

**METRO GREEN LINE EXTENSION - SOUTHWEST LIGHT RAIL TRANSIT PROJECT
EXECUTIVE CHANGE CONTROL BOARD**

Proposed Board Action

24-ECCB-015

Item Description:

Approval of the use of Project Contingency in the amount of \$2,360,000 to increase the Purchase Order value associated with contract 17M155 with BNSF Railway for the Freight Rail Coordination Agreement – Construction Phase.

Resolution:

BE IT RESOLVED, that the Purchase Order value associated with contract 17M155 with BNSF Railway for the Freight Rail Coordination Agreement – Construction Phase, resulting in the use of \$2,360,000 of additional Project Contingency is APPROVED.

Background:

BNSF Railway (BNSF) owns and operates freight rail service on the Wayzata Subdivision. Approximately 1.4 miles of the Metropolitan Council's (Council) METRO Green Line Extension Project (Project) alignment is on or adjacent to the BNSF right-of-way in the Wayzata Subdivision. Construction of the Project requires shifting BNSF's mainline freight track to accommodate space for the LRT and future BNSF capacity. The Council's Civil Construction Contractor, Lunda McCrossan Joint Venture, is performing site and LRT work and BNSF is performing work related to their freight rail.

The Council entered into a construction agreement with BNSF effective February 28, 2019, in an amount not to exceed \$4.5 million. The Construction Agreement outlines BNSF's and Council's rights and obligations during the construction of the Project in the Wayzata Subdivision corridor and includes reimbursing BNSF for its costs for submittal review, flagging, inspection, and construction activities related to the Project.

The ECCB approved resolution 23-ECCB-004 for the use of \$1,937,000.00 in project contingency to address flagging and inspection services that were required due to an approximately 34-month delay to the Project's Civil construction.

The work under this action includes addressing unsuitable subgrade and associated drainage issues near I-94 due to the freight rail shift, additional design and engineering review and material escalation associated with signal relocation, and inspection and flagging services projected to be needed through 2026.

The Southwest Project Office is proposing the use of \$2,360,000 in project contingency to execute this purchase order.