

# Mayor and Council Communication

DATE: 11/29/22

M&C FILE NUMBER: M&C 22-0987

LOG NAME: 2022 2018 RAILROAD TRE AT N BEACH AFA - AMENDMENT 1

**SUBJECT**

(CD 4 and CD 8) Adopt a Resolution Authorizing Execution of Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation for the 2018 Railroad Trinity Railway Express at North Beach Street Project to Increase Federal Funding to 100% from 80% and Decrease Indirect State Cost by \$257.00

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution authorizing execution of Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation for the 2018 Railroad Trinity Railway Express at North Beach Street project to increase Federal participation to 100% from 80% and decrease indirect state cost by \$257.00 (City Secretary Contract No. 58040; CSJ # 0902-00-315) (City Project No. 101865).

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to adopt a resolution authorizing the execution of an amendment to an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) (City Secretary Contract No. 58040; CSJ# 0902-00-315) for an increase in Federal participation on the construction responsibilities to 100% from 80% and decrease indirect state cost by \$257.00. After the federal funding reaches the maximum obligated amount, the City will thereafter be responsible for cost overruns.

The City Council approved an Advance Funding Agreement (AFA) with TxDOT in the amount of \$715,067.00 on May 10, 2022 (M&C 22-0334) for the construction of the 2018 Railroad Trinity Railway Express at North Beach Street project. The construction responsibility cost was estimated to be \$477,784.00, of which \$382,227.00 is federal participation and \$95,557.00 is the City's participation.

However, due to the Infrastructure Investment and Jobs Act (IIJA) provisions through Federal Highway Administration (FHWA), 100% of the construction estimate can now be covered by the Railway-Highway Crossing Section 130 Program fund. Therefore, this amendment No. 1 to City Secretary Contract No. 58040 is necessary. The appropriations for the TxDOT grant will be increased, as shown below.

Project Costs for the 2018 Railway TRE at N. Beach Street (City Project No. 101865)			
Fund	Original Budget	Amendment	Revised Budget
Grant Capital Projects	\$477,784.00	Net zero	\$477,784.00
Unappropriated Indirect State Cost	\$ 30,658.00	(\$257.00)	\$30,401.00
2018 Bond Program Fund	\$445,000.00	\$0.00	\$445,000.00
Grand Total	\$953,442.00	\$(257.00)	\$953,185.00

The project is located in COUNCIL DISTRICT 4 and 8.

A Form 1295 is not required because: This contract will be with a governmental entity, state agency or public institution of higher education: TXDOT

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendation and execution of the amendment to the agreement, funds will be available in the current capital budgets, as appropriated, in the Grants Capital Projects State Fund. The Transportation and Public Works Department (and Financial Management Services) will be responsible for the collection and deposit of funds due to the City. Prior to an

expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds. This is a reimbursement grant.

**Submitted for City Manager's Office by:** William Johnson 5806

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Expedited