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**WHEREAS**, the routine sounding of the locomotive train horn approaching roadway-rail grade crossings has a negative effect on the quality of life for those persons living near a rail line; and

**WHEREAS**, the FRA rules and regulations include provisions that allow communities to silence train horns and establish “Quiet Zones” at roadway-rail grade crossings by implementing certain qualifying safety measures; and

**WHEREAS**, on August 2004, the North Central Texas Council of Governments (NCTCOG) Regional Transportation Commission (RTC) approved the 2004 Railroad Reliability Partnership program that included roadway-rail grade crossing improvements along a section of the Kansas City Southern (KCS) Railway in East Dallas between Interstate Highway 30 and Loop 635 (Lyndon B. Johnson (LBJ) Freeway); and

**WHEREAS**, on November 2004, the proposed roadway-rail grade crossing improvements in East Dallas were included in the NCTCOG’s Transportation Improvement Program (TIP); and

**WHEREAS**, on August 2006, the Federal Railroad Administration (FRA) issued revised rules and regulations (49 Code Federal Regulation Parts 222 and 229) known as the “Train Horn Final Rule” governing the Use of Locomotive Horns at Highway-Rail Grade Crossings; and

**WHEREAS**, in 2017 the City of Dallas Bond Program appropriated \$543,000.00 for 20 percent local match portion of the Quiet Zone Project funding; and

**WHEREAS**, in May 2018, the RTC approved the 2019-2022 TIP that identified \$1,828,070.00 federal funding, representing 80 percent participation, for eight roadway-rail grade crossings project in East Dallas; and

**WHEREAS**, on June 12, 2019, City Council authorized the execution of a Local Project Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) to accept \$1,791,508.00 in Surface Transportation Block Grant funds for the KCS Quiet Zone East Dallas Project by Resolution No. 19-0881; and

**WHEREAS**, on June 10, 2020, City Council authorized an agreement with KCS to implement railroad signal improvements at nine rail crossings in East Dallas along the KCS railroad corridor not to exceed \$1,880,722.00, by Resolution No. 20-0939; and

**WHEREAS**, on July 28, 2020, TxDOT provided environmental clearance and determined the Project to be Categorically Excluded; and

**WHEREAS**, on November 4, 2020, TxDOT authorized the Project to proceed to advertising for construction bids; and

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**WHEREAS**, the Project was advertised for a 22-day period beginning on November 19, 2020 and concluding with the opening of bids on December 11, 2020; and

**WHEREAS**, on December 11, 2020, three bids were received for the Project Dallas as follows; and

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
Axis Contracting, Inc.	\$479,493.00
Gibson & Associates, Inc.	\$561,801.94
McMahon Contracting, L.P.	\$590,525.31

**WHEREAS**, on December 21, 2020, TxDOT provided formal concurrence with the recommendation to award a contract for the Project to the lowest responsive, responsible bidder; and

**WHEREAS**, the bid submitted by Axis Contracting, Inc. in the amount of \$479,493.00 is the lowest responsive, responsible bidder of all bids received.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to execute a construction services contract with Axis Contracting, Inc., approved as to form by the City Attorney, for the Quiet Zone - Northeast Dallas Project to complete the remaining street improvements, in an amount not to exceed \$479,493.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$479,493.00 to Axis Contracting, Inc. in accordance with the terms and conditions of the contract, as follows:

Surface Transportation Block Grant Project Fund Fund F576, Department TRN, Unit 3882, Activity RRQZ Object 4599, Program TPF57620 Encumbrance/Contract No. CX-TRN-2020-00014486 Vendor VS0000000445	\$339,631.20
Street and Transportation (A) Fund Fund 1V22, Department TRN, Unit V142, Activity RRQZ Object 4599, Program PB17V142 Encumbrance/Contract No. CX-TRN-2020-00014486 Vendor VS0000000445	<u>\$139,861.80</u>
Total amount not to exceed	\$479,493.00

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**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.