



## Legislation Text

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**File #:** 19-1581, **Version:** 1

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** October 23, 2019

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** Supplemental Agreement No. 1 to the Cooperation Agreement between the City of Dallas and Texas Central Rail Holdings, LLC, (Texas Central) regarding design by the United States Army Corps of Engineers (USACE) for a Lamar Levee Floodwall Extension as required by regulatory permitting; **(2)** the receipt and deposit of funds from Texas Central to the Dallas High Speed Rail Fund in an amount not to exceed the cost the USACE provides for the design of the Lamar Levee Floodwall, if, and, when: **(a)** the USACE provides the cost of design of the Lamar Levee Floodwall and **(b)** Texas Central requests the City to submit a request for the USACE to move forward with the design of the Lamar Levee Floodwall; **(3)** the establishment of appropriations in the Dallas High Speed Rail Fund in a pass-through amount not to exceed the cost for the design of the Lamar Levee Floodwall provided by the USACE, as such cost may be amended by USACE and funded by Texas Central; and **(4)** the disbursement of funds to the USACE in accordance with the Project Cooperation Agreement between the City of Dallas and the USACE in an amount not to exceed the cost provided by the USACE for the Lamar Levee Floodwall design as may be amended - Financing: No cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

This transaction establishes a pass-through funding agreement for Texas Central to pay for the design of a floodwall extension needed to accommodate the high-speed rail infrastructure adjacent to the Lamar Levee being constructed by the USACE.

Texas Central plans to design, construct and operate a private high-speed passenger rail line (HSR) between the Dallas-Fort Worth Metropolitan Area and the Houston Metropolitan Area.

Within the Dallas city limits, parts of Texas Central's HSR system and related improvements are proposed to traverse the Dallas Floodway and Dallas Floodway Extension (DFE) projects with oversight of the USACE. In 2001, the City of Dallas and the USACE entered into a Project Cooperation Agreement that specifies the roles and responsibilities of the USACE and the City relating to the construction of the DFE projects.

The USACE is designing the Lamar Levee as part of the larger DFE Project. The DFE design includes a floodwall as part of the Lamar Levee; however, to accommodate the HSR alignment, the floodwall needs to be extended 1,800 feet.

Because the USACE cannot work directly with Texas Central on the floodwall extension, the City must request the design of the floodwall extension on behalf of Texas Central.

This floodwall extension is considered a “betterment” by the USACE and requires payment for the additional cost to design the floodwall extension. Texas Central will pay for the floodwall extension design, through the City, who will disburse funds to the USACE for the design work.

This Supplemental Agreement establishes terms and mechanisms for Texas Central to pay for the design of an extension of a floodwall that is needed to accommodate the high-speed rail alignment that runs adjacent to the Lamar Levee when the cost for the design is obtained by the USACE.

This item supplements the Dallas High Speed Rail Fund previously established and paid for by Texas Central pursuant to the Cooperation Agreement approved by City Council on August 24, 2016.

In the event that Texas Central either: (a.) declines to request that the City notify the USACE to okay the design of the floodwall extension betterment, or, (b.) fails to timely fund the costs of the floodwall extension design, the City will have no further obligation to either the USACE or Texas Central regarding the floodwall extension funding.

Additionally, this item does not pay for the construction of the floodwall extension. If, when the USACE is prepared to hire a contractor to build the DFE and Texas Central requests the construction of the floodwall, an additional Supplemental Agreement or other agreement will be required for Texas Central to pay for the construction of the floodwall extension.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 24, 2016, City Council authorized execution of a Cooperation Agreement between the City of Dallas and Texas Central Rail Holdings, LLC regarding preliminary review and evaluation of plans for High-Speed Rail in Dallas by Resolution No. 16-1337.

On August 24, 2016, City Council authorized a Memorandum of Agreement between the City of Dallas and the USACE for expedited Section 408 Review of High-Speed Rail in Dallas; and the disbursement of funds to the USACE by Resolution No. 16-1338.

The Mobility Solutions and Infrastructure Sustainability Committee was briefed regarding this item on October 8, 2018.

### **FISCAL INFORMATION**

No cost consideration to the City. The City will receive and deposit funds from Texas Central in the Dallas High Speed Rail Fund, in the amount provided by the USACE for the design of the Lamar Levee Floodwall Extension as may be amended by the USACE and funded by Texas Central.

**MAP**

Attached