

RESOLUTION NO. 2041

A RESOLUTION AUTHORIZING THE CITY OF WILSONVILLE TO ENTER INTO A CONTRACT WITH THE PORTLAND AND WESTERN RAILROAD FOR THE CONSTRUCTION OF THE BARBER STREET AND BOECKMAN ROAD RAILROAD CROSSING UPGRADES IN CONJUNCTION WITH THE COMMUTER RAIL AND BOECKMAN ROAD EXTENSION PROJECTS

WHEREAS, ORS Chapter 824 provides that the exclusive jurisdiction over railroad crossings with public streets, roads and highways is with the Oregon Department of Transportation (ODOT); and

WHEREAS, in accordance with ORS Chapter 824, the City of Wilsonville, as the authority in interest, has duly applied with the applicable Oregon laws and ODOT regulations and has secured the necessary permits to construct an upgrade of the Portland and Western railroad crossings with Barber Street and Boeckman Road; and

WHEREAS, pursuant to said permit of ODOT, the City has previously authorized the entry into negotiations and agreement with the Portland and Western Railroad Company in the selection of and payment to MacKay & Sposito, Inc. and Wisner Engineering, Inc. design engineers who specialize in the design and construction plans for railroad crossings of roads, streets and highways, for the Barber Street and Boeckman Road railroad crossing design, construction plans, and specifications; and

WHEREAS, design and construction plans and specifications have been prepared by MacKay & Sposito, Inc. and Wisner Engineering, Inc. which are acceptable to the City and to Portland and Western Railroad Company and TriMet, and

WHEREAS, TriMet and the Portland and Western Railroad have entered into contracts with Stacy and Witbeck, Inc. who specializes in railroad crossing upgrades for the Portland and Western Railroad similar to that proposed at Barber Street and Boeckman Road; and

WHEREAS, the City wishes to take specialized advantage of the fact that Stacy and Witbeck, Inc. will be improving the Portland and Western Railroad railbed within the City outside of the crossings reflected herein which will lower the cost for the planned crossing work at Barber Street and Boeckman Road; and

WHEREAS, the City wishes to take specialized advantage of the discounts available in ordering specialized equipment (crossing arms, controller and warning claxons) in multiple quantities and not having to pay multiple mobilization charges (projects are within the same general area); and

WHEREAS, the Stacy and Witbeck Inc. construction company has completed previous railroad crossing construction for the City and the Portland Western Railroad which has been completed satisfactorily on time and within budget; and

WHEREAS, the anticipated construction schedule is as follows:

<u>CROSSING</u>	<u>ESTIMATED START DATE</u>	<u>ESTIMATED COMPLETION DATE</u>
Barber Street	8/1/07	10/1/07
Boeckman Road*	4/1/07	9/1/07

(*This crossing has two (2) separate rails)

WHEREAS, ORS 824.218 provides that all work done within the limits of railroad rights-of-way shall, if the railroad company so desires (which it has), be done and furnished by the railroad company, provided that in keeping with ORS 824.210, the ODOT permits were issued with the prescription that the construction costs are allocated to the City; and

WHEREAS, in negotiations with the contractor, Stacy and Witbeck, Inc., the City and the railroad company have determined the fair and reasonable contract price for the designed and planned railroad crossing construction are Barber Street \$600,000.00 and Boeckman Road \$665,000.00 for a total of \$1,265,000.00; and

WHEREAS, the City of Wilsonville has budgeted the necessary funding for these projects which is sufficient to cover the contract price and any reasonable change orders which may arise during construction.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1 The City Manager is authorized to enter into a contract with the Portland and Western Railroad Company, wherein the construction services of Stacy and Witbeck Inc., will be employed by the Portland and Western Railroad Company to construct the railroad crossings with Barber Street and Boeckman Road in accordance with the design and construction plans and specifications of MacKay & Sposito, Inc. and Wisner Engineering, Inc. for the total sum of \$1,265,000.00 to be paid for by the City of Wilsonville.

2. The expenditure of funds for the project is authorized from:

<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
540.900.45030.00000.4112	\$600,000.00
540.900.45030.00000.4048	\$665,000.00

3. This resolution is effective upon the date of adoption.

ADOPTED, by the Wilsonville City Council at a regular meeting thereof this 5th day of March, 2007, and filed with the Wilsonville City Recorder this date.



Alan Kirk, City Council President

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF Votes:

Mayor Lehan	Excused
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Núñez	Yes
Councilor Ripple	Yes

**COMMUNITY DEVELOPMENT
STAFF REPORT**

Date: March 5, 2006
To: Honorable Mayor and City Councilors
From: Michael A. Stone, City Engineer
Subject: Portland and Western Railroad Crossing Upgrade-Barber Street and Boeckman Road

RECOMMENDATION:

Staff respectfully recommends that the City Council, acting as the Contract Review Board, adopt Resolution No. 2041, authorizing the City Manager to enter into a contract with the Portland and Western Railroad wherein the construction services of Stacy and Witbeck will be employed by the Portland and Western Railroad to upgrade the railroad crossings with Barber Street and Boeckman Road in an amount not to exceed \$1,265,000.00.

SUMMARY:

The completion of the reconstruction and widening of Barber Street needs to be accomplished prior to November 2008 in order to meet the beginning of scheduled commuter rail service. The completion of the construction of the Boeckman Road Extension needs to be accomplished prior to December 2008 in order to meet the obligations as set forth in the agreement with the Oregon Department of Transportation. In accomplishing these projects Staff employed the services of Mackay and Sposito and Wisner Engineering Inc. to provide the necessary permits, plans and specifications.

The construction of the actual improvements within the railroad right-of-way presents additional challenges over and above those associated with 'normal' roadway construction in that all construction is subject to railroad approval and inspection. The railroad has offered the City two options: (1) Enter into an agreement with the railroad wherein they will provide a 'pre-approved contractor' (in this case Stacey and Witbeck who is being employed in upgrading all the other crossings along the commuter rail alignment except here in Wilsonville) which will complete the improvements or (2) Enter in an agreement with the railroad wherein the City will advertise for and provide the railroad with a list of contractors meeting their minimum qualifications from which they will select the contractor(s) who will submit bids. Since Stacy and Witbeck is being employed on the other commuter rail crossing upgrades there is a high probability that the railroad 'pre-approved list' will have just a single contractor, Stacy and Witbeck, Staff is recommending that we save time and effort by employing (1) initially.

Since this is the same format, and consultant/contractor team, used during the upgrade of the Portland and Western Crossing along Wilsonville Road, Staff is confident that the work will be high quality and the estimated costs reflect a fair and reasonable value for the work.