



Legislation Text

File #: ORD-09:056, **Version:** 1

ORDINANCE OF THE CITY COUNCIL OF JONESBORO, ARKANSAS PERTAINING TO CLOSING CARAWAY ROAD AT THE RAILROAD CROSSING INTERSECTING CARAWAY ROAD REPLACING SUCH AT-GRADE RAILROAD CROSSING WITH AN ABOVE-GROUND RAILROAD CROSSING STRUCTURE

WHEREAS, the City Council of Jonesboro, Arkansas, has considered modifications to the existing at-grade railroad crossing of Caraway Road with the Union Pacific Railroad by eliminating such at-grade railroad crossing and replacing it with an above-grade railroad crossing structure and the impact the elimination of such at-grade railroad crossing will have upon the safety of pedestrian and automobile traffic by its citizens and has reached the following conclusions:

1. The benefits of eliminating unnecessary at-grade railroad crossings include:
 - a. Fewer intersections at which collisions between motor vehicles and trains occur; and
 - b. Redirection of limited resources to the remaining at-grade railroad crossings which have the greatest public necessity;
2. The elimination of the existing at-grade railroad crossing at Caraway Road and replacing it with an above-grade railroad crossing structure would accommodate transportation and safety for the citizens of the City;
3. Such modifications of the existing at-grade railroad crossing at Caraway Road would improve traffic flow and safety, and would cause improved development of commerce within the City; and
4. Such modifications of the existing at-grade railroad crossing at Caraway Road would be in the best interest of and would improve the safety and welfare of citizens and traffic within the city.

NOW, THEREFORE, BE IT ORDAINED that the Mayor of the City of Jonesboro, Arkansas, should be, and hereby is, authorized to negotiate for and to enter into on behalf of the City such agreements as the Mayor deems necessary or appropriate to accomplish the elimination of the existing at-grade railroad crossing at the intersection of Caraway Road and the Union Pacific Railroad right-of-way (Department of Transportation No. 790 829 M, Mile Post 123.13, Jonesboro Subdivision) and replacing it with an above-grade railroad crossing structure (Department of Transportation No. 924 036 L, Mile Post 123.55, Jonesboro Subdivision), and

Section 1: That the existing at-grade crossing formed by the intersection of Caraway Road and the tracks of the Union Pacific Railroad described in the foregoing section of this Ordinance shall be closed and the portion of Caraway Road which is on railroad right-of-way shall be permanently vacated and abandoned, as it is no longer required for public purposes, effective upon the opening of the above-grade crossing structure for Caraway Road for public vehicular traffic; and

Section 2: Upon completion of the above-grade railroad crossing structure described in the first section of this Ordinance: (a) the City shall cause the roadway surface for the existing at-grade railroad crossing at the intersection of Caraway Road and Union Pacific Railroad right-of-way to be removed and barricades to be erected at the railroad's right-of-way, at no expense to Union Pacific Railroad, and (b) Union Pacific Railroad

will remove the active warning devices and crossing surface and the City shall reimburse Union Pacific Railroad, or cause it to be reimbursed, for all expenses associated with such removal; and

Section 3: That the Mayor should be, and hereby is, further authorized to take such further steps and actions and to enter such agreements with third parties on behalf of the City as such officer shall deem necessary or appropriate to accomplish the purposes of this Ordinance and to consummate the transaction contemplated hereby.

Section 4: That any and all appeals, suits, or other measures to contest the validity of this Ordinance, or enjoin enforcement thereof, and all referendum petitions under Amendment 7 to the Constitution of the State of Arkansas to challenge this Ordinance in any way must be filed with the City Clerk no less than thirty days (30) nor more than ninety days (90) after the passage of the measure.

PASSED AND ADOPTED this 18th day of August, 2009.