

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

CONSENT AGENDA

ITEM NO. 10

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer; Andrew Martin; Peter Zaroni; Milo D. Nitschke; and file

SUBJECT: Military Ditch #65

DATE: March 25, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance approves the application and the associated fee in the amount of \$1,055.00 for a railroad permit from Union Pacific Railroad in association with the Military Ditch # 65 project, an authorized 1999-2003 General Obligation Drainage Improvement Bond funded project located in Council District 4.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance will authorize the application to Union Pacific Railroad and the application fee in the amount of \$1,055.00 for a permit requesting right-of-way access for the construction activity on railroad right-of-way.

The Military Ditch #65 project provides for phased drainage improvements to the Six Mile Creek main channel from the north side of Zarzamora (end of the Six Mile Creek Project) to Wagner. This project will provide for drainage modifications and boring crossings to move the current ditch out of railroad right-of-way and into City of San Antonio right-of-way.

Upon approval of the application, Union Pacific Railroad will assess a permit fee. Council action will be requested at that time to approve the fee for right-of-way access. Project construction is anticipated to begin in March of 2004 and be completed in August of 2006.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999-2003 General Obligation Drainage Improvement Bond funded projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the FY 04-09 Capital Improvement Program Budget. Funds in the amount of \$1,055.00 are available from 1999-2003 General Obligation Drainage Improvement Bond funds and are authorized payable to Union Pacific Railroad.

COORDINATION

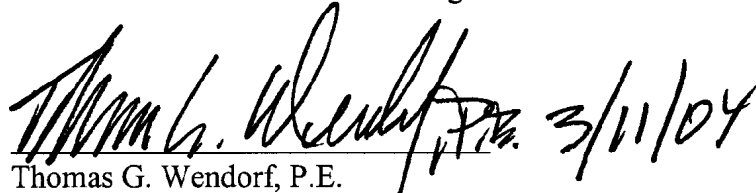
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department and Union Pacific Railroad.

SUPPLEMENTARY COMMENTS

The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is not required.

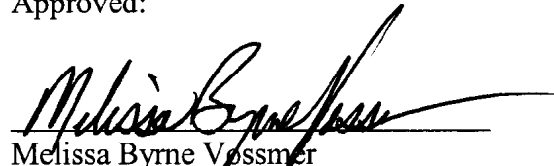
ATTACHMENTS

1. Project Map
2. Union Pacific Railroad Procedures for Encroachments
3. Union Pacific Railroad Drainage Modification Procedures

Handwritten signature of Thomas G. Wendorf in black ink, with the date 3/11/04 written to the right of the signature.

Thomas G. Wendorf, P.E.
Director of Public Works

Approved:

Handwritten signature of Melissa Byrne Vossmer in black ink.

Melissa Byrne Vossmer
Assistant City Manager

Handwritten signature of Terry M. Brechtel in black ink.

Terry M. Brechtel
City Manager

MILITARY DITCH #65

SOMERSET RD.

WABASH

WAGNER

WHITMAN

PYRON

MAYFIELD

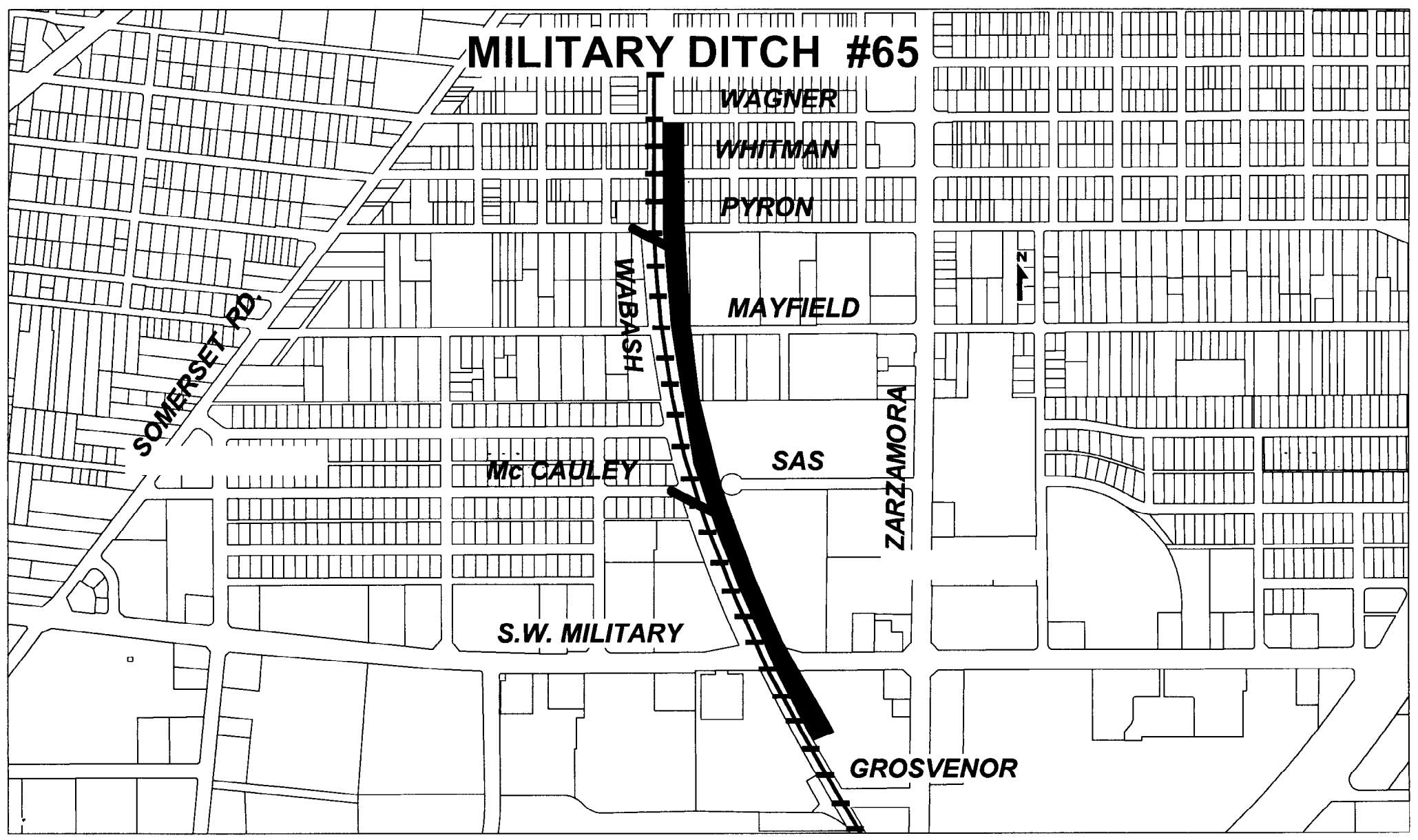
Mc CAULEY

SAS

ZARZAMORA

S.W. MILITARY

GROSVENOR





Real Estate & Utility Specifications Procedures for Encroachments

Procedures for Wireline/Pipeline Encroachments

1. If it is necessary to enter the railroad company's property to conduct a survey for the completion of required location information in this application, the **Permit To Be On Railroad Property for Utility Survey** [13K PDF] form must be printed, executed and returned following the instructions given in the permit.
2. The **Application** [8K PDF] must be printed and completed in its entirety. **Note:** If the proposed installation is both an encroachment and a crossing, only one application form need be filled out. It must be accompanied, however, by both the appropriate Exhibit "A" document (describing the crossing) and complete engineering plans (detailing the encroachment).

The Permit To Be On Railroad Property for Utility Survey and the Application are PDF [Portable Document Format] files, which require the Adobe Acrobat Reader for viewing. If you do not have the Reader plug-in, the **Adobe Acrobat** site gives detailed instructions on selecting the correct version of the free Acrobat Reader, downloading, and installing it.

3. A non-refundable \$1,055 application fee must accompany your application. The applicant will reimburse the railroad company for all expenses incurred for review of encroachment applications. All expenses will be due and payable when billed.
4. Engineering plans must be completed in accordance with the attached **Wireline/Pipeline Encroachment Planning Guide and Construction Procedures**. Failure to do so merely delays the review process. In addition, any application not conforming to railroad minimum standards will delay processing. If there is a valid reason why compliance with the railroad standards is not possible, these reasons must be clearly explained or the application will be rejected and returned to you for further explanation.
5. If possible, please provide a city, county or topographical map of the area, showing the proposed installation.
6. When using a street name on the application that has been changed, please include the current name as well as any previous name. Many of the old railroad company maps do not reflect these name changes.
7. Applications should be submitted to the appropriate individual within the Real Estate Department. Select the representative for your region from the map of **Pipeline, Wireline, Right of Entry and Drainage Contacts**, and address the application to:

[Name of Your Region Representative]
Union Pacific Railroad Company
1800 Farnam Street
Omaha, Nebraska 68102

8. The appropriate "Exhibit A" is required for all crossings of trackage. If your pipeline/wireline

installation involves a crossing, please check the procedures and forms needed for either **Pipeline Installation** or **Wireline Installation**.

9. Generally, agreement processing time will be approximately 3 to 6 months. Please allow sufficient lead time for document handling prior to desired construction date. Before construction begins, agreements **must be executed** by the Licensee and Contractor, if applicable, and returned to this office. **Verbal authorizations will not be permitted or granted.** Generally, a minimum of 48 hours' advance notice after execution of an agreement will be required prior to entry.
10. License fees and insurance certificates, if required, must be submitted at the time you execute and return the agreement. Because license fees are based on property values, we will only be able to provide you with fee information after your application has been reviewed and approved.
11. Depending on the scope of the work and proximity to our tracks we may require that Railroad Protective Liability Insurance be obtained, in addition to general liability insurance. We have acquired a blanket Railroad Protective Liability Insurance policy which may allow inclusion of your project under our coverage for an additional charge. We've found that in many instances it may be cheaper for the contractor to do this than to obtain their own coverage. However, we do encourage you to shop around, as you may find a more favorable rate. An application form and additional information on **Railroad Protective Liability Insurance** through UPRR can be found in this section.
12. Questions? Need Assistance? Check the map of **Pipeline, Wireline, Right of Entry and Drainage Contacts** for the names of those who can help.



Real Estate & Utility Specifications

Drainage Modifications Procedures

Procedures for Drainage Modifications

1. If it is necessary to enter the railroad company's property to conduct a survey for the completion of required engineering plans and location information, the **Permit To Be On Railroad Property for Utility Survey** [13K PDF] form must be printed, executed and returned following the instructions given in the permit. (The Permit To Be On Railroad Property for Utility Survey is a PDF [Portable Document Format] file, which requires the Adobe Acrobat Reader for viewing. See the instructions on **Viewing/Printing PDF Files** on the Drainage Modification index page.)
2. The **Application** [8K PDF] and the appropriate Exhibit "A" document must be printed and completed in their entirety. Choose the appropriate Exhibit "A" to accompany your application from the following:
 - **Exhibit "A"--Flammable** [177K PDF]
 - **Exhibit "A"--Non-Flammable** [179K PDF]

(The Application and Exhibit "A" documents in this section are PDF [Portable Document Format] files, which require the Adobe Acrobat Reader for viewing. See the instructions on **Viewing/Printing PDF Files** on the Drainage Modification index page.)

Failure to complete Exhibit "A" merely delays the review process of the entire application. Please review the **Sample Copy of Completed Exhibit "A"** [42K GIF] which is provided to enable you to complete the form as accurately as possible.

3. Engineering plans must be completed in accordance with the requirements stipulated in the **Drainage and Waterway Encroachment Planning Guide & Construction Procedures** and **Drainage and Waterway Hydrology Study Guide**. Failure to do so merely delays the review process. In addition, any application not conforming to railroad minimum standards will delay processing. If there is a valid reason why compliance with the railroad standards is not possible, these reasons must be clearly explained or the application will be rejected and returned to you for further explanation.
4. If possible, please provide a City, County or topographical map of the area, showing the proposed installation.
5. When using a street name on the application which has been changed, please include the current name as well as any previous name. Many of the old railroad company maps do not reflect these name changes.
6. A non-refundable \$1,055 application fee must accompany your application. Applicant will reimburse the railroad company for all expenses incurred for review of drainage applications. All expenses will be due and payable when billed.

7. Applications should be submitted to the appropriate individual within the Real Estate Department. Select the representative for your region from the map of **Pipeline, Wireline, Right of Entry and Drainage Contacts**, and address the application to:

[Name of Your Region Representative]
Union Pacific Railroad Company
1800 Farnam Street
Omaha, Nebraska 68102

8. Generally, agreement processing time will be approximately 3 to 6 months. Please allow sufficient lead time for document handling prior to desired construction date. Before construction begins, agreements must be executed by the licensee and contractor, if applicable, and returned to this office. **Verbal authorizations will not be permitted or granted.** Generally, a minimum of 48 hours' advance notice after execution of an agreement will be required prior to entry.
9. License fees and insurance certificates, if required, must be submitted at the time you execute and return the agreement. Because license fees are based on property values, we will only be able to provide you with fee information after your application has been reviewed and approved.
10. Depending on the scope of the work and proximity to our tracks we may require that Railroad Protective Liability Insurance be obtained, in addition to general liability insurance. We have acquired a blanket Railroad Protective Liability Insurance policy which may allow inclusion of your project under our coverage for an additional charge. We've found that in many instances it may be cheaper for the contractor to do this than to obtain their own coverage. However, we do encourage you to shop around, as you may find a more favorable rate. An application form and additional information on **Railroad Protective Liability Insurance** through UPRR can be found in this section.
11. **Note: Applications will only be accepted that are prepared on our standard application form identified as Exhibit "A."**
12. Questions? Need Assistance? Check the map of **Pipeline, Wireline, Right of Entry and Drainage Contacts** for the names of those who can help.