

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

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

SUBJECT: Comal Street Railroad Track Relocation, Agreement with Union Pacific Railroad

DATE: November 18, 2004

SUMMARY AND RECOMMENDATIONS

This Ordinance authorizes the Director of Public Works Department or his designee, in cooperation with the City Attorney's Office, to develop and negotiate an Agreement with Union Pacific Railroad (UPRR) within the parameters of the terms and conditions outlined herein, and authorizes the Interim City Manager or his designee to execute the Agreement with UPRR in connection with the Comal Street Railroad Relocation Project.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

The relocation of the railroad tracks on Comal Street will be a collaborative effort between the City, Bexar County, and UPRR. Currently, the existing rails are located in the center of Comal Street from Martin to Buena Vista Streets. UPRR supports the relocation of the tracks as the current location is dangerous to motor vehicle traffic. Additionally, as a result of these safety concerns, railcars must slow to a speed of 15 miles per hour as they move along this stretch of track. The relocation will improve railroad operations and increase traffic safety. Bexar County supports the relocation of the tracks as having the tracks and rail traffic passing between the jail properties currently on opposite sides of Comal Street presents a safety and security issue for Bexar County officials.

On July 29, 2004, through Ordinance Number 99487, the relocation of the railroad tracks on Comal Street was declared a public project and funds were approved and allocated for preliminary surveying, appraisal and right-of-way acquisition in connection with the project. In consideration of the intentions of UPRR to remove the existing tracks on Comal Street, this agreement will provide for the City's closure of certain streets in order to accommodate UPRR improvements and subsequent rail use on those streets. The agreement shall provide that the City will retain ownership of the streets. As part of the track relocation, the City must

acquire right-of-way and quitclaims from adjacent property owners for the closure or partial street blocks at locations, which may include Morales Street from San Marcos to Salado, and Comal from Martin to Perez. The agreement will provide that rails along Comal Street will be removed by UPRR from the intersection of Morales and San Marcos south to the intersection of Colima and Salado, including the rails from all spurs within the Comal Street right-of-way. UPRR will be responsible for disposal costs limited to landfill fees associated with tie and tie-impacted material disposal, if disposal as a hazardous waste is required. The City shall be responsible for the removal and transportation of ties and ballast where deemed necessary by the City. UPRR improvements will include new track to be installed at the intersection of Morales and San Marcos that will run east on Morales, and merge into the existing railroad at the intersection of Martin and Salado.

Under this agreement, UPRR will provide construction design plans for City approval, and will provide a Traffic Control Plan. UPRR shall adjust the crossing protection at Martin Street to accommodate additional track, shall determine the necessity for crossing protection at San Marcos Street and shall coordinate the installation of any protection measures with the Texas Department of Transportation (TxDOT). The City shall coordinate the removal, relocation or adjustment of any utilities in the project area exclusive of the removal, relocation or accommodation of the City Public Service (CPS) electrical tower, if required for track construction. The City shall repair and maintain streets affected by the project that remain in the City's control.

The responsibilities of Bexar County in connection with this project will be outlined in a separate agreement with the City, and will be brought forward for City Council approval at a later date.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council's commitment to public safety and to the collaboration with other governmental entities for mutual benefit.

FISCAL IMPACT

This ordinance has no fiscal impact at this time.

COORDINATION

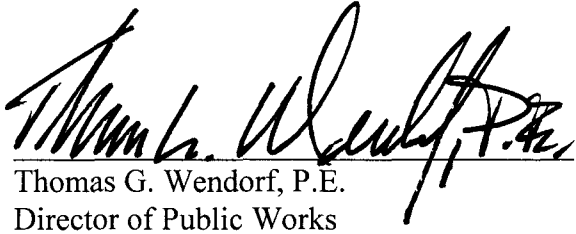
This action was coordinated with the City Attorney's Office, the Department of Asset Management, and Union Pacific Railroad.

SUPPLEMENTARY COMMENTS

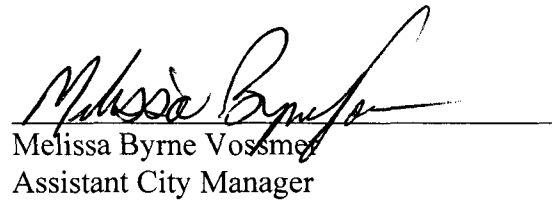
A Discretionary Contracts Disclosure Form is not required.

ATTACHMENTS

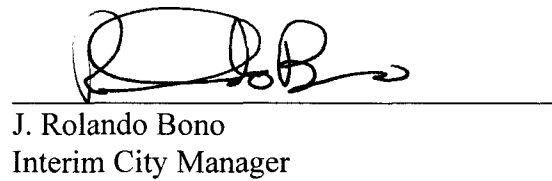
1. Project Location Map



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



Melissa Byrne Vossme
Assistant City Manager



J. Rolando Bono
Interim City Manager

COMAL STREET RAILROAD TRACK RELOCATION

