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## Alameda Corridor Transportation Authority

September 12, 2019

<b>To:</b>	Governing Board
<b>From:</b>	John T. Doherty, Chief Executive Officer
<b>Subject:</b>	<i>Authorize Issuance of a Contract Task Order to RailWorks Track Services, Inc. under Agreement No. C0885 for Environmental Boring Support Services (APPROVAL)</i>

### Recommendation:

Authorize the issuance of a Contract Task Order in the amount of \$50,000 to RailWorks Track Services, Inc. (RailWorks) pursuant to Alameda Corridor Maintenance Agreement No. C0885 for environmental boring support services and authorize the Chief Executive Officer or Chief Financial Officer to execute said Contract Task Order.

### Discussion:

In October 2010, an oil spill occurred from a pipeline beneath the ACTA tracks north of Pacific Coast Highway in Wilmington. The spill entered the track drain system that ultimately discharges into Dominguez Channel about  $\frac{3}{4}$  mile south of the pipeline. The EPA issued an order to clean up the resultant contamination, which led to the replacement of much of the track drain and the installation of a collection facility to remove residual oil. A Settlement Agreement was executed in September 2015 amongst POLA, POLB, ACTA, the pipeline owner (Owner) and its insurance carrier.

The Owner has obligations under the agreement to maintain the collection and discharge system. In an effort to determine if residual oil exists in certain areas along the length of the track drain, the Owner has proposed 12 exploratory borings at select locations. The work will be performed by the Owner's contractor, but certain work to support the borings must be performed by ACTA's maintenance contractor, RailWorks, including but not limited to removing and replacing track ballast.

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 rail corridor maintenance and corridor capital project 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.



Authorization is sought to issue a task order to RailWorks to perform the support work.

**Budget Impact:**

There is no net impact to the FY20 Program Budget. These are pass-through costs that ACTA is initially required to pay, but which are subsequently fully reimbursed by the Owner pursuant to the Settlement Agreement. ACTA utilizes the Local Agency Investment Fund (LAIF) account to pay for the services and reimburses the account when payment is received.

**Co-General Counsel:**

ACTA's Co-General Counsel has reviewed this Board Report and there are no legal issues at this time.