

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

AN ORDINANCE

AUTHORIZING EXECUTION OF TWO LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), AUTHORIZING TXDOT TO ENTER AND PERFORM THE CONSTRUCTION, MAINTENANCE OR OTHER ACTIVITIES NECESSARY TO REPLACE OR REHABILITATE THE NORTH WALTERS ROAD AT THE UNION PACIFIC RAILROAD CROSSING BRIDGE STRUCTURE AND THE OLD SEGUIN ROAD AT SALADO CREEK BRIDGE STRUCTURE; AND, A PARTICIPATION-WAIVER FOR CITY'S 10 % FUND PARTICIPATION FOR THE NORTH WALTERS ROAD AT THE UNION PACIFIC RAILROAD CROSSING PROJECT STRUCTURE (NO. 15-015-0-B360-85-001) AND FOR THE OLD SEGUIN ROAD AT SALADO CREEK PROJECT STRUCTURE (NO. 15-015-0-B255-85-002).

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WHEREAS, the federal Off-System Bridge Program is administered by the Texas Department of Transportation and is designed to fund the replacement or rehabilitation of structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

WHEREAS, the Texas Transportation Commission has identified several bridge structures throughout the state that currently are considered to be deficient and in need of remedying of which the North Walters Road at the Union Pacific Railroad Crossing Project structure No. 15-015-0-B360-85-001 and the Old Seguin Road at Salado Creek Project structure No. 15-015-0-B255-85-002 bridge structures located in San Antonio have been identified for funding under this program; and

WHEREAS, a project to remedy the bridges is included in the approved TxDOT program of projects as authorized by Texas Transportation Commission Minute Order Number 113675 dated August 29, 2013; and

WHEREAS, the City owns the bridges on the public road or street located at North Walters Road and at Old Seguin Road which are included in the currently approved off-state system federal-aid Highway Bridge Replacement and Rehabilitation Program authorized by Texas Transportation Commission Order Number 113675; and

WHEREAS, this Ordinance authorizes the City Manager or her designee to execute two (2) Local Transportation Project Advance Funding Agreements with TxDOT, authorizing TxDOT to enter and perform the construction, maintenance or other activities necessary to replace or rehabilitate the North Walters Road at the Union Pacific Railroad Crossing Bridge and the Old Seguin Road at Salado Creek Bridge Project Structures; and

WHEREAS, the usual fund participation ratio for projects under this program is 80 % federal, 10% state and 10 % local government, however the Texas Administrative Code, Title 43, Section 15.55 (d) (43 TAC Section 15.55(d)) provides, under specified conditions, the 10 % local government match fund participation requirement may be waived with agreement by the local government to perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridges or deficient mainlane cross-drainage structures within its jurisdiction; and

WHEREAS, a project of structural improvement work is referred to as an “equivalent-match project” and the City currently has a project scheduled to construct a new bridge at East Commerce at Salado Creek that qualifies as an “equivalent-match project” and can request a waiver for the 10 % local government match; and

WHEREAS, the City will reconstruct the East Commerce bridge which has an estimated construction cost of \$3,431,915.07, and exceeds the \$964,021.83 cost of the City match to rehabilitate both the North Walters Street and Old Seguin Road bridges, thus qualifying the City to request the “equivalent match”; and

WHEREAS, The City of San Antonio will perform, or cause to be performed, the following equivalent-match project in return for waiver of the local match fund participation requirement on the approved federal off-system bridge program project not yet awarded:

LOCATION (and NBI structure identification number, if applicable)	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED CITY COST
E. Commerce @ Salado Creek NBI #15-015-0-B075-05-008	NO	Construct new bridge	\$2,859,930.00

WHEREAS, the City further acknowledges that in receiving this waiver, its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

1. The City must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303.
2. The equivalent-match project work increases the load capacity of the existing bridge or other mainlane cross-drainage structure, or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
3. In performing, or causing to be performed, the equivalent-match project(s), the City assumes all responsibilities for engineering and construction, and complying with all applicable state and federal environmental regulations and permitting requirements for the structures being improved.
4. The work on the proposed equivalent-match project(s) has not begun and will not begin until the local match fund participation waiver approval process has been completed.
5. The City will be allowed three years after the contract award of the participation-waived project to complete the structural improvement work on the equivalent-match project(s).
6. Should this waiver request be approved, an appropriate written agreement or amendment to a previously executed agreement will be executed between the State and City; and

WHEREAS, approval of this Ordinance is consistent with Council policy to leverage federal funds for the improvement of the City’s infrastructure; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is hereby authorized to execute two (2) Local Transportation Project Advance Funding Agreement with TxDOT, authorizing TxDOT to enter and perform the construction, maintenance or other activities necessary to replace or rehabilitate the North Walters Road at the Union Pacific Railroad Crossing Bridge Project Structure and the Old Seguin Road at Salado Creek Bridge Project Structure.

SECTION 2. The City Manager or her designee is authorized to execute a Participation Waiver for the Local Governments ten percent fund participation for the North Walters Road at the Union Pacific Railroad Crossing Project Structure No. 15-015-0-B360-85-001 and the Old Seguin Road at Salado Creek Project Structure No. 15-015-0-B255-85-002

SECTION 3. There is no financial impact required with this Ordinance.

SECTION 4. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

PASSED and APPROVED this ____ day of _____, 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney

