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Alameda Corridor Transportation Authority

May 19, 2022

To:	Governing Board
From:	Michael C. Leue, Chief Executive Officer 
Subject:	<i>APPROVE Contract Task Order No. 6 to Agreement No. C0885 with RailWorks Track Services, LLC for BNSF Train Derailment Repair Services (Perry Connector Track)</i>

Recommendation:

Authorize the Chief Executive Officer or his designee to execute Contract Task Order (CTO) No. 6 under Agreement No. C0885 with RailWorks Track Services, LLC (RailWorks), for payment of repair costs in the amount of \$710,476 incurred due to BNSF train derailments at Perry Connector Track MP 21.2.

Discussion:

Two BNSF train derailments occurred at Perry Connector Track MP 21.2 in the past year. While the two derailments occurred in the same general area, they were on different sections of track and BNSF has accepted responsibility for the derailments. Approval of Contract Task Order No. 6 will allow RailWorks to invoice ACTA, and ACTA to invoice BNSF, for completed repair work (work integral to the movement of freight through Corridor) and for follow-on work for repairs that have not yet been completed.

On August 14, 2021, Railworks mobilized personnel in response to a BNSF freight train derailment on the PHL Perry Connector track which extends between CP Perry on the PHL Long Beach Subdivision (PH174) and CP Farragut on the PHL Manuel Subdivision (PH213). Railworks provided flagging and coordination support for re-railing contractors and equipment at the scene of the derailment. Subsequent repair activities for track infrastructure damage located on ACTA maintained territory included removal and replacement of concrete crossties, repair of clip fasteners, dressing of ballast surface and assisting their subcontractor with resetting and placing of wayside signal equipment.

On February 12, 2022, RailWorks mobilized personnel in response to a second BNSF freight train derailment in the same general location as the derailment on August, 2021. Response activities were similar to the services provided during the prior derailment, but also included complete removal of the CP Perry signal bungalow. Due to the total loss of the CP Perry signal bungalow, RailWorks has to procure a new bungalow, including several dozen internal components and materials that were severely damaged or destroyed as a result of the derailment.



This work requires a Contract Task Order (CTO) pursuant to Section 5.9(f) of the Agreement. This section applies to support work that needs to be provided by the maintenance contractor, but which does not involve funds for rail corridor maintenance and corridor capital improvements or replacements. Because work performed pursuant to Section 5.9(f) does not involve or amend the annual maintenance plan approved by the Ports and Railroads, such work does not require separate approval by these entities.

Budget Impact:

There is no net impact to the Program Budget. These costs are initially paid by ACTA to the maintenance contractor, but ACTA is subsequently fully reimbursed by BNSF. ACTA utilizes the Local Agency Investment Fund account to pay for the services, and the account is replenished when ACTA receives payment from BNSF.

Co-General Counsel:

ACTA's Co-General Counsel has reviewed the proposed Contract Task Order No. 6 and there are no legal issues at this time.

Transmittal:

Transmittal 1 - Contract Task Order No. 6