



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 14

Agenda Date: June 12, 2025

In Control: City Council A Session

DEPARTMENT: Public Works Department

DEPARTMENT HEAD: Razi Hosseini

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Interlocal Agreement: Section 408 Reviews of City Projects

SUMMARY:

An ordinance approving the execution of an Interlocal Agreement between the City of San Antonio (City) and the San Antonio River Authority (SARA) to allocate funds in the amount of \$100,050 to SARA to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers for four bond funded projects: Roosevelt Pedestrian Bridge, Elmira Area Drainage, Frio City Road Outfall, and South Brazos Street. Funds are available from the 2017 and 2022 General Obligation Bond Programs.

BACKGROUND INFORMATION:

Project Background

On May 6, 2017, voters approved the 2017 General Obligation Bond Program, which allocated \$8,000,000 for the Roosevelt Avenue (US 90 to Southeast Loop 410) (Pedestrian Bridge). This bridge will be partially located within an area subject to the U.S. Army Corps of Engineers' Section 408 regulations, as established by Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended, and codified in 33 USC 408.

Additionally, on May 7, 2022, voters approved the 2022 General Obligation Bond Program, which allocated \$24,850,000 for three additional projects: Elmira Area Drainage, Frio City Road Outfall, and South Brazos Street. These projects are also subject to Section 408 review.

Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended and codified in 33 USC § 408 (referred to as Section 408), states that the Secretary of the Army, based on the recommendation of the Chief of Engineers, may grant permission for the permanent or temporary alteration or use of any U.S. Army Corps of Engineers (USACE) Civil Works project. The aforementioned bond projects fall under various regulatory jurisdictions and will require Section 408 reviews and approvals from the USACE before construction can begin.

SARA has a Section 1156(a)(2) Funding Agreement with the US Army Corps of Engineers (USACE) to voluntarily contribute funds for the evaluation of Section 408 requests. These funds are intended to address potential annual funding shortfalls within the USACE, which could delay the review of Section 408 requests.

ISSUE:

This ordinance approves the execution of an Interlocal Agreement between the City of San Antonio and the San Antonio River Authority to allocate funds in the amount of \$100,050 to San Antonio River Authority to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers.

The proposed agreement allows the City to enable the U.S. Army Corps of Engineers (USACE) to continue their Section 408 reviews for City projects without delays. This ensures that projects can obtain the necessary regulatory approvals in a timely manner and adhere to construction advertisement schedules.

The USACE has limited annual funding to conduct these reviews within their Region, which includes Texas, Louisiana, New Mexico, and Arkansas. Under this agreement, the San Antonio River Authority (SARA), on behalf of the City, will compensate the USACE for their Section 408 review services if the USACE exhausts their annual funding for these reviews.

This agreement is required to grant the City permission to utilize SARA's 1156 Funding Agreement, as needed, to facilitate the completion of these reviews by the USACE. Once approved, the City is prepared to use funds for Section 408 reviews to ensure that regulatory approvals are granted and that projects can be constructed without regulatory delays.

ALTERNATIVES:

None.

FISCAL IMPACT:

This ordinance approves the execution of an Interlocal Agreement between the City of San Antonio and the San Antonio River Authority t in the amount of \$100,050 to SARA to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers. Funds are available from the 2017 and 2022 General Obligation Bond Programs.

RECOMMENDATION:

Staff recommends approval