



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Public Works & Engineering		
Department Head:		Alan L. Upchurch		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		
CAPTION				
An Ordinance of the City of Plano, Texas, amending Article IX, Railroads, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, by amending Section 12-258, Subsection (c)(i), Quiet Zones, and to add Park Vista Road to the list of Quiet Zones at railroad crossings, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget				
Encumbered/Expended Amount				
This Item				
BALANCE				
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
The KCS Railroad has completed the installation of crossing signals and arms at Park Vista Road. The KCS, DART and TxDOT have been notified of the City's intent to create a quiet zone at Park Vista and no objections have been received. The attached Ordinance establishes a quiet zone at Park Vista Drive. The effective date will be January 12, 2011.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Map		N/A		

Park Vista Quiet Zone



Project Location



Location Map

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WHEREAS, Section 471.006 of the Texas Transportation Code permits the governing body of a municipality having a population of at least 5,000 to regulate by ordinance the ringing of bells and blowing of whistles and sirens within its limits; and

WHEREAS, federal law requires that the lead locomotive of a train sound its horn repeatedly when approaching a public highway-rail grade crossing until the train occupies the crossing; and

WHEREAS, the Federal Railroad Administration has established a process for municipalities and other public authorities to follow to create Quiet Zones at designated railroad crossings within corporate city limits; and

WHEREAS, once a Quiet Zone has been created in accordance with this process, supplementary safety measures have been installed at the crossing and the railroad has been notified of the Quiet Zone implementation, the railroad shall cease routine use of the locomotive horn at all public highway-rail grade crossings within the Quiet Zone; and

WHEREAS, the City Council of the City of Plano, Texas, desires to create Quiet Zones at Park Vista Road located in the City limits and hereby finds and determines that the establishment of this Quiet Zone is in the best interest of the City of Plano and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Article IX, Railroads, Section 12-258 (c)(i) of Chapter 12, Motor Vehicles and Traffic of the City Code of Ordinances is hereby amended by adding Park Vista Road to the list of Quiet Zones at railroad crossings.

Section II. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable; and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section III. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b)

of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section IV. This Ordinance shall become effective upon publication as required by law.

DULY PASSED AND APPROVED the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY