ORDINANCE NO. 007-1

AN ORDINANCE TO ENTER INTO A HIGHWAY AUTHORITY AGREEMENT WITH THE CITY OF CHICAGO

WHEREAS, The Chicago Transit Authority ("Authority") operates a maintenance facility at 1345 W. 103rd Street in the City of Chicago (Beverly Garage); and

WHEREAS, Past releases of petroleum products may have impacted the public way; and

WHEREAS, The Authority has completed the remediation of petroleum contamination to the best extent possible; and

WHEREAS, Petroleum-impacted soil remains at concentrations which may exceed the appropriate clean up objective under the public way; and

WHEREAS, The Authority seeks to enter into an agreement with the City of Chicago ("Highway Authority Agreement") to claim responsibility for costs related to future clean up associated with the release of contaminants by the Authority; and

WHEREAS, The Authority agrees to indemnify and hold harmless the City of Chicago , its agent and employees , and other entities using the right-of-way by permit issued by the City of Chicago, for all obligations asserted against costs incurred by them associated with the release of contaminants of concern; and

WHEREAS, The execution of a Highway Authority Agreement with the City of Chicago and the submission of the completed Corrective Action Completion report would satisfy the Illinois Environmental Protection Agency's regulations and result in the issuance of a "No Further Remediation" letter to the CTA. The issuance of an NFR would preclude the Illinois Environmental Protection Agency from filing any future enforcement actions against the CTA regarding the clean up of this site; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1: That the Transit Board authorizes the President to execute a Highway Authority Agreement with the City of Chicago for the Beverly Garage.

SECTION 2: This ordinance shall be in full force and effect from and after its passage.

APPROVED:

Chairman

January 10, 2007

PASSED:

Assistant Secretary

January 10, 2007