



## Legislation Text

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**File #: 55871, Version: 1**

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The proposed resolution approves plan documents for the creation of railroad quiet zones at Correy Street, Waubesa Street, and Marquette Street for a total estimated cost of \$450,000. Funding for this project is provided in the adopted 2019 capital budget for Engineering Major Streets via the Railroad Crossings and Quiet Zones funded by TID 37 borrowing.

**MUNIS:**

12302-402-200

Approving Plans and Specifications, and authorizing the Mayor and City Clerk to enter into a non-competitive 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)

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 ( $\frac{1}{2}$ ) 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 # 177323L, Corry Street, Signals, gates, CWT, Power off and battery backup;  
DOT # 177324T, Waubesa Street, Signals, gates, CWT, Power off and battery backup;  
DOT # 178774T, Marquette Street path, crossbucks and stop signs for both directions; and,

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; and,

WHEREAS, MGO 4.26 requires Common Council approval of service contracts \$50,000 or more if the contractor was not selected through a competitive selection process, and the reasons for selecting this contractor are set forth above and in the attached Noncompetitive Selection Request Form,

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Clerk are authorized to enter into a non-competitive 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.