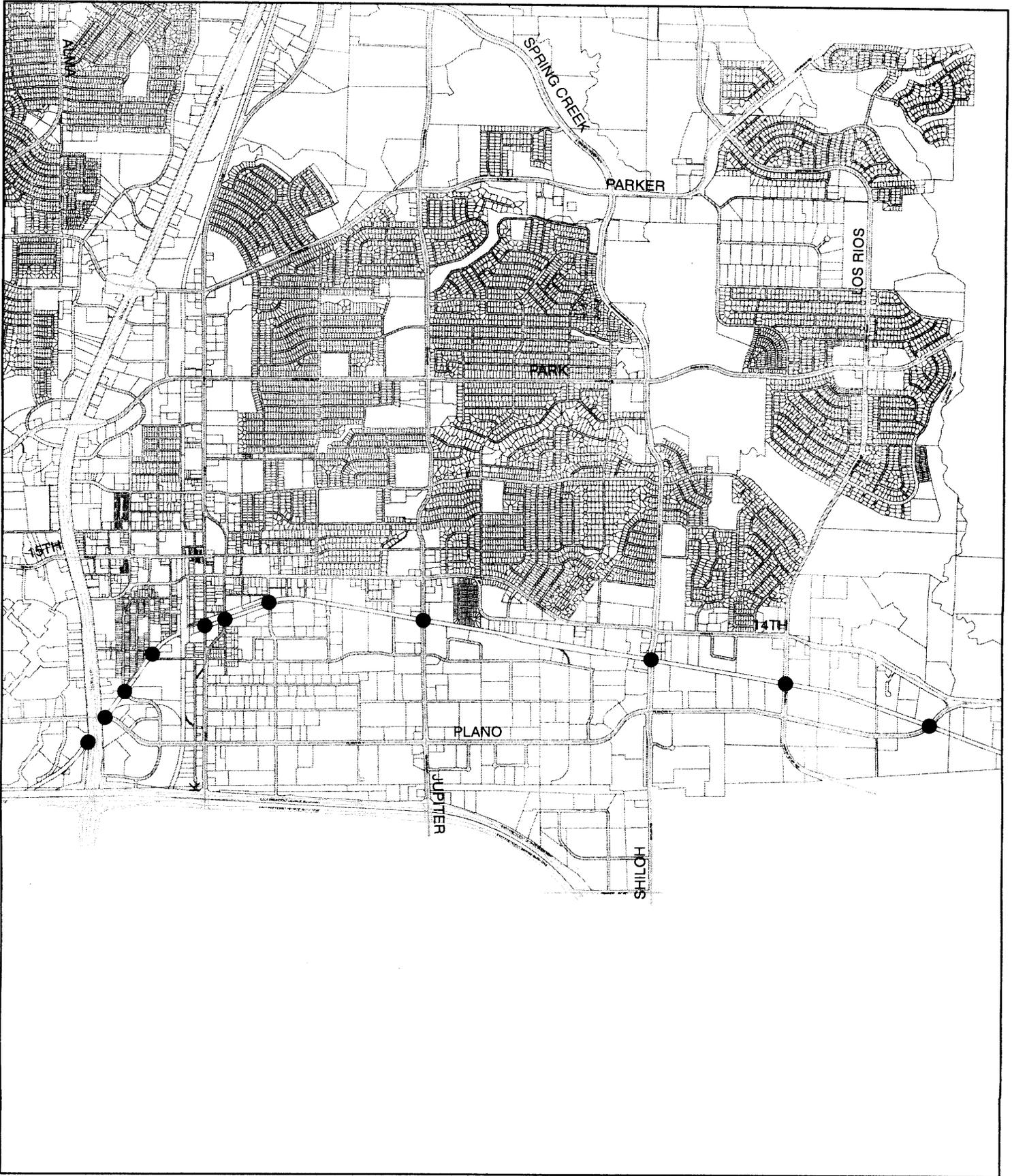




**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		9/13/10		
Department:		Public Works & Engineering		
Department Head		Alan L. Upchurch		
Agenda Coordinator (include phone #): Irene Pegues (X-7152)				
CAPTION				
<p>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, Subsections (a) and (c)(i), Quiet Zones, to add a definition of spur track and DART, and to designate additional rail crossings as Quiet Zones, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2009-10	Prior Year (CIP Only)	Current Year	Future Years
		0	224,962	0
		0	-167,944	0
		0	-1,414	0
		0	55,604	0
				TOTALS
				224,962
				-167,944
				-1,414
				55,604
FUND(S): GENERAL FUND				
<p>COMMENTS: Funding for this item is included in the approved FY 2009-10 Budget. Remaining balance will be used for other maintenance parts & supplies. Additionally, violations of this Ordinance shall be subject to a fine. Any revenue generated from this fine is undeterminable at this time.</p> <p>STRATEGIC PLAN GOAL: Providing funding for the installation of signs refers to the City's Goal of Great Neighborhoods – 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>Staff has recently completed the installation of a wayside horn at Plano Parkway and the DART owned rail crossing. Staff previously completed the installation of barrier curbs, supplemental safety measures, in the median of the other crossings east of Plano Parkway. The installation of the wayside horn and supplemental safety devices, plus the existing railroad crossing gates, will allow the City to create a Quiet Zone from US 75 east to Plano Parkway. The trains will not sound their horns as they approach each intersection. The effective date of the Quiet Zone will be September 20, 2010.</p> <p>The Quiet Zone for the Park Vista crossing has been delayed due to problems getting power for the railroad signal equipment. It is anticipated that this crossing will be completed late this year and then the Quiet Zone can be implemented.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		

Rail Crossing Quiet Zones



Location Map

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, Subsections (a) and (c)(i), Quiet Zones, to add a definition of spur track and DART, and to designate additional rail crossings as Quiet Zones, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.

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 certain railroad crossings located in the City limits and hereby finds and determines that the establishment of these Quiet Zones 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 (a) of Chapter 12, Motor Vehicles and Traffic, of the City Code of Ordinances is hereby amended by adding a definition for spur track and DART as follows:

Spur Track means a short side track that connects with the main track of a railroad system.

DART means the light rail system that Dallas Area Rapid Transit operates.

Section II. 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 additional Quiet Zones at railroad crossings and amending and clarifying the identification of the existing Quiet Zones as follows:

The following highway-rail or grade crossings, excluding spur tracks and DART crossings located within the corporate city limits of the City of Plano, Texas, are designated as Quiet Zones:

- Ohio Drive
- Coit Road
- Parker Road
- US 75 Southbound Service Road
- US 75 Northbound Service Road
- Plano Parkway
- F Avenue
- 10th Street
- K Avenue
- Municipal Avenue
- N Avenue
- Jupiter Road
- Shiloh Road
- Los Rios Boulevard
- Plano Parkway

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

DULY PASSED AND APPROVED this 13th day of September, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY