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Title: Agreement with the California Department of Transportation Division of Rails and Mass Transportation and Related Budget Amendment

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Attachments: 1. Resolution, 2. Agreement with the Caltrans, 3. Resolution No. 18-8504

Date	Ver.	Action By	Action	Result
3/20/2018	1	City Council and Authorities Concurrent	Adopted	Pass

REPORT TO COUNCIL

SUBJECT

Agreement with the California Department of Transportation Division of Rails and Mass Transportation and Related Budget Amendment

BACKGROUND

In 2014, City staff submitted a request for safety improvements under the Section 130 Railroad-Highway Crossings Program. The request was made for railroad crossing improvements located at Agnew Road and the Union Pacific Railroad (UPRR) tracks. The Section 130 program was created by the United States Congress in 1987 to provide federal funds for the elimination of hazards to vehicles and pedestrians at existing public railway-roadway crossings to improve safety and reduce accidents. The Section 130 program is funded by the Federal Highway Administration (FHWA), is administered in California by the California Department of Transportation Division of Rail and Mass Transportation (Caltrans), and uses federal Surface Transportation Program (STP) monies. Under the State’s administration of the Section 130 program and the California Public Utilities Code, the California Public Utilities Commission (CPUC) is responsible for determining the scope of work needed to eliminate vehicular and pedestrian hazards at all public railway-highway crossings.

The City received the final recommendations in July 2017 from the CPUC which include work to be performed by both the City and UPRR. The City’s scope of work generally includes reconstruction and installation of concrete sidewalks, tactile warning strips at the sidewalks crossing the railroad tracks, pedestrian curb ramps, traffic striping and adjustment of existing utilities in City right-of-way and railroad right-of-way. The UPRR’s scope of work generally includes replacement of railroad crossing warning devices (flashing light assemblies and automatic gate arms) and concrete panel surfacing at the railroad tracks.

DISCUSSION

The City was notified by Caltrans in December 2017 that funding in the amount of \$573,750 has

been obligated for the City to complete the recommended improvements at Agnew Road and the UPRR tracks. This funding will cover the entire cost of the City's work based on the project cost estimate and no local funding match is anticipated. Caltrans will reimburse the City for all eligible costs incurred for the project up to this amount, and the work must be completed and submitted for reimbursement before November 22, 2020. After an agreement is executed, the City must wait for Caltrans to issue a Notice to Proceed before work can begin. Caltrans is also concurrently executing an agreement with the UPRR to fund their portion of the work. The City and UPRR will coordinate through design and construction to complete all the recommended improvements for the at-grade crossing.

Staff is requesting that Council adopt a resolution (Attachment 1) to allow execution of the agreement (Attachment 2) by the City Manager or designee. Staff is also requesting the establishment of a new project in the City's Capital Improvement Program to administer the design and construction. Staff will return to Council as necessary for the award of subsequent consultant and construction contracts related to this project.

FISCAL IMPACT

The preliminary total cost estimate for the work to be completed by both the City and UPRR is \$1,380,000 which is comprised of work to be completed by the City in the amount of \$573,750 and work to be completed by UPRR in the amount of \$806,250. The estimated \$573,750 cost for the City's portion of work includes both construction costs and project support costs such as engineering, administration, and inspection. This cost is 100% reimbursable from Caltrans based on actual costs to perform the work up to an amount of \$573,750 per the terms of the contract, and no local matching funds are required. If the project exceeds the current estimate, a future budget action would be required to appropriate City funds.

Staff requests appropriations in the amount of \$573,750 in the new Capital Improvement Project: Agnew Road At-Grade Crossing Project to be funded by revenues from the California Department of Transportation Division of Rails and Mass Transportation (Caltrans) on a reimbursement basis. Since the funding source for the project is from Caltrans, there is no impact to the General Fund.

	2017-18 Current	Increase/ (Decrease)	2017-18 Revised
<u>Fund 533 - Streets and Highways</u>			
<u>Revenues</u>			
Caltrans Grant	\$0	\$573,750	\$573,750
<u>Expenditures</u>			
Agnew Road At-Grade Crossing Project (New Project #1202)	\$0	\$573,750	\$573,750

ENVIRONMENTAL REVIEW

This project is federally funded and requires environmental review under both CEQA and NEPA. Caltrans is the lead agency responsible for NEPA review and the City is the lead agency responsible for CEQA review. In November 2017, Caltrans determined the project to be Categorical Excluded (CE) from formal environmental review under NEPA pursuant to 23 CFR § 771.117(c), activity (c)(8)

(“Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.”). The City, as the lead agency responsible for CEQA, will complete the environmental review required by CEQA as part of the project development process.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1) Adopt a Resolution approving and authorizing the City Manager to Execute an Agreement with the California Department of Transportation Division of Rails and Mass Transportation to Provide Funds Under the Railroad/Highway At-Grade Crossing Program (Section 130) for the Agnew Road At-Grade Crossing Project; and 2) Establish the Agnew Road At-Grade Crossing Project and appropriate funds in the amount of \$573,750, from the California Department of Transportation Division of Rails and Mass Transportation on a reimbursement basis (Five Affirmative Council Votes Required).

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Reviewed by: Angela Kraetsch, Director, Finance

Reviewed by: Brian Doyle, City Attorney

Reviewed by: Manuel Pineda, Assistant City Manager

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution

2. Agreement with the Caltrans