

**Board Report**

File #: 2018-0399, **File Type:** Contract**Agenda Number:** 45.

**REGULAR BOARD MEETING
SEPTEMBER 27, 2018****SUBJECT: PASADENA SUBDIVISION SHARED USE AGREEMENT FOR THE GOLD LINE
FOOTHILL EXTENSION PHASE 2B****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute an amendment to the Pasadena Subdivision Shared Use Agreement (SUA) with BNSF Railway Company ("BNSF") for the Gold Line Foothill Extension Phase 2B Project (Attachment A).

ISSUE

At its March 2011 meeting, the Metro Board authorized a Settlement Agreement with BNSF related to the Gold Line Foothill Extension Phase 2A Project. The purpose of this amendment is to add the Gold Line Foothill Extension Phase 2B ("Project") from Glendora to Montclair, which is the continuation of the Phase 2A Project via a shared corridor with freight and commuter rail lines. The Phase 2B Project will be operated by Metro, and is being constructed on the Pasadena Subdivision by the Foothill Gold Line Construction Authority.

BNSF has also proposed an amendment to the SUA specifically related to relocation of BNSF Freight tracks as part of the Phase 2B Project, which is incorporated in the proposed amendment.

BACKGROUND

The Phase 2B Project from Glendora to Montclair is a 12.3-mile extension of the Metro Gold Line light rail system that currently runs between East Los Angeles and Azusa. The Project is part of the growing network of rail lines in Los Angeles County and will add new stations, one in each of the corridor cities: Glendora, San Dimas, La Verne, Pomona, Claremont and Montclair. The Glendora to Montclair segment will be built along the former Atchison, Topeka and Santa Fe (ATSF) railroad right-of-way and will share the 100-foot-wide (on average) rail corridor with freight throughout and Metrolink from Pomona east to Montclair. While the different rail services will share the corridor, they will not share tracks or stations.

Metro and BNSF are parties to a SUA (Pasadena Subdivision (Los Angeles County) dated October 30, 1992, as successors in interest to the Los Angeles County Transportation Commission and the ATSF, respectively. The SUA governs the party's relationship concerning BNSF use of the Pasadena

subdivision pursuant to the Reserved Rail Freight Service Easement.

DISCUSSION

Currently, the SUA does not include the Gold Line Foothill Phase 2B Project. Approval of the staff recommendation will formally incorporate the Phase 2B Project. In addition, the BNSF Freight track and systems will be relocated as part of the Phase 2B Project being constructed on Metro Right of Way. The proposed amendment to the SUA with BNSF provides indemnification to BNSF for any claims arising out of the relocation of the freight track. The amendment also provides BNSF the opportunity to review, comment on, and approve design plans related to relocation of the freight track.

Metro staff and legal counsel have reviewed the amendment and take no exception to the proposed language. Authorization of this amendment will help to facilitate and expedite review and approval of design for the Phase 2B Project and assure that freight track relocation has been reviewed and approved by the freight operator.

DETERMINATION OF SAFETY IMPACT

There is no safety impact resulting from this report

FINANCIAL IMPACT

There is no financial impact resulting from this report.

NEXT STEPS

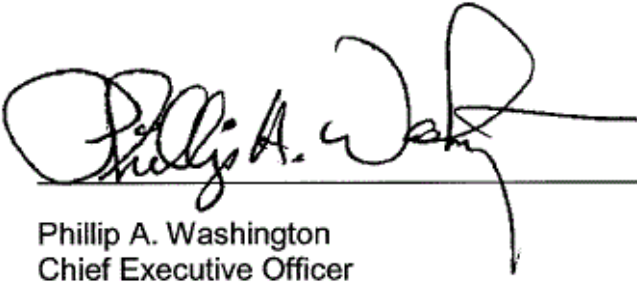
Upon Board approval, Metro will execute the amendment to the Pasadena Subdivision SUA for the Gold Line Foothill Extension Phase 2B Project.

ATTACHMENTS

Attachment A - Proposed Amendment to Shared Use Agreement
Attachment B - Pasadena Subdivision Section Shared Use Agreement

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