unrestricted access to the sewers. The Streetcar System will severely restrict sewer access. Therefore, BES will not be able to excavate to repair or replace a failed section of these sewers without stopping streetcar operation at the location, and either tunneling to the sewer, or removing a section of streetcar track and infrastructure; and

WHEREAS, BES and PBOT desire to establish a policy to define how management will be handled and costs will be allocated as a result of the condition described above and shown on Attachment A, and have negotiated, to their mutual satisfaction, the terms and conditions of said policy.

NOW, THEREFORE, BE IT RESOLVED that the Bureau of Environmental Services shall have the following responsibilities:

1. Provide PBOT a minimum 72 hours advance notice of proposed sewer maintenance work, unless BES determines an emergency representing a significant threat to public safety or private property exists. In which case, little or no advance notice may be given.
2. Conduct maintenance work in a timely manner, and with as little impact as possible to the Streetcar System.
3. Whenever possible, complete maintenance and repair work on the sewer from a section of the sewer that is accessible from a location not under the tracks, and where possible take advantage of the streetcar track slab structural span capabilities of ten feet to excavate under the track slab.
4. If BES determines no other means of access is possible, PBOT will be informed of the need to shut down or remove portions of the Streetcar System to provide access for sewer maintenance.

5. Unless an emergency exists, provide PBOT the opportunity to remove and replace the Streetcar System portion that prevents maintenance access to the sewer.
6. Upon completion of sewer maintenance, restore the portion of affected street to pre-maintenance construction condition.
7. If a portion of the Streetcar System is removed for sewer maintenance work, BES agrees to provide partial payment for removal and replacement work equal in value to street restoration work had the Streetcar System not existed; and

BE IT FURTHER RESOLVED that the Bureau of Transportation has the following responsibilities:

1. Pay for costs associated with shutdown or removal and replacement of any Streetcar System portion that prevents sewer maintenance work.
2. Reimburse BES for additional sewer construction costs associated with such restricted access. Costs should be those above what it would have cost BES to replace the sewer by conventional cut and cover methods if the tracks were not present.
3. Provided an emergency does not exist, upon notice from BES, shutdown or remove Streetcar System portion interfering with sewer maintenance work within fourteen (14) days of notification.
4. Provided an emergency exists, upon notice from BES, shutdown or remove the portion of the Streetcar System interfering with sewer maintenance work within 24 hours of notification.
5. If an emergency exists and PBOT is unable to remove the portion of the Streetcar System that prevents sewer access within the agreed upon time, PBOT grants permission to BES to shut down or remove a portion of the Streetcar System to gain sewer access.
6. If BES removes a portion of the Streetcar System to conduct maintenance work, PBOT will reimburse BES for the cost of the removal in accordance with the payment provisions of this resolution. PBOT will take responsibility for the permanent replacement of the removed portion of the Streetcar System.
7. Hold BES free and harmless from all claims associated with removal of any portion of the Streetcar System; and

BE IT FURTHER RESOLVED that if BES and PBOT disagree regarding implementation of this policy, the City Engineer and the BES Chief Engineer shall mutually resolve the dispute. In the event the City Engineer and the BES Chief Engineer cannot resolve the dispute, the dispute shall be presented to Portland City Council for resolution; and

BE IT FURTHER RESOLVED that this shall be a binding City policy and be filed in the Portland Policy Documents Repository.

APR 30 2014

Adopted by the Council,

Commissioner Steve Novick
Commissioner Nick Fish
Prepared by: Kathryn Levine/Dave Nunamaker:slg
Date Prepared: April 7, 2014
PBOT PROJ # T00266 - ord

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND

By



Deputy

Agenda No.
RESOLUTION NO.

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Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK COMMISSIONER NICK FISH	CLERK USE: DATE FILED <u>APR 25 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish <i>HAKU-CHP FOR NICK FISH</i> Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CW</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau of Transportation: Interim Group Mgr.: Christine Leon Bureau of Environmental Services: Dean Marriott, Director <i>DM</i> Other: Greg Jones <i>of</i> Prepared by: Kathryn Levine / Dave Nunamaker:slg <i>KD</i> Date Prepared: April 7, 2014	
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 checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date APRIL 30, 2014	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> <i>Pulled</i> 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	✓	
2. Fish	<i>[Signature]</i>	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	