

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

**APPROVING AN AUTHORIZATION FOR CROSSING IMPROVEMENTS
AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRR)
AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED
\$162,667.50 TO UPRR FOR RAILROAD CROSSING IMPROVEMENTS
AT THE WEST COMMERCE STREET FRONTAGE ROADS IN
RELATION TO THE WEST COMMERCE STREET (FRIO STREET TO
COLORADO STREET) PROJECT IN COUNCIL DISTRICT 5. FUNDS
ARE AVAILABLE FROM THE 2017 - 2022 GENERAL OBLIGATION
BOND PROGRAM AND ARE INCLUDED IN THE FY 2022 - FY 2027
CAPITAL IMPROVEMENT PROGRAM.**

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$10,000,000.00 for street and drainage work in relation to the West Commerce Street (Frio Street to Colorado Street) project located in Council District 5; and

WHEREAS, this project provides for the reconstruction of West Commerce Street from Frio Street to Colorado Street, including the addition of bike facilities, pedestrian lighting, landscaping and drainage improvements to Alazan Creek and also included are joint-bid utility work and structural bridge improvements to the Commerce Street, Buena Vista Street and Guadalupe Street bridges; and

WHEREAS, construction began in January 2021 and is estimated to be completed in November 2022; and

WHEREAS, as part of the construction of this project, improvements are needed to the railroad crossings on either side of the tracks located on the West Commerce frontage road. This agreement authorizes access to the Contractor within UPRR right of way for completion of the required improvements for the West Commerce Street (Frio Street to Colorado Street) project and authorizes payment to UPRR for 50% of the total cost of these improvements; and

WHEREAS, this agreement with UPRR will authorize improvements to the railroad crossings on the West Commerce frontage roads within UPRR right-of-way between North Medina Street and North Comal Street; and

WHEREAS, the improvements include the replacement of the double-track crossing surfaces, railroad ties and associated roadway improvements on either side of the existing tracks. The total cost of these improvements is estimated to be \$325,335.00; and

WHEREAS, as part of this agreement, the City will reimburse UPRR for 50% of the total cost in an amount not to exceed \$162,667.50; and

WHEREAS, upon approval of the agreement, work on the rail crossings is anticipated to begin by January 2022; and

WHEREAS, this ordinance approves the execution of the Authorization for Crossing Improvements Agreement with Union Pacific Railroad Company (UPRR) for the West Commerce Street (Frio Street to Colorado Street) project and authorizes payment in an amount not to exceed \$162,667.50 to UPRR for railroad crossing improvements at the West Commerce Street frontage roads in Council District 5; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or designee, is authorized to execute the Authorization for Crossing Improvements Agreement with UPRR and authorizes a one-time capital improvement expenditure in an amount not to exceed \$162,667.50 payable to Union Pacific Railroad Company. Funds are available from the 2017 - 2022 General Obligation Bond Program and are included in the FY 2020 – FY 2025 Capital Improvement Program. A copy of the Crossing Improvements Agreement is attached as **Exhibit I**.

SECTION 2. Payment is authorized to be encumbered and made payable to Union Pacific Railroad Company (UPRR). in an amount not to exceed \$162,667.50. Payment is in support of the W Commerce St (Frio St to Colorado St) Project using Fund 45099000 with the WBS element 23-01617-05-02-01 and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2022-FY2027 CIP Budget.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

DBS
11/18/21
Item No. 21-3339

PASSED and APPROVED this _____ day of _____, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie, Racca-Sittre Acting City Clerk

Andrew Segovia, City Attorney

Exhibit I – Crossing Improvements Agreement

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