

ORDINANCE NO. 20221115-048**AN ORDINANCE AMENDING CITY CODE TITLE 25 AND CHAPTER 9-2 TO ALLOW CONSTRUCTION OF CERTAIN TRANSIT SYSTEM PROJECTS AND RELATED TRANSPORTATION INFRASTRUCTURE.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

PART 1. Project Connect is the City’s high-capacity transit system expansion, which will ultimately consist of a light rail network, an expanded bus system, transportation terminals and stations, maintenance facilities, and all associated improvements necessary for operation of the transit system. To facilitate the construction of this critical transportation infrastructure, certain modifications and waivers to City Code are necessary to ensure the construction of a high-capacity transit system.

PART 2. This ordinance and the attached Exhibits A and B consist of the “Transit System Project Regulations”. Development of the Transit System Project shall conform to the limitations and conditions set forth in this ordinance. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance, all other rules, regulations, and ordinances of the City apply.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

- A. Transit System Project Map
- B. Light Rail Construction Noise and Mitigation Plan Requirements

PART 4. Definitions.

- A. Transit System Project means a transportation project generally depicted on Exhibit A with any related appurtenances, including but not limited to a rail and public transit line, rail station, or a transportation terminal, funded by a public entity.
- B. Unless otherwise specifically defined, all terms in this ordinance shall have the meaning established in Title 25 of Code of the City of Austin, Texas (the “Land Development Code”).

PART 5. A Transit System Project for light rail lines or any associated infrastructure necessary to construct the light rail lines must comply with a noise and mitigation plan approved by the City that meets the requirements listed in Exhibit B. To the extent there is a conflict with Chapter 9-2 (*Noise and Amplified Sound*), the approved noise and mitigation Plan will control.

PART 6. Transit System Uses

- A. The use of a site for a traction powered substation is a Local Utility Service use as described in City Code Section 25-2-6(28).
- B. The use of a site for the provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities for light rail lines is a Maintenance and Facilities use as described in City Code Section 25-2-6 (29).

PART 7. Code Modifications. The following code modifications apply to a site plan application for a Transit System Project.

A. Site Plan

1. Subsection (B) of City Code Section 25-5-21 (*Phased Site Plan*) is modified to allow the director to approve development phasing if the date on the final phase is not more than ten years after the approval date of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than ten years after the approval date of the site plan.
2. City Code Section 25-5-23 (*Fast Track Permit*) is modified to allow the director to approve a fast-track permit that does not require a certificate of occupancy. City Code Section 25- 5-23 (*Fast Track Permit*) is further modified to allow the director to approve a fast-track permit that requires a variance.
3. City Code Section 25-5-81 (*Site Plan Expiration*) is modified to allow a site plan to expire 10 years after its approval.
4. City Code Section 25-5-113 (*Updates*) is modified to allow an applicant to file an update to a site plan up to five years after the date the application is filed. Days may still be added to the update deadline under City Code Section 25-1-88 (A) (*Extension of Update Deadline*). For a site plan submitted under City Code Section 25-5-21 (*Phased Site*

Plan), additional phases can be added to an approved site plan and those development phases shall be considered an update subject to the five-year update deadline.

B. Fiscal

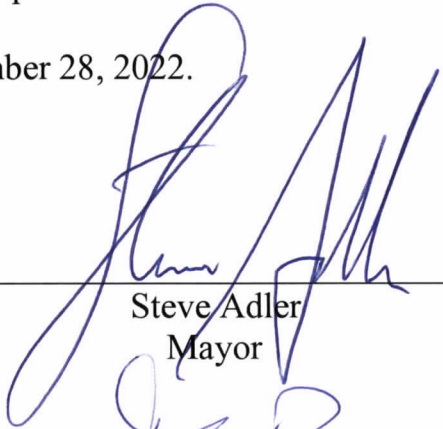
City Code Section 25-1-112 (*Fiscal Security*) is modified such that a Transit System Project is not required to post fiscal.

PART 8. This ordinance takes effect on November 28, 2022.

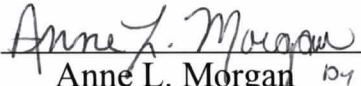
PASSED AND APPROVED

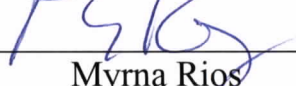
November 15, 2022

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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan ¹⁰⁴ _{MS}
City Attorney

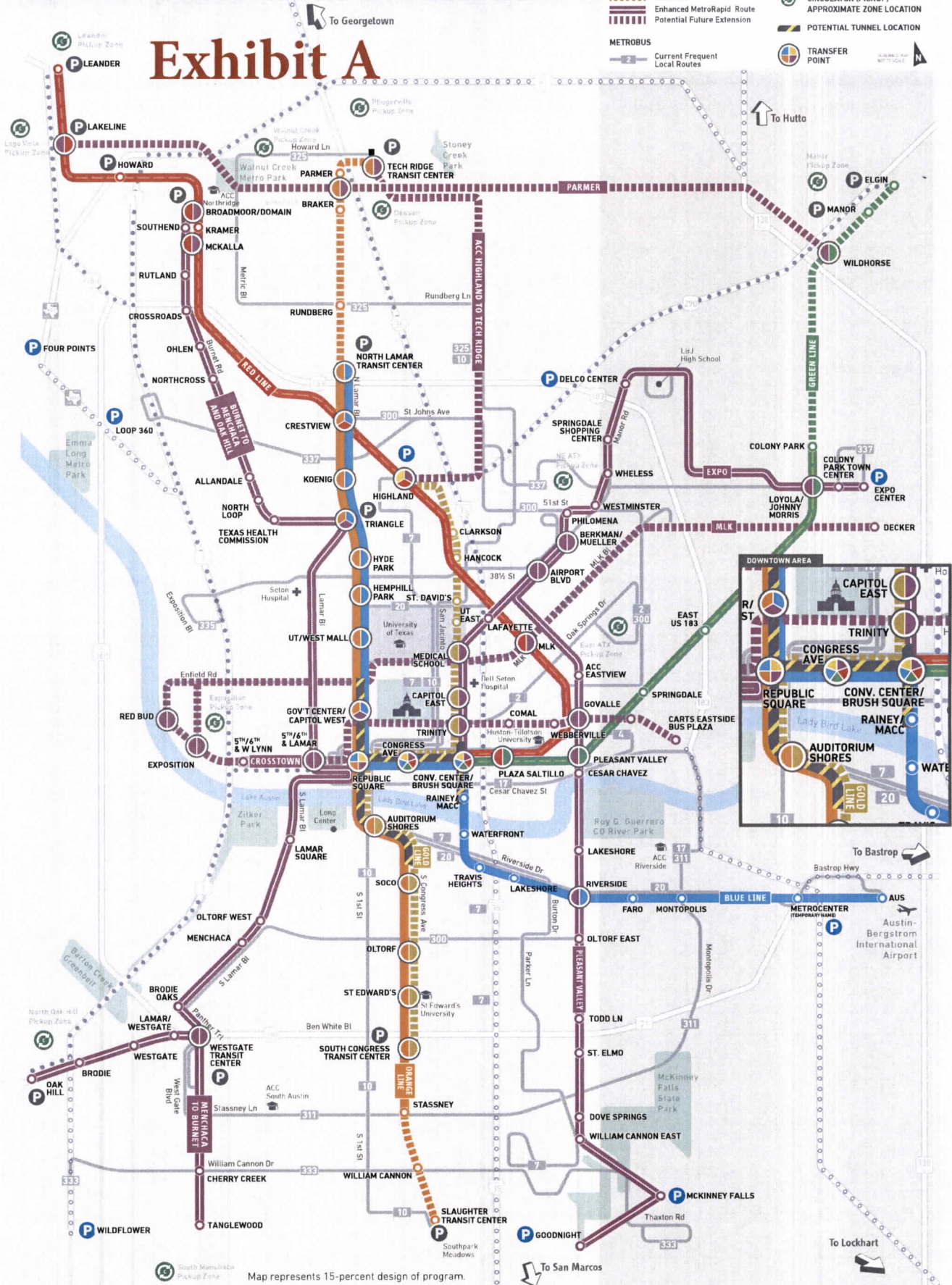
ATTEST: 

Myrna Rios
City Clerk

INITIAL INVESTMENT | August 2021

Exhibit A

- LIGHT RAIL**
 - Orange Line
 - Potential Future Extension
 - Blue Line
- METRORAIL**
 - Red Line
 - Green Line
 - Potential Future Extension
- METRORAPID**
 - Gold Line
 - Enhanced MetroRapid Route
 - Potential Future Extension
- METROBUS**
 - Current Frequent Local Routes
- METROEXPRESS**
 - Current MetroExpress
 - Future MetroExpress
- ADDITIONAL AVAILABLE SERVICES**
 - MetroAccess
 - MetroBike
 - CURRENT PARK & RIDE
 - PROPOSED PARK & RIDE
 - CIRCULATOR (PICKUP)
 - APPROXIMATE ZONE LOCATION
 - POTENTIAL TUNNEL LOCATION
 - TRANSFER POINT



Map represents 15-percent design of program.

EXHIBIT B

Light Rail Construction Noise and Mitigation Plan Requirements

The Austin Transit Partnership (ATP) will submit the required components listed below to be reviewed and approved by City Staff. City Staff will review the plan to ensure that all required components are present in the plan and are satisfactory to City Staff before approval.

ATP commits to adhere and ensure that contracted parties responsible for light rail construction activities adhere to the policies and procedures housed within the submitted plans.

The following components are required:

1. Construction Noise Mitigation and Monitoring Plan

Construction noise impacts will be documented in the Final Environmental Impact Statement (FEIS), completed in compliance with the National Environmental Policy Act (NEPA) process. Mitigation measures identified in the Mitigation Monitoring Plan, affirmed in the FEIS and Record of Decision, will be included in contract documents, monitored for implementation during final design and construction. Measures to minimize impacts will include, but are not limited to:

- Sound monitoring during construction
- Limiting idling and back up alarms of equipment
- Limiting certain activities during certain times

2. Noise Control Plan Requirements for Contractors during Construction

ATP will require all contractors to submit a Noise Control Plan as part of their contract that addresses mitigation for their specific schedule, equipment, and methods of construction. ATP will submit their requirements of contractors for this plan to the City. The requirements will include, but are not limited to:

- Contractor's specific equipment types
- Schedule (dates and times of day) and methods of construction
- Maximum noise limits for each piece of equipment with certification testing
- Prohibitions on certain types of equipment and processes during the night or daytime hours
- Identification of specific sensitive locations near construction sites
- Methods for projecting construction noise levels
- Implementation of noise control measures where appropriate
- Methods for responding to community complaints in line with the Programmatic Project Communications Plan.

3. Programmatic Project Communications Plan

This plan will contain requirements for programmatic communications including how the program will communicate to the public about construction impacts and timelines, posting of public-facing materials, procedures for submission of noise and construction impact complaints, and how complaints will be handled.

- This plan will be adhered to by all contractors for the program. This plan will dictate high-level requirements that ensure consistency of information, noticing, monitoring, reporting, and responding to complaints.
- Items that are required in this plan are:

- Provisions for a Construction Noise webpage on the ProjectConnect.com website that will communicate:
 - construction plans and timelines,
 - notification of construction impacts,
 - what efforts are being made to minimize noise,
 - where noise complaints can be filed,
 - description of format of response to noise complaints and steps for corrective action to address verified complaints,
 - links to documents mentioned in this policy and
 - monitoring data.
- Procedures for notifying surrounding residents and businesses of temporary construction impacts and providing complaint information
- Procedures that detail how the public can submit noise complaints, how that information will be shared with the public, format of response and steps for corrective actions taken to address verified complaints.
- Commitment to post noise monitoring information on at least a quarterly basis to the Project Connect Construction Noise webpage detailing noise readings and monitoring locations.