



**Resolution 2004-062**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PORTLAND & WESTERN RAILROAD INC. FOR PHASE II OF THE SUNSET RAILROAD CROSSING PROJECT**

**WHEREAS**, the City has obtained approval for alterations to the Crossing as described in the attached Oregon Department of Transportation's Order No. 50202 dated November 21, 2002 ("ODOT Order") and

**WHEREAS**, the City desires Railroad to provide final contract documents for work to be performed by Railroad and/or its Contractors, the anticipated construction cost is \$147,817.18, and

**WHEREAS**, the Railroad agrees to provide engineering and construction services for the crossing as part of its Sunset Railroad Crossing improvement project; and

**WHEREAS**, the City Engineer recommends a contingency of 10% \$14,781.71 for unanticipated costs; and

**WHEREAS**, the Railroad and City mutually desire to enter into an agreement, to cooperate in the installation of at grade crossing improvement at this location.

**NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:**

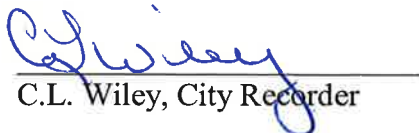
**Section 1:** The City Manager is authorized to finalize and sign the AGREEMENT FOR PROVISION OF ENGINEERING AND CONSTRUCTION SERVICES IN CONNECTION WITH GRADE CROSSING IMPROVEMENTS for the final construction contract.

**Section 2:** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21st day of July 2004.**

  
Mark O. Cottle, Mayor

ATTEST:

  
C.L. Wiley, City Recorder

ORDER NO. 50202

ENTERED November 21, 2002

ODOT CROSSING NO. P-756.90  
U.S. DOT NO. 754 213 T

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 912**

In the Matter of the Alteration of the Railroad-Highway )  
Grade Crossing at Sunset Boulevard and UNION PACIFIC )  
RAILROAD COMPANY, a Delaware Corporation, leased to ) **ORDER**  
Portland & Western Railroad, Inc.(PNWR), Westside )  
District, in Sherwood, Washington County, Oregon. )

On April 23, 1999, City of Sherwood made application under ORS 824.206 concerning the subject grade crossing. Applicant amended its application on March 9, 2000. PNWR objected to the amended application by letter dated March 28, 2000. By letter dated May 31, 2000, applicant came to agreement with PNWR regarding their objections. Applicant again amended its application on October 23, 2003. Portland & Western Railroad, Inc. (PNWR), is the affected railroad. Applicant is the public authority in interest. Union Pacific Railroad Company is an interested agency in this matter.

Rail Division staff has investigated the amended application. By letter dated October 27, 2003, staff served a copy of the amended application for all parties to review and acknowledge their agreement. All parties in this matter have agreed the proposed crossing alterations are required by the public safety, necessity, convenience and general welfare. Therefore, under ORS 824.214, the Department may enter this Order without hearing.

For clarity, this Order will consider the roadway as lying east-west and the railroad track as lying north-south. Applicant proposes to widen the crossing by constructing a multi-use path on the south side of the roadway as depicted in the Appendix to this Order. The path will be routed behind the automatic signals at the crossing to be accessible according to the Americans with Disabilities Act. Applicant further proposes to install standard curb at the automatic signals to replace the existing urban-type guardrails at the crossing. As part of the project, an existing driveway in the southeast quadrant of the crossing will be relocated further east of the crossing. Sunset Boulevard intersects the track at an angle of  $\approx 53$  degrees. The crossing is equipped with flashing

ORDER NO. 50202

lights and automatic gate signals. The average daily traffic volume is  $\approx$ 3,794 vehicles at the crossing. There is a daily average of two freight trains over the crossing at a maximum authorized speed of 25 miles per hour. There have been no reported train-vehicle collisions at the crossing within the past 10 years.

From the foregoing, the Department finds that the requested crossing alterations are required by the public safety, necessity, convenience and general welfare. The application should be granted upon the following terms.

IT IS THEREFORE ORDERED that:

1. The authority to alter the subject crossing is granted. All alterations shall be substantially in progress within 10 months from the date of this Order.
2. Applicant (City of Sherwood) shall:
  - a. Widen and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and multi-use path, as depicted in the Appendix to this Order, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020.
  - b. Furnish and install standard curb according to OAR 741-110-0030(2) adjacent to the ordered automatic signals at the crossing, and bear all the costs. The curb shall commence not less than 10 feet from centerline of the nearest track and extend at full height not less than 50 feet in advance of the automatic signals.
  - c. Furnish, install and maintain two stop clearance lines on the multi-use path at the crossing, located according to OAR 741-110-0040(4), as depicted in the Appendix to this Order, and bear all the costs.
  - d. Furnish, install and maintain two advance warning pavement markings on the multi-use path approaches to the crossing, and bear all the costs. The markings shall be located as depicted in the Appendix to this Order.
  - e. Remove the previously ordered urban-type guardrail adjacent to the automatic signals at the crossing, and bear all the costs.
  - f. Bear all the costs of work ordered in paragraph 3.a., below.
  - e. Maintain previously ordered advance warning signs, advance warning pavement markings, stop clearance lines, and bear all the costs.

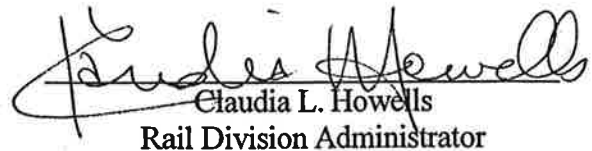
ORDER NO. 50202

3. Portland & Western Railroad, Inc., shall:
- a. Subject to reimbursement by the applicant, widen that portion of the crossing lying between lines drawn perpendicular to the end of ties, to accommodate the roadway configuration and multi-use path as depicted in the Appendix to this Order.
  - b. Maintain the ordered automatic signals and circuitry, that portion of the crossing lying between lines drawn perpendicular to the end of ties, and bear all the costs.
4. Each party shall notify the Rail Division of the Department in writing upon completion of its portion of the project.

All previous Orders of the Public Utility Commission or the Department relating to the subject grade crossing, not in conflict with this Order, shall remain in full effect.

Made, entered, and effective

November 21, 2003.

  
Claudia L. Howells  
Rail Division Administrator