



## Legislation Details (With Text)

<b>File #:</b>	38737	<b>Version:</b>	1	<b>Name:</b>	Approving Plans and Specifications, and authorizing the Mayor and City Clerk to enter into an agreement with C.D.L. Electric, Inc. to install the necessary improvements pursuant to CFR Parts 222 and 229 to create Quiet Zones in the City of Madison.
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	6/1/2015	<b>In control:</b>			BOARD OF PUBLIC WORKS
<b>On agenda:</b>	6/16/2015	<b>Final action:</b>			6/16/2015
<b>Enactment date:</b>	6/19/2015	<b>Enactment #:</b>			RES-15-00552
<b>Title:</b>	Approving Plans and Specifications, and authorizing the Mayor and City Clerk to enter into an agreement with C.D.L. Electric, Inc. to install the necessary improvements pursuant to CFR Parts 222 and 229 to create Quiet Zones in the City of Madison. (6th AD)				
<b>Sponsors:</b>	BOARD OF PUBLIC WORKS				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
6/16/2015	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
6/3/2015	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER	Pass
6/1/2015	1	Engineering Division	Refer	

### Fiscal Note

Estimated Cost: \$190,000.00

Budget authority is available in Acct. No. 10216-402-170-014236 \$190,000.00

### Title

Approving Plans and Specifications, and authorizing the Mayor and City Clerk to enter into an agreement with C.D.L. Electric, Inc. to install the necessary improvements pursuant to CFR Parts 222 and 229 to create Quiet Zones in the City of Madison. (6<sup>th</sup> AD)

### Body

WHEREAS, because regulation of rail/highway safety is preempted by the Federal Rail Safety Act, 49 U.S.C. 20106 and 23 CFR 140, 900 to 140, 922 of the United States Code, the City must follow applicable regulations in the construction of rail/highway grade crossings; and,

WHEREAS, Federal Railroad Administration (FRA) regulations 49 CFR 222 and 229 establishes procedures for the establishment of Quiet Zones within a municipality. These rules and regulations set forth certain standards for establishing Quiet Zones. At a minimum a quiet zone must have signals and gates at every railroad crossing within the Quiet Zone and be at least (½) one half of a mile in length; and,

WHEREAS, the CITY desires the installation of highway-railroad grade crossing warning devices in order to establish quiet zones at the following railroad crossings with the noted improvements:

-DOT # 177834W, Ingersoll St.      Signals, gates, CWT, power off and battery backup

WHEREAS, the crossing protection equipment sought to be installed under this project will be placed primarily on property controlled or owned by the Wisconsin Southern Railroad Company (WSOR), or jointly controlled right-of-way, and, after installation will be operated, maintained and controlled by WSOR pursuant to 49 CFR 234; and,

WHEREAS, without an order from the Commissioner of Railroads, the work and crossing improvements desired by the City can only be performed and implemented with the consent and approval of WSOR; and,

WHEREAS, Roger Schaalma of WSOR has signified the WSOR's approval of the City's request, and has specified that it wants the work performed by C.D.L. Electric, its chosen contractor for this project.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Clerk are authorized to enter into an agreement with C.D.L. Electric, Inc. for the improvements required pursuant to 49 CFR parts 222 and 229, to create Quiet Zones as noted herein. This is a sole source contract under MGO Sec. 4.26(4)(a)2. based for the reasons stated above.