WHEREAS, The Chicago Transit Authority ("Authority") is advancing the Red Line Extension ("RLE") Project to extend the Red Line from the existing terminal at 95th/Dan Ryan to 130th Street and add four new stations; and

WHEREAS, The Authority has developed a Locally Preferred Alternative known as the "UPRR Rail Alternative" and an alignment known as the "Preferred Alignment" that would run parallel to Union Pacific Railroad Company ("UPRR") tracks and would affect UPRR right-of-way, including two proposed grade-separated crossings as well as property impacts; and

WHEREAS, UPRR requires that any construction proposal that may affect or is near UPRR rights-of-way be evaluated by UPRR to ensure safety, maintain the quality of rail service, and protect UPRR assets; and

WHEREAS, The Authority acknowledges the importance of designing an alignment that does not adversely impact UPRR's current and future rail operations or needs and has agreed to provide Preliminary Engineering documents to UPRR for evaluation; and

WHEREAS, UPRR has agreed to collaborate with the Authority on the conceptualization and development of the RLE Project and to provide Preliminary Engineering services evaluating the potential impacts of the RLE Project on UPRR track and right-of-way; and

WHEREAS, UPRR requires the Authority to enter into a standard form agreement for Preliminary Engineering services, attached as Exhibit A hereto, that sets forth the scope and costs to conduct the Preliminary Engineering work by UPRR and/or its representatives; and

WHEREAS, Under the agreement, the Authority agrees to pay UPRR an initial amount up to Two Hundred Fifty Thousand Dollars ($250,000.00) for the actual cost of Preliminary Engineering review services by UPRR and/or its representatives; and

WHEREAS, The Authority seeks to designate contingency funds in an amount up to Fifty Thousand Dollars ($50,000.00), which shall only be disbursed with the approval of the Authority’s Chief Planning Officer, for additional unforeseen work that may be required from UPRR; and
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WHEREAS, If the RLE Project is approved by UPRR, UPRR and the Authority will enter into a Construction and Maintenance Agreement which will provide the terms and conditions for the construction and ongoing maintenance of the RLE Project; and

WHEREAS, Notwithstanding the estimated cost of services, this Preliminary Engineering services agreement requires the Authority to reimburse UPRR and/or its representatives for 100% of all actual costs and expenses incurred for work included in the scope of services, but staff will seek a separate Board approval before exceeding the $300,000.00 maximum total amount authorized by this ordinance; and

WHEREAS, Per the agreement, UPRR may withhold its approval for the RLE Project for any reason in its sole discretion, including without limitation, impacts to railroad safety, facilities or operations; and

WHEREAS, It is in the best interest of the Authority to enter into the agreement with UPRR; now, therefore:

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

SECTION 1. The Chairman of the Chicago Transit Board, or his designee, is hereby authorized to enter into an agreement with Union Pacific Railroad Company for Preliminary Engineering services for the Red Line Extension Project which requires the Authority to compensate UPRR in an amount up to Two Hundred Fifty Thousand Dollars ($250,000.00) and contains such other terms as are substantially in conformance with the Reimbursement Agreement for Preliminary Engineering Services attached as Exhibit A hereto.

SECTION 2. The Board further authorizes an additional contingency in an amount up to Fifty Thousand Dollars ($50,000.00) for additional reimbursements to Union Pacific Railroad Company for actual services provided, subject to the approval of the Chief Planning Officer.

SECTION 3. The Chairman, or his designee, is further authorized to take such actions and execute such documents as may be necessary to implement the objectives of this ordinance.
SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:  

________________________  _________________________  
Chairman     Assistant Secretary  
August 12, 2020             August 12, 2020