

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Mass Transit Department

AGENDA DATE: July 10, 2018

CONTACT PERSON NAME AND PHONE NUMBER: Jay Banasiak, 915-212-3300

Strategic Goal 7: Enhance a regional comprehensive transportation system

DISTRICT(S) AFFECTED: ALL

SUBJECT:

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE EL PASO CITY CODE TO ADD A NEW CHAPTER 13.42 (STREETCAR TRACK ACCESS PROGRAM PROCEDURE) TO ESTABLISH PERMITTING PROCEDURES FOR ANY ACTIVITY OCCURRING WITHIN THE VICINITY OF THE EL PASO STREETCAR INFRASTRUCTURE. THE PENALTY IS AS PROVIDED IN CHAPTER 13.42 OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

The new permitting ordinance and procedures for any activity within the vicinity of the El Paso Streetcar are necessary to protect the health, safety, and welfare of the public as well as the integrity of the El Paso Streetcar Infrastructure. "Activity" means any construction, demolition, event, moving event, excavation, use of right of way, or other activity that requires a permit, license, permission from the City, or City review under the El Paso City Code.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE EL PASO CITY CODE TO ADD A NEW CHAPTER 13.42 (STREETCAR TRACK ACCESS PROGRAM PROCEDURE) TO ESTABLISH PERMITTING PROCEDURES FOR ANY ACTIVITY OCCURRING WITHIN THE VICINITY OF THE EL PASO STREETCAR INFRASTRUCTURE. THE PENALTY IS AS PROVIDED IN CHAPTER 13.42 OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso and the Mass Transit Department will begin operations for the El Paso Streetcar, and

WHEREAS, the new permitting procedures for any activity within the vicinity of the El Paso Streetcar are necessary to protect the health, safety, and welfare of the public as well as the integrity of the El Paso Streetcar Infrastructure.

NOW BE IT ORDAINED BY THE EL PASO CITY COUNCIL

Section 1. That Title 13 (Streets, Sidewalks and Public Places) be amended to add a new Chapter 13.42 as follows:

Chapter 13.42- Streetcar Track Access Program Procedure

13.42.010- Definitions.

A. "Activity" means the following:

1. Any construction, demolition, event, moving event, excavation, use of right of way, cleaning, painting, repairing, or installation of traffic control devices, regardless of whether any of the previous requires approval of the City under the El Paso City Code; or
2. Any activity under the El Paso City Code that requires a permit, license, permission, or review from the City.

B. "Streetcar Safety Officer" means the person designated by the City Manager to oversee the safety of all Streetcar Infrastructure and Streetcar operations.

C. "Streetcar" means the rail mass transit system owned and operated by the City of El Paso.

D. "Streetcar Infrastructure" means any component or item used for the operation of the Streetcar, including but not limited to, the railcars, track works, traction power substations, overhead contact systems, overhead contact system poles, train wayside communications systems, and/or the streetcar maintenance facility.

13.42.020- General

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A. Any person or entity performing any activity under any Streetcar Infrastructure or within 10 feet of any Streetcar Infrastructure must comply with the Track Access Program Procedure as adopted and amended by the Streetcar Safety Officer from time to time.

B. The Streetcar Safety Officer has authority to create and revise the Track Access Program Procedure for purposes of safeguarding the public health and safety in accordance with best practices as well as the protection of the Streetcar Infrastructure. The Streetcar Safety Officer shall make the Track Access Program Procedure available to the public.

C. The City Council may establish any fees for administrative costs, track access training, system reconfiguration, and personnel time needed to reconfigure the system. City Council may establish the fees through the annual budget resolution, amendment to the annual budget resolution, or other resolution, ordinance or act of the City Council.

D. For purposes of protecting the health, safety, and welfare of all citizens, the Streetcar Safety Officer is authorized to issue a stop work order to any activity that does not comply with this chapter and/or the Track Access Program Procedure.

13.42.030 – Violation- Penalty.

A. Any person who shall violate any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars. Each day the violation occurs shall constitute a separate offense.

B. The Streetcar Safety Officer, the permit official, and any code enforcement officer of the City of El Paso are authorized to enforce the provisions of this chapter and shall have the power to issue misdemeanor citations to any person violating the provisions of this chapter.

Section 2. Except as herein amended, Title 13 (Streets, Sidewalks and Public Places) remains in full force and effect.

CITY OF EL PASO:

ATTEST:

Dee Margo
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Jay Banasiak, Director
Mass Transit Department

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