

AN ORDINANCE 2008-10-16-0946

AUTHORIZING THE PUBLICATION OF NOTICES OF QUIET ZONE ESTABLISHMENT FOR TWO (2) RAILROAD QUIET ZONES, ONE EXTENDING FROM BURLESON ST. TO COMMERCE ST. AND ANOTHER EXTENDING FROM DE ZAVALA RD. TO DREAMLAND DR., LOCATED IN CITY COUNCIL DISTRICTS 2 AND 8.

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WHEREAS, the Federal Railroad Administration (FRA) published the Train Horn Final Rule in 2005 to enable public entities, including municipalities, counties and states, to declare a railroad quiet zone if safety requirements which specify the level of risk reduction that must be achieved to warrant establishment of a quiet zone are met; and

WHEREAS, by using traffic medians, converting streets from two-way to one-way operation, closing unneeded crossings, or installing four-arm quad gates, or by a combination of these measures, a public entity may reduce the risk of vehicle-train collision at crossings within the quiet zone below the current risk level, and thereafter may establish a quiet zone subject to recurring review by the FRA to assure safe conditions are maintained; and

WHEREAS, the quiet zones proposed by this ordinance will, when implemented, meet or exceed the FRA safety requirements for establishment of a quiet zone; and

WHEREAS, railroads must comply with the quiet zone once established, so long as safety requirements are met; however, locomotive crews retain the option to use the train horn in the event of an emergency; and

WHEREAS, the District 2 quiet zone, which extends from Burleson Street to Commerce Street, was authorized by Ordinance No. 101822 and Ordinance No. 101823, both dated December 15, 2005, which included an economic development incentive package for Park Centre Towers, Ltd. and authorization for a quiet zone in connection with the Vidorra condominium development; and

WHEREAS, these ordinances, and related contracts, approved funding by the developer of a quiet zone, estimated at \$1,400,000, and authorized reimbursement of 40 percent of the cost of the quiet zone implementation, not to exceed a cap of \$800,000.00, to the developer from the Tax Increment Reinvestment Zone No. 11, City of San Antonio, Texas, known as the Inner City TIRZ; and

WHEREAS, the City of San Antonio will advance the estimated project costs of \$1,400,000.00 of the District 2 quiet zone with Advanced Transportation District funding, and Park Centre Towers Ltd, will reimburse the City of San Antonio for the full costs of the project; and

WHEREAS, the District 8 quiet zone will be funded from Neighborhood Accessibility and Mobility Program funds, at approximately \$132,500.00; and

WHEREAS, the FRA rule requires that a public entity publish a "Notice of Quiet Zone Establishment" at least 21 days prior to the quiet zone taking effect, and requires that a public entity establish a quiet zone; therefore, it is necessary that the City Manager or her designee be authorized to publish such a Notice at least 21 days in advance of the effective dates of the District 2 and District 8 quiet zones, in compliance with the FRA rule; and

WHEREAS, the City Council finds that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW, THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized and directed to publish a "Notice of Quiet Zone Establishment" at least 21 days in advance of the effective dates of the District 2 and District 8 quiet zones, in compliance with the Federal Railroad Administration (FRA) rule.

SECTION 2. The appropriation in the amount of \$132,500.00 is reduced for this ordinance in SAP Fund 29050000, Streets/Drain Maintenance and Improvements, Cost Center 2303050029, Functional Area 230100000008, General Ledger 5301010 and the Fiscal Year 2009 budget is amended to reflect this change.

SECTION 3. The amount of \$132,500.00 is appropriated in SAP Fund 29050000, Streets/Drain Maintenance and Improvements, SAP Internal Order # 390000000733, SAP GL account 6102100 – Interfund Transfer out entitled From 29050000 to WBS 23-01122-90-01. The amount of \$132,500.00 is authorized to be transferred to SAP Fund 40099000, Other Capital Projects.

SECTION 4. The budget in SAP Fund 40099000, SAP Project Definition 23-01122, ATD-Intersection Improvements, shall be revised by increasing SAP WBS Element 23-01122-90-01 entitled Transfer from I/O# 390000000733, SAP GL Account 6101100 – Interfund Transfer In, by the amount \$132,500.00.

SECTION 5. The amount of \$132,500.00 is appropriated in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01122, Quiet Zone District 8, SAP WBS Element 23-01122-01-01-01, entitled COSA, SAP GL Account 5201140.

SECTION 6. Funds are authorized to be received from Park Centre Towers, Ltd., to SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-00990, ATD-Intersection Improvements, shall be revised by increasing WBS element 23-00990-90-02,

entitled Contribution from Park Centre Towers LTD, SAP GL Account 4502280 – Contribution from other Agencies, by the amount of \$1,400,000.00.

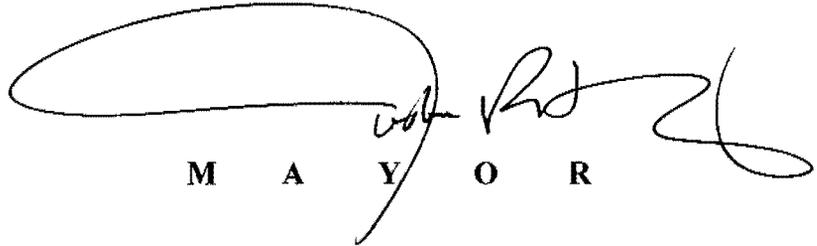
SECTION 7. Payment not to exceed the amount of \$1,400,000.00 is appropriated in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-00990, ATD-Intersection Improvements, SAP WBS Element 23-00990-05-02-05, entitled Quiet Zone Districts, SAP GL Account 5201140, and is authorized to be encumbered and made payable to Union Pacific Railroad.

SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 9. The statements set forth in the recitals of this Ordinance are true and correct, and are incorporated as a part of this Ordinance.

SECTION 10. This Ordinance shall take effect immediately upon the receipt of eight (8) affirmative votes, or if eight (8) votes are not received, on the tenth (10th) day after passage.

PASSED AND APPROVED this 16th day of October 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 30

Name:	30
Date:	10/16/2008
Time:	12:03:17 PM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing public notice and establishment of two (2) railroad quiet zones, one extending from Burleson St. to Commerce St. and another extending from De Zavala Rd. to Dreamland Dr., located in Council Districts 2 and 8. [Sharon De La Garza, Assistant City Manager; Majed Al Ghafry, Director, Public Works]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x			x	
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9	x					
John G. Clamp	District 10	x					

DISTRICT 8 QUIET ZONE

Estimated Completion: December, 2008

TRAFFIC MEDIAN CONSTRUCTION START DATES:

- De Zavala Rd - October 21
- Huebner Rd - September 30
- Orsinger Ln - October 27
- Wurzbach Rd - October 13
- Dreamland Dr - October 13

DE ZAVALA RD

HUEBNER RD

ORSINGER LN

WURZBACH RD

DREAMLAND DR





EAST DOWNTOWN QUIET ZONE

SHERMAN ST - REMAIN CLOSED
NEW BARRICADE CONSTRUCTION

BURLESON ST - CONVERT TO ONE WAY EASTBOUND
RELOCATE GATE ARM

LAMAR ST - INSTALL TRAFFIC
MEDIANS

BURNET ST - CONVERT TO ONE WAY EASTBOUND
RELOCATE GATE ARM

NOLAN ST - GRADE SEPARATED

DAWSON ST - CONVERT TO ONE WAY WESTBOUND
RELOCATE GATE ARM

HOUSTON ST - INSTALL QUAD GATE

CROCKETT ST - CONVERT TO ONE WAY WESTBOUND
RELOCATE GATE ARM

CENTER ST - CONVERT TO
ONE WAY EASTBOUND
RELOCATE GATE ARM

COMMERCE ST - INSTALL
TRAFFIC MEDIANS



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 30
Council Meeting Date: 10/16/2008
RFCA Tracking No: R-3676

DEPARTMENT: Public Works

DEPARTMENT HEAD: Majed A. Al-Ghafry

COUNCIL DISTRICT(S) IMPACTED:
Council District 2, Council District 8

SUBJECT:
Railroad Quiet Zone Notices of Establishment

SUMMARY:

This ordinance will authorize the City Manager or her designee to publish a Notice of Establishment of the District 2 and District 8 quiet zones, in compliance with the Federal Railroad Administration (FRA) rule. This ordinance also authorizes payment in the amount of up to \$1,400,000.00 to Union Pacific Railroad from Advanced Transportation District funds that will be reimbursed by Park Centre Towers, Ltd for the District 2 Quiet Zone.

BACKGROUND INFORMATION:

FRA published the Train Horn Final Rule in 2005 to enable public entities, including municipalities, to declare a railroad quiet zone if specific safety requirements are met. The safety requirements specify the level of risk reduction that must be achieved to warrant establishment of a quiet zone.

By using traffic medians, converting streets from two-way to one-way operation, closing existing crossings, installing four-arm quad gates, or by a combination of these measures, a public entity may reduce the risk of vehicle-train collisions at crossings within the quiet zone below a threshold risk level established by the FRA. By doing so, the quiet zone may be established subject to recurring review by the FRA to assure safe conditions are maintained.

The quiet zones proposed by this ordinance will, when implemented, meet or exceed the FRA safety requirements for establishment of a quiet zone. Only a public entity such as a municipality, county, or state may establish a quiet zone. Railroad locomotives must comply with quiet zones once they are established, so long as safety requirements are met. However, locomotive crews retain the option to use the train horn only in the event of emergencies.

The District 2 quiet zone, which extends from Burleson Street to Commerce Street, was authorized by Ordinance No. 101822 and Ordinance No. 101823, both dated December 15, 2005, which included an economic development incentive package for Park Centre Towers, Ltd. and authorization for a quiet zone in connection with the Vidorra

condominium development. These ordinances approved funding by the developer for the quiet zone and authorized reimbursement to the developer from the Inner City Tax Increment Reinvestment Zone (TIRZ) No. 11, of 40 percent of the cost of quiet zone implementation, not to exceed \$800,000.00. The City of San Antonio will advance the estimated project costs of \$1,400,000.00 with Advanced Transportation District funding. Park Centre Towers Ltd, will reimburse the City of San Antonio for the full costs of the project.

The District 8 quiet zone, which extends from De Zavala Road to Dreamland Drive, has been funded from Neighborhood Accessibility and Mobility Program (NAMP) funds. The project cost estimate is approximately \$132,500.00.

ISSUE:

The FRA rule requires that a public entity publish a Notice of Establishment of a Quiet Zone at least 21 days prior to the quiet zone taking effect. Since the FRA rule requires that a public entity establish a quiet zone, the Notice of Establishment must reflect the will of the governing body of the public entity.

The proposed ordinance will authorize the City Manager or her designee to publish a Notice of Establishment at least 21 days in advance of the effective dates of the District 2 and District 8 quiet zones, in compliance with the FRA rule.

ALTERNATIVES:

None.

FISCAL IMPACT:

Funds in the amount of \$1,400,000.00, for the District 2 Quiet Zone, are included in the FY 2009 Advanced Transportation District budget and is authorized to be payable to UPRR. This amount will be fully reimbursed by Park Centre Towers, Ltd as per the reimbursement agreement.

RECOMMENDATION:

Staff recommends approval of the ordinance to authorize the City Manager or her designee to publish a Notice of Establishment of a Quiet Zone for a quiet zone in District 2 and a quiet zone in District 8, at least 21 days prior to the effective date of each quiet zone.

ATTACHMENT(S):

File Description

[District 2 East Downtown Quiet Zone](#)

File Name

EDQZ Map w-SSM.doc

[District 8 Quiet Zone](#)

District 8 Quiet Zone_09_29.pdf

[Fiscal Impact Sheet](#)

Fiscal Impact Sheet.xls

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

200810160946.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Majed A. Al-Ghafry Director Public Works

APPROVED FOR COUNCIL CONSIDERATION:

Sharon De La Garza Assistant City Manager