

# Transportation Committee

CONSENT

For the Metropolitan Council meeting of January 23, 2013

## ADVISORY INFORMATION

Date Prepared: January 17, 2013  
Subject: Use of Northstar Supplemental Contingency Funds and Subordinate Funding Agreement #22

### Proposed Action:

That the Metropolitan Council authorize the use of Northstar Project Supplemental Contingency funds in the amount of \$2,000,000 for the purchase of on-board vehicle equipment, payment to BNSF for wayside improvements per our Joint Use Agreement and other associated costs with the implementation of Positive Train Control for Northstar Commuter Rail, and;

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a subordinate funding agreement with the Minnesota Department of Transportation (MnDOT), in an amount not to exceed \$2,000,000, for reimbursement of costs incurred by the Metropolitan Council for the purchase of on vehicle equipment, payment to BNSF for wayside improvements per our Joint Use Agreement and, other associated costs with the implementation of Positive Train Control.

### Summary of Committee Discussion / Questions:

Ed Byers, Deputy Chief Operating Officer, Rail, presented a summary of Northstar Project Contingency and Positive Train Control. Mr. Byers was asked if Positive Train Control would affect the Federal Railroad Administration's (FRA) view on buff strength standards for rolling stock. Mr. Byers reported that although this was a topic of discussion in the industry, the FRA has not proposed easing any of the buff strength requirements. Mr. Byers also confirmed that Positive Train Control is a national requirement for passenger and freight rail systems and discussed the timeline for the project.

A motion was then made by Councilmember Reynoso, seconded by Councilmember Munt and unanimously approved. This item was approved to go to the full Council as consent.

**Transportation Committee**

Meeting date: January 14, 2013,

For the Council Meeting of January 23, 2013

**ADVISORY INFORMATION**

<b>Date:</b>	<b>January 14, 2013</b>
<b>Subject:</b>	<b>Use of Northstar Supplemental Contingency Funds and Subordinate Funding Agreement #22</b>
<b>District(s), Member(s):</b>	<b>All</b>
<b>Policy/Legal Reference:</b>	<b>Northstar Corridor Project Master Cooperation and Delegation Agreement</b>
<b>Staff Prepared/Presented:</b>	<b>Brian J. Lamb, General Manager, 612-349-7510 Vince Pellegrin, Chief Operating Officer-Rail 612-349-7511 Ed Byers, Deputy Chief of Operations - Rail 612-349-7080</b>
<b>Division/Department:</b>	<b>Metro Transit</b>

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**Background**

The Rail Safety Improvement Act of 2008 requires all railroads and passenger service providers (with limited exception) to implement Positive Train Control (PTC) by December 31, 2015.

As the owner of passenger rail rolling stock, the Metropolitan Council is required to equip its locomotives and cab cars with equipment capable of meeting the requirements of PTC on the host railroad (BNSF).

Per the Metropolitan Council's Joint Use Agreement with BNSF, if required by an agency of the Government of the United States or the State of Minnesota, under section 3.4c(i), the Council is required to "pay to BNSF the Train Miles Percent of the cost of the deployment of the wayside portion of the ETMS [BNSF's PTC system] or similar system along the Northstar corridor."

**Rationale**

MnDOT and the Council have entered into a Master Funding Agreement that provides reimbursement to the Council for certain project eligible costs through subordinate funding agreements. This project is an eligible project expenses for which the Council can be reimbursed. This subordinate funding agreement will provide the mechanism for the Council to seek reimbursement and provide for the commitment of project funds for the payment of these costs.

## **Funding**

These expenses are currently budgeted in Northstar's contingency budget. The Council will be reimbursed by MnDOT through this subordinate funding agreement.

## **Known Support / Opposition**

On November 20, 2012, the Sherburne County Regional Rail Authority approved the use of Northstar Project Contingency funds for this project.

On November 27, 2012, the Hennepin County Regional Rail Authority approved the use of Northstar Project Contingency funds for this project.

On December 7, 2012, the Anoka County Regional Rail Authority approved the use of Northstar Project Contingency funds for this project.