

# Business Item

Transportation Committee



Committee Meeting Date: May 23, 2022

For the Metropolitan Council: June 8, 2022

## Business Item: 2022-97

Southwest Light Rail Transit (Green Line Extension) Emergency Declaration #85 for Bass Lake Spur West Tie Replacement

<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	FM14-2 Expenditures for the Procurement of Goods, Services, and Real Estate Policy
<b>Staff Prepared/Presented:</b>	Wes Kooistra, General Manger, 612-349-7510 Nick Thompson, Deputy GM Capital Programs, 651-602-1754 Jim Alexander, Project Director, 612-373-3880 Joan Hollick, Deputy Project Director, 612-373-3820 Nat Gorham, Contracts and Risk Manager, 612-373-3889
<b>Division/Department:</b>	Metro Transit / Green Line Extension Project Office

### Proposed Action

That the Metropolitan Council ratify Emergency Declaration #85 for Bass Lake Spur West Tie Replacement for the METRO Green Line Extension Project to North Shore Track Services, Inc. for an amount not to exceed \$439,000.

### Background

In December 2018, the Council acquired the Bass Lake Spur freight rail corridor, which consists of an approximately 6.8-mile linear corridor in the cities of St. Louis Park, Hopkins and Minnetonka. This acquisition is a Green Line Extension Project requirement. As part of the acquisition, the Council entered into agreements with the Twin Cities & Western Railroad (TCWR) whereby the Council is required by CFR 49 Part 213 to perform regular inspections, routine maintenance and any necessary repairs of track and signals along the freight corridor. The Project is responsible for the costs of these services during construction of the Project.

For the purposes of inspection, maintenance and repair the Bass Lake Spur is divided into two segments – East and West. The East segment is approximately 3.8 miles long and inspection, maintenance and repair services are performed by the Civil construction contractor, Lunda McCrossan Joint Venture. The West segment is approximately 3 miles long and inspection, maintenance and repair services are performed by North Shore Track Services, Inc.

In June 2019, the Council executed a contract with North Shore Track Services, Inc. to perform these services on the Bass Lake Spur West. Due to a level of maintenance greater than anticipated, the Council needed to solicit a second contract in June 2021 but was unsuccessful and so simultaneously issued a bridge amendment, Amendment #1, to cover urgent repairs and routine inspection/maintenance until the second contract could be executed. The Council resolicited bids and received two bids on February 1, 2022. On April 27, 2022, the Council rejected all bids for contract 21P143A for Master Contract II for Bass Lake Spur Freight Rail Maintenance and Repair and directed staff to resolicit bids again.

This Emergency Declaration allows repairs and tie replacement during the re-solicitation process as the estimated amount required to replace the ties exceeds the amount remaining in the North Shore Track Services contract.

There are approximately 1,600 timber cross ties in Bass Lake Spur West which need to be replaced to maintain Freight Rail Administration (FRA) class 2 standards. This is a critical preventive maintenance needed to avoid a violation of the FRA class 2 standard which could result in the FRA issuing a slow order on the track requiring freight traffic to operate at a reduced speed and could potentially compromise the health, safety, and welfare of the public; immediate action is required to address the tie replacement. A slow order on the Council's track could put the Council in breach of its obligation to avoid unreasonable interference with freight rail service as required in the Council's filing with the Surface Transportation Board (STB) (Docket No. FD 36178, FD 36177, and FD 32816), the BLS Trackage Rights Agreement and Co-location Agreement with TCWR, and Freight Rail Easements with Hennepin County Regional Rail Authority.

The tie replacement work can be performed by Council's existing freight rail maintenance provider, North Shore Track Services.

### **Rationale**

FM14-2 Expenditures for the Procurement of Goods, Services, and Real Estate Policy authorizes the Regional Administrator to declare an emergency on behalf of the Metropolitan Council, if the Regional Administrator determines that an emergency situation exists, and remedial action is necessary or desirable or to address the situation. The Regional Administrator may also authorize appropriate contracts to meet the emergency situation. If the cost to correct the emergency situation is more than \$175,000, Council Policy requires it be presented to the appropriate committee for formal ratification at the next regular meeting. This request for ratification meets the requirements of Council policy as discussed above.

### **Thrive Lens Analysis**

Successful completion of the Green Line Extension will advance the following Thrive MSP 2040 outcomes:

**Stewardship:** Transit investment provides an opportunity to reinvest and grow the capacity of our communities, with more inclusive development and intentional investment. It encourages businesses to invest in communities, which means access to resources, community amenities, jobs, and other community assets.

**Equity:** Connections to other METRO lines and countless local bus routes will bring people to jobs, jobs to communities, and returns to communities across the region.

**Livability:** The Green Line Extension will add 14.5 miles to the existing Line, which connects downtown Minneapolis, downtown Saint Paul, and places in-between. This segment connects Eden Prairie, Minnetonka, Hopkins, and St. Louis Park to both downtown Minneapolis and Saint Paul, and major destinations at the University of Minnesota and the State Capitol.

**Prosperity:** The Green Line Extension reflects strategic investment in regional infrastructure that will promote economic competitiveness and create prosperity for the region. Despite being under construction, the Green Line Extension has already seen more than \$1.6 billion of investment within a half-mile of the line. Another \$500 million in investment is planned.

**Sustainability:** As many as 700,000 more people will be living, working, and moving around the Twin Cities region by 2040. As a result, a robust transportation system is needed to provide the region choices and more mobility.

### **Funding**

The work for this contract amendment is a Project (61001) eligible cost. Funds for the work are available in the Project budget. This work is included in the Council's authorized capital budget.



## Small Business Inclusion

The urgent nature of this action limits the opportunity for DBE participation.

