

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. IX.K.1&2.
8/18/2015

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

- RE: 1. Resolution authorizing and directing the Municipal Counselor to file an Application with the Oklahoma Corporation Commission to create a Sealed Railroad Safety Corridor or “Quiet Zone” extending from SE 23rd Street on the south to NE 16th Street on the north;
AND/OR
2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning the pending investigation or litigation, as authorized by 25 O.S. 2011 §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the investigation or litigation in the public interest.

The City of Oklahoma City is currently working with the Burlington Northern Santa Fe Railway Company to create a Sealed Railroad Safety Corridor or “Quiet Zone” under City Project No. MC-0422 (“Project”). The Project will include the modification of eleven public at-grade railroad crossings extending from SE 23rd Street on the south to NE 16th Street on the north. Once completed, the requirement to sound advance audio warnings, such as locomotive horns, at the crossings will be eliminated. Daniel T. Brummitt, Assistant Municipal Counselor, will represent the City in this matter.

Since the Project involves both the alteration and abolishment of existing public at-grade railroad crossings, the Oklahoma Corporation Commission (“OCC”) has exclusive jurisdiction and will require approval before the construction phase of the project can commence. Under the requirements of both 17 O.S. § 84 and O.A.C. 165:32-3-3, the OCC requires that an Application for Crossing Closure be submitted through the Commission’s administrative court system. This application requires the submittal of a petition, notice of hearing, affidavits and all other pleadings by the applicant’s counsel.

In light of these requirements, the Public Works Department has required the assistance of the Municipal Counselor’s Office in the creation of the applications and representing the City’s interests with this Project at any required OCC hearings.

A Resolution authorizing and directing the Municipal Counselor to make a Quiet Zone Application to the Oklahoma Corporation Commission is submitted herewith for Council’s action.