

ORDINANCE No. 186556

Authorize a Supplemental Agreement with Union Pacific Railroad Company to amend existing At-Grade Crossing Agreement to include signal modifications at SE 8th Ave for the Portland-Milwaukie Light Rail Transit Project. (Ordinance; amend Contract No. 33000108)

The City of Portland ordains:

Section 1. The Council finds:

1. The Union Pacific Railroad Company (Railroad) owns right of way and operates tracks that cross SE 8th Avenue at an existing at-grade public road crossing.
2. TriMet is constructing the Portland-Milwaukie Light Rail Transit Project (Project) adjacent to the Railroad's tracks.
3. In addition to the new light rail facilities, the Project is constructing new sidewalks, roadway surfaces, and signals at the at-grade public road crossing at SE 8th Avenue.
4. The Oregon Department of Transportation (ODOT) issued Crossing Order No. 50980 on December 5, 2012 authorizing TriMet to make alterations to the at-grade public road crossing at SE 8th Avenue.
5. The City does not have sufficient right of way to accommodate the new roadway crossing at SE 8th Avenue.
6. On June 19, 2013, Portland City Council passed Ordinance No. 186130, authorizing the Commissioner-in-Charge and the Auditor to enter into an At-Grade Crossing Agreement with the Railroad to permit the City to utilize Railroad right of way for the new sidewalks and roadway crossing at SE 8th Avenue and to address future maintenance obligations (Contract No. 33000108).
7. In fall 2013, the City and TriMet proposed to ODOT and the Railroad that the Project install two additional flashing beacons at the crossing on Railroad right of way to provide additional warning to pedestrians and cyclists of crossing trains.
8. ODOT issued Amending Order No. 51050 on January 6, 2014, authorizing TriMet to install the two additional flashing beacons at the crossing.
9. The Railroad has drafted a Supplemental Agreement to amend the existing At-Grade Crossing Agreement to include the two additional flashing beacons at the crossing on Railroad right of way in accordance with the ODOT Amending Order.
10. TriMet will provide payment of a \$500 administrative handling charge to the Railroad upon return of the executed Supplemental Agreement.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are hereby authorized to enter into a Supplemental Agreement with Union Pacific Railroad Company to amend existing At-Grade Crossing Agreement, Contract No. 33000108, in a form similar to the agreement attached as Exhibit A.

Passed by the Council, MAY 07 2014

Commissioner Steve Novick
Prepared by: Jean Senechal Biggs: slg
Date Prepared: April 4, 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

381 409
Agenda No.
ORDINANCE NO.
Title

186556

Authorize a Supplemental Agreement with Union Pacific Railroad Company to amend existing At-Grade Crossing Agreement to include signal modifications at SE 8th Ave for the Portland-Milwaukie Light Rail Transit Project. (Ordinance; amend Contract No. 33000108)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>APR 25 2014</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety – Novick <i>CW</i>	By: <i>[Signature]</i> Deputy
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon Development Services / Streetcar & Transit Partnerships <i>[Signature]</i> Other: Greg Jones	APR 30 2014 PASSED TO SECOND READING MAY 07 2014 9:30 A.M.
Prepared by: Jean Senechal Biggs:slg Date Prepared: April 4, 2014 <i>KL for JSB</i>	
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"/>	
Council Meeting Date APRIL 30, 2014	
City Auditor Office Approval: required for Code Ordinances	
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"/>
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	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	