To: Chairman Skinner and the VRE Operations Board

From: Doug Allen

Date: April 15, 2016

Re: Authorization to Execute a Construction Agreement with CSX Transportation for Potomac Shores Station

Recommendation:

The VRE Operations Board is asked to authorize the Chief Executive Officer to execute a construction agreement with CSX Transportation for construction oversight and flagging services by CSXT and Right-of-Entry (ROE) to CSXT Right-of-Way (ROW) by the developer and their construction contractor for the Potomac Shores Station. CSXT has provided an estimated amount of $854,818, plus a 10% contingency of $85,482, for a total amount not to exceed $940,300, with all costs being reimbursed by Harbor Station Communities, LLC, the developer of Potomac Shores.

Background:

On January 31, 2002, VRE executed a Memorandum of Understanding (MOU) with CSXT and the Virginia Department of Rail and Public Transportation (DRPT) that outlined the process the Commissions would undertake to implement a third mainline track in the CSXT Washington to Richmond rail corridor and corresponding service expansion. In August 2014, a Second Amendment to the MOU was approved by all parties addressing the addition of the VRE Potomac Shores Station and the initiation of VRE service to the station. The Second Amendment to the MOU outlines a set of rail infrastructure and VRE station improvements that must be made in order to allow the Potomac Shores Station to open.
On July 15, 2013, Prince William County, Virginia, accepted proffers from the developer, Harbor Station Communities, LLC (Developer), for the Potomac Shores Development which included provisions for a new VRE station and commuter parking.

Under a previous agreement, VRE and CSXT have been involved in the oversight of the design and engineering of the Potomac Shores Station. As the developer begins the construction phase of the project, this agreement allows for oversight of construction and flagging services by CSXT and ROE to CSXT ROW by the developer and their construction contractor.

**Fiscal Impact:**

All costs incurred by VRE will be reimbursed by the Developer.
Virginia Railway Express
Operations Board

Resolution
8F-04-2016

Authorization to Execute a Construction Agreement with CSX Transportation for Potomac Shores Station

WHEREAS, Prince William County accepted a proffer from Harbor Station Communities, LLC (Developer) on July 15, 2013, for the Potomac Shores Development, which includes provision of a new VRE station on the CSX Transportation (CSXT) RF&P Subdivision; and,

WHEREAS, the Second Amendment to the Memorandum of Understanding pertaining to Corridor Improvement Project, between VRE, CSXT, the Virginia Department of Rail and Public Transportation, and the Commissions dated July 10, 2014, allows for the addition of a new VRE station at Potomac Shores; and,

WHEREAS, VRE and CSXT are required to review and approve the design and construction of the improvements; and,

WHEREAS, it is required for CSXT to provide ROE for the construction of Potomac Shores Station; and,

WHEREAS, it is required for CSXT to provide flagging protection for the construction of Potomac Shores Station; and,

WHEREAS, a construction agreement between CSXT and VRE is needed for CSXT to provide ROE, construction reviews, and flagging services;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby authorize the Chief Executive Officer to execute a construction agreement with CSX Transportation to provide ROE, Construction Reviews, and Flagging Services for Potomac Shores Station for an estimated amount of $854,818, plus a 10% contingency of $85,482, for a total amount not to exceed $940,300, to be reimbursed by the Developer, in a form approved by legal counsel.

Approved this 15th day of April 2016

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Gary Skinner
Chairman

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Maureen Caddigan
Secretary