Ordinance No. 17334-12-2006

AN ORDINANCE INCREASING ESTIMATED RECEIPTS AND APPROPRIATIONS IN THE GRANTS FUND IN THE AMOUNT OF $2,904,276, FROM AVAILABLE FUNDS, FOR THE PURPOSE OF EXECUTING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PEACH STREET AREA RAILROAD SAFETY IMPROVEMENT PROJECT; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2006-2007 and in the Budget of the City Manager, there shall also be increased estimated receipts and appropriations in the Grants Fund in the amount of $2,904,276, from available funds, for the purpose of executing a Local Project Advance Funding Agreement for the Peach Street Area Railroad Safety Improvement Project.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.

SECTION 3.

That this ordinance shall be cumulative of Ordinance No. 17142 and all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

ADOPTED AND EFFECTIVE: December 19, 2006

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/19/2006 - Ordinance No. 17334-12-2006

DATE: Tuesday, December 19, 2006
LOG NAME: 20PEACH ST AREA **REFERENCE NO.: C-21910**

SUBJECT:
Authorize Execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation and a Railroad Crossing Closure Agreement with TxDOT and Union Pacific Railroad for the Peach Street Area Railroad Safety Improvement Project and Adopt Appropriation Ordinance

RECOMMENDATION:
It is recommended that the City Council:

1. Authorize the City Manager to execute a Local Project Advance Funding Agreement (LPAFA) for the Peach Street Area Railroad Safety Improvement Project with the TxDOT in the amount of $2,904,276;

2. Authorize the City Manager to accept $2,541,636 in federal funds from the North Central Texas Council of Governments (NCTCOG) Railroad Crossing Reliability Partnership Program and from a 2003 Federal Legislative Program earmark for this project;

3. Authorize the City Manager to accept a donation of $50,000 from the Union Pacific Railroad for use towards the local match to the Grant Fund;

4. Authorize the City Manager to accept a donation of $25,000 from the BNSF Railway for use towards the local match to the Grant Fund;

5. Authorize the transfer of $36,284 from the Street Light and Signal Improvements Fund to the Grant Fund for the City's match;

6. Authorize the transfer of $213,856 from the 2004 Street Light and Signal Improvement Fund to the Grant Fund for the City's match;

7. Authorize the City Manager to execute a Highway-Railroad Grade Crossing Consolidation and Closure Agreement with the TxDOT and the Union Pacific Railroad in which TxDOT would reimburse the City up to $37,500 to be used towards the local match to the Grant Fund;

8. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund by $2,904,276; and

9. Authorize payment in the amount of $24,480 to TxDOT representing the initial installment of the City's participation according to the LAPFA.

DISCUSSION:
The 2004 Capital Improvement Program (CIP) includes funds in the amount of $9,000,000 for Traffic Signals of which $600,000 was designated for the Railroad Safety Program. Total local match for this agreement is $362,640 which will be shared by several local entities, i.e. $50,000 from Union Pacific

Railroad; $25,000 from BNSF Railway Company, $36,284 from a portion of a donation from the City of Duncanville which was received for the closure of Jennings Avenue, $37,500 from reimbursement from TxDOT, and the City's portion of $213,856 which will be from the 2004 CIP Railroad Safety Program funds.

In 2003 the Regional Transportation Council set aside federal funds to improve the safety of railroad crossings in the Fort Worth-Dallas area. In a call-for-projects under the North Central Texas Council of Government's (NCTCOG) Railroad Crossing Reliability Partnership Program, the Transportation and Public Works department (TPW) submitted thirteen railroad safety and quiet zone project proposals (M&C G-14128). As a result of this NCTCOG railroad grant, the City of Fort Worth was awarded four of the projects, capturing 61 percent of the program's total available funds.

In 2003 the City of Fort Worth adopted the 2003 Federal Legislative Program (M&C G-13945) that included earmarking a request for the Peach Street Area Railroad Safety Improvement Project. This effort resulted in a federal earmark in the amount of $1,721,874 for the construction of a pedestrian over/underpass at Peach Street railroad crossings.

The Peach Street Area project is to upgrade area railroad crossings to improve crossing safety and to deploy a quiet zone at the group of crossings noted below. Together both the NCTCOG railroad grant and the Federal Earmark are to solve the severe access problems caused by stopped trains blocking crossings in the Samuels Avenue/Rock Island neighborhood with the construction of a new route to the neighborhood that does not cross any railroad tracks, the construction of a pedestrian under or overpass, and the creation of a quiet zone for the area. Specifically, the problems documented are neighborhood isolation from emergency services such as fire, police and ambulance service, children walking to and from school that are often seen crawling under stopped rail cars, and excessive train horn noise at all hours of the day and night. The six railroad crossings addressed by this project are:

1. BNSF & E Peach Street (west)
2. BNSF/UP & E Peach Street (east)
3. BNSF & E 1st Street (west)
4. BNSF/UP & E 1st Street (middle)
5. UP & E 1st Street (east)
6. BNSF & Samuels Ave

Considerations for improvements will include upgrades to railroad crossing gate systems, the installation of quiet zone devices, closures, construction of pedestrian over/under pass, street and sidewalk improvements near each crossing.

This project includes funds from the closure of Jennings Avenue which was approved on March 28, 2006, (M&C C-21366) that authorized the acceptance of a donation of $50,000 from the City of Duncanville, of which $36,284 will be used as part of the city's local match for this grant project.

For this project and the other three city projects awarded in the NCTCOG railroad program, TPW intends to engage a consultant to assist with project management, conduct public meetings, coordinate design and construction with the railroad companies, prepare railroad and roadway design, prepare project documentation, and conduct construction oversight. TPW staff will manage the project and construct certain improvements. TPW will also initiate construction contracts for railroad and roadway projects.

This project is located in COUNCIL DISTRICT 8 and 9.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that upon approval of above recommendations and adoption of the attached appropriation ordinance, funds will be available in the current capital budget, as appropriated, of the Grant Fund.

TO Fund/Account/Centers		FROM Fund/Account/Centers	
2) GR76_451962_020302157000	$97,922.00	5) C201_538070_209750026030	$33,000.00
2) GR76_451942_020302157000	$2,443,714.00	6) C201_538070_208750059380	$213,856.00
3) GR76_451968_020302157000	$50,000.00	9) GR76_541200_020302157010	$24,480.00
4) GR76_451995_020302157000	$25,000.00	5)C201_538070_209750026010	$3,284.00
5) GR76_472201_020302157000	$36,284.00		
6) GR76_472201_020302157000	$213,856.00		
7) GR76_451942_020302157000	$37,500.00		
8) GR76_5 VARIOUS_020302157010	$2,904,276.00		

Submitted for City Manager's Office by: Marc Ott (6122)
Originating Department Head: Robert Goode (7801)
Additional Information Contact: Russell Wiles (7978)