

## Transportation Committee

Meeting date: July 22, 2019

For the Metropolitan Council meeting of August 14, 2019

**Subject:** Southwest Light Rail Transit (Green Line Extension) Emergency Declaration for Flagging

**District(s), Member(s):** All

**Policy/Legal Reference:** Council Policy 3-3 Expenditures

**Staff Prepared/Presented:** Wes Kooistra, General Manager, 612-349-7510  
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Jim Alexander, SWLRT Project Director, 612-373-3880  
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**Division/Department:** Metro Transit / Green Line Extension Project Office

### Proposed Action

That the Metropolitan Council ratify the Emergency Declaration for flagging services for the Southwest Light Rail Transit (SWLRT) project to TCWR in the amount of \$500,000.

### Background

The SWLRT civil construction contract requires the contractor, Lunda McCrossan Joint Venture (LMJV) to provide flagging services. LMJV subcontracted with Trackworks to provide flagging services and to coordinate with the freight railroad company operating on the corridor. The flaggers purpose is to notify construction workers of approaching freight trains. There were two incidents in one week where a train went through an active construction site and the freight corridor was not cleared of construction activities as required by Federal Rail Administration (FRA) safety requirements. The flaggers failed twice in their duties to clear workers from the construction site due to inadequate flagging protocols, lack of familiarity with the railroad's operating rules and inability to effectively communicate with the railroad company. No one was injured when these two trains drove through an active construction site. However, a construction worker could easily have been working close to the tracks and been struck and seriously injured by a train. In addition, if heavy equipment had been on the tracks a train could have struck the equipment and possibly derailed.

### Rationale

Contractor led flagging operations compromised the safety of the work site. No one was injured, however, the potential for injury was great if a worker had been working close to the railroad tracks or equipment had been on the track and struck by the train. Council review determined that immediate action was necessary to address the safety concerns and suspended construction activities in the Bass Lake Spur and Kenilworth Corridor until flagging operations could be safely provided. Under the emergency declaration, SWLRT executed a bridge contract in June for \$500,000 with TCWR to provide flagging services in the near term but is actively negotiating an agreement with TCWR for the remainder of the Project for the industry-standard practice of freight rail operator-provided flagging services.

### **Thrive Lens Analysis**

Safety is a primary goal of the Council and on this project. With approximately eight miles of SWLRT construction adjacent to active freight rails, it is imperative that we keep the construction crews safe through proper flagging and to maintain FRA compliance.

### **Funding**

Funds for emergency flagging services are included in the project budget and are eligible project costs that will be funded by the Federal Transit Administration and local funding partners. Flagging expenses are Project-eligible costs and included in the Council's authorized capital budget.

### **Known Support / Opposition**

There is no known opposition to this action.