

Mayor and Council Communication

DATE: 06/22/21

M&C FILE NUMBER: M&C 21-0502

LOG NAME: 20EMERGENCY REPAIR RAILROAD GATES FWWR AT WEST 7TH STREET

SUBJECT

(CD 9) Ratify an Emergency Expenditure with Rio Grande Pacific Technology, Inc. in the Amount of \$149,320.90 for Emergency Railroad Safety Gate Repair Work Performed at Fort Worth Western Railroad Crossing on West 7th Street

RECOMMENDATION:

It is recommended that the City Council ratify an emergency expenditure in the amount of \$149,320.90 to Rio Grande Pacific Technology, Inc. f.k.a CTC, Inc., under City Secretary Contract No. 49230, for emergency railroad safety gate repair work performed at Fort Worth Western Railroad Crossing on West 7th Street.

DISCUSSION:

The Fort Worth Western Railroad (FWWR) quiet zone crossing at West 7th Street was damaged on January 5, 2021 and then again on January 19, 2021. Under a settlement agreement between FWWR and City of Fort Worth (M&C G-14611, approved December 14, 2004), the City of Fort Worth is required to maintain, repair, and/or replace the railroad crossing signal equipment plus the additional quiet zone equipment for the West 7th Street and Museum Way locations. The City engaged RioTech (f/k/a CTC, Inc.) in June, 2017 to perform this work. The contract is still active.

On January 5, 2021, a motorist caused damage to three railroad crossing safety gates on West 7th Street that rendered the gates inoperable and forced the FWWR to operate at diminished capacity for safety of the crossing, known as "Stop and Flag." City staff immediately engaged RioTech, pursuant to City Secretary Contract No. 49230, to perform the repair. Due to the nature of the damage, the repair of the three gates was completed on the afternoon of January 18, 2021. RioTech submitted an invoice in the amount of \$105,535.61.

"Stop and Flag", per the Railroad Code of 1993, Section 315(5), requires approaching trains stop prior to the unsecured crossing to allow railroad personnel to stop vehicle traffic on the roadway (flag) and once stopped, the train will blow the horn before proceeding to cross the roadway.

On January 19, 2021, another motorist caused damage to one of the newly repaired railroad crossing safety gates. Repairs for the second incident were finally complete on April 2, 2021, the delay due to materials sourcing delays, in the amount of \$43,785.29. The total emergency repair costs for both motor vehicle incidents was \$149,320.90. Staff finds these costs to be fair and reasonable for the work performed.

In May 2021, an interoffice memorandum and non-PO voucher was signed by City Manager's Office to authorize payment for emergency repairs from City of Fort Worth Risk Management fund reserves. This M&C ratifies those expenditures.

The railroad crossing is located within COUNCIL DISTRICT 9.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Risk Financing Fund to support the approval of the above recommendation and execution of the emergency contract. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

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Expedited