

Mayor and Council Communication

DATE: 12/15/20

M&C FILE NUMBER: M&C 20-0959

LOG NAME: 20UPRR WAYSIDE HORN ID 275252L

SUBJECT

(CD 8 and CD 9) Authorize Execution of Developer Funding Agreement for Preliminary Engineering Services of Wayside Horns; Adopt Appropriation Ordinance to Increase the Developer Contribution Fund for the Union Pacific Railroad Wayside Horn Project in the Amount of \$25,750.00; and Authorize Execution of Reimbursement Funding Agreement with Union Pacific Railroad in the Amount of \$25,000.00 to Conduct Preliminary Engineering Services of Wayside Horn

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Developer Funding Agreement for preliminary engineering services of Wayside Horn;
 2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Developer Contribution Fund in the amount of \$25,750.00, from developer contributions, for the purpose of funding the Union Pacific Railroad Wayside Horn project (City Project No. 103105); and
 3. Authorize execution of reimbursement funding agreement with Union Pacific Railroad in the amount of \$25,000.00 to conduct preliminary engineering services of Wayside Horn (City Project Number: 103105).
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DISCUSSION:

In early 2016, StoneHawk Capital Partners, LLC expressed an interest in a quiet zone(s) to address train horn noise concerns associated with potential multifamily development in the area of Cold Springs Road and Peach Street crossings.

In March 2016, an on-site Diagnostic Review Team meeting was conducted to discuss a proposed quiet zone on Cold Springs Road at Union Pacific Railroad crossings 275252L (Cold Springs West) and 598323Y (Cold Springs East). The City of Fort Worth was in the process to close the Peach Street crossing. Therefore, the team assumed Peach Street is closed as part of the establishment of a quiet zone. The team determined that in order for a quiet zone to be established, Supplementary Safety Measures (SSMs) must be implemented at the Cold Springs rail crossings. In 2019, Peach Street crossing was closed.

On July 7, 2020, a second on-site Diagnostic Review Team meeting was conducted to review the 2016 team recommendations to move the project forward. The team recommended focusing on implementation of Wayside Horns at Union Pacific Railroad crossings 275252L (Cold Springs West) was in the best interest for all to reduce train noise. The team discussed the adjacent spur track crossing 848190B and decided not to include this crossing in the Wayside Horns for 275252L (Cold Springs West). Trains will continue to blow the horn when switching to and crossing 848190B (adjacent spur track) in accordance with railroad operating and safety rules.

Next steps include Union Pacific Railroad conducting preliminary engineering for Wayside Horns at railroad crossing 275252L (Cold Springs West) in the approximate amount of \$25,000.00. In addition, city staff project costs in the amount of \$750.00. The developer, StoneHawk Capital Partners, LLC will contribute \$25,750.00 to the City of Fort Worth to cover both Union Pacific Railroad and City of Fort Worth costs.

Execution of a Developers Agreement between StoneHawk Capital Partners, LLC and the City of Fort Worth is necessary to accept the funds from StoneHawk Capital Partners, LLC. Execution of a second Funding Agreement between the City of Fort Worth and Union Pacific Railroad is necessary to transfer \$25,000.00 to Union Pacific Railroad to conduct preliminary engineering services.

Upon completion of preliminary engineering services, if Union Pacific Railroad, the City of Fort Worth, and StoneHawk Capital Partners LLC agrees that the Cold Springs West project should be pursued, an Construction and Maintenance (C&M) Agreement will be drafted to implement the project.

The Cold Springs West Wayside Horn project is located within COUNCIL DISTRICTS 8 & 9.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: Union Pacific Railroad

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Union Pacific Railroad at Cold Springs Wayside Horn project within the Developer Contribution Fund and upon approval of the above recommendation and adoption of the attached appropriation ordinance, funds will be available in the Developer Contribution Fund for the Union Pacific Railroad at Cold Springs Wayside Horn project to support the approval of the above recommendations and execution of the agreement. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

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