

RESOLUTION NO. 30-96

COUNTY RAILWAY AGREEMENT - MCEWAN PRAIRIE ROAD

WHEREAS, there is a safety concern at the McEwan Prairie Road railway crossing.

WHEREAS, there is federal funding available for improvement of said railway crossing.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners to enter into a Local Agency Railway Agreement, Federal Aid Safety Projects, Highway-Railway Grade Crossing Warning Devices (Attachment A)

PASSED this 27th day of February, 1996.

**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

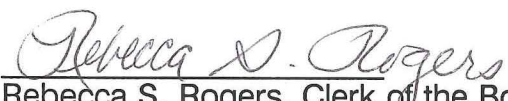


Mary Jo Cady, Chairperson

ATTEST:



M.L. Faughender, Commissioner

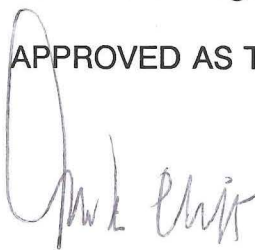


Rebecca S. Rogers, Clerk of the Board



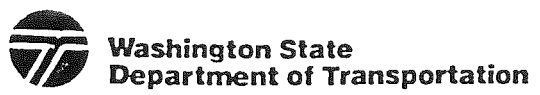
William O. Hunter, Commissioner

APPROVED AS TO FORM:



Chief Prosecuting Attorney
Michael Clift

c: Clerk of the Board
Public Works
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Local Agency Railway Agreement Federal Aid Safety Projects Highway-Railway Grade Crossing Warning Devices

Local Agency Mason County Project No. AC-STPX-2023(19)

Railway Burlington Northern Railroad Company Agreement No. -----

The above parties having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the Policies and Procedures promulgated by the Washington State Department of Transportation, relating to grade crossing warning devices, hereby agree to proceed with the accomplishment and completion of the project hereinafter described.

Project Description

Local Agency road name McEwan Prairie Road

Location Shelton, Washington

Railway line name Burlington Northern Railroad Company

Location RR Sta 247+33, MP 4+3986' (MP 4.76); NE1/4 SW1/4, Sec 33, T21N, R3W, WM Pacific Division, Bangor Subdivision (WUTC 1AB 4.80) (DOT 96-580J).

Description of Work

Remove flashers. Install automatic flashing light traffic control devices, shoulder mount type, with gates and train activation devices.

The site plan attached hereto as Exhibit C further describes the work.

Construction is estimated to be completed in 365 days, following execution of this agreement and authorization to proceed.

Estimate of Cost

Type of Work	Labor	Non-Labor	Total
1. Install warning devices (type)	\$ 30,926	\$ 43,976	\$ 74,902
a. Freight material handling		6,388	6,388
b. Equipment rental		2,382	2,382
c. Expenses		2,977	2,977
d. Salvage		---	---
e. Other		2,858	2,858
2. Engineering and accounting	1,885	---	1,855
3. Liability insurance		1,339	1,339
4. Labor surcharge	7,097	---	7,097
5. Other work by railroad*	---	---	---
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Exhibit A attached hereto			
6. Total project costs	\$ 39,908	\$ 59,920	\$ 99,828

*If detail is required, attached Exhibit A. Insert Exhibit A totals in this line.

The above parties further stipulate that they agree to and will comply with the provisions set forth on the reverse hereof and made a part of this agreement. Where a franchise or permit exists, the parties shall determine to what extent the franchise or permit is superseded by this agreement. Such determination should be in writing and attached as part of the agreement.

Repair or replacement of damaged or obsolete signals. The cost of repair or replacement of the signals shall be borne on the ratio of 75 percent Local Agency and 25 railway.

This agreement shall inure to the benefit of and be binding on the parties hereto, their successors and assigns.

Adopted by Resolution/Ordinance No. 30-96 _____ Railroad Official _____

Local Agency Official Mary Jo Cady _____ Title _____

Date 2-29-96 _____ Date _____

EXHIBIT "B"

Appendix A

Nondiscrimination Provisions of Title VI of the Civil Rights Act of 1964.

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agree as follows:

- (1) Compliance with Regulations: The contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations). which are herein incorporated by reference and made a part of this contract.
- * (2) Nondiscrimination: The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A", "B", and "C".
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color or national origin.
- (4) Information and Reports: The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to.
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigations to protect the interests of the United States.

* PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX.

SEC. 162. (a) Chapter 3 of title 23, United States Code is amended by adding at the end thereof the following new section:

"§ 324, Prohibition of discrimination on the basis of sex.
No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to discriminatee."