



## Agenda Report

20-1033

Agenda Date: 11/17/2020

### REPORT TO COUNCIL

#### **SUBJECT**

Action on Amendment No. 1 to the Agreement with the California Department of Transportation Division of Rails and Mass Transportation for the Agnew Road At-Grade Crossing Project

#### **COUNCIL PILLAR:**

Deliver and Enhance High Quality Efficient Services and Infrastructure

#### **BACKGROUND**

On March 20, 2018, Council approved an agreement with the California Department of Transportation Division of Rails and Mass Transportation (Caltrans) for the Agnew Road At-Grade Crossing Project (Attachment 1). The agreement provides for reimbursement of construction costs up to \$573,750 for railroad crossing improvements located at Agnew Road and the Union Pacific Railroad (UPRR) tracks under the federally funded Section 130 Railroad-Highway Crossings Program.

The improvements at the crossing include work to be performed both by the City and by 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. 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. These improvements are per recommendations provided by the California Public Utilities Commission (CPUC).

The improvements are currently scheduled for construction in mid-2021 pending final completion of the construction bidding documents, execution of agreements between the City and UPRR, and approval of the project design by the CPUC. The funding agreement with Caltrans expires November 22, 2020 and an amendment to the agreement is required to extend the term and maintain the project funding.

#### **DISCUSSION**

Caltrans has indicated that it will approve an extension to the term of the funding agreement to allow the City and UPRR to continue implementation of the improvements. Amendment No. 1 attached to this report (Attachment 2) extends the term of the agreement until December 31, 2021.

The project is currently at a 95 percent level of design completion and is pending final agreements between City and UPRR related to right-of-way and utility crossings and approval of the design by the CPUC prior to bidding. The project has taken longer than originally anticipated due to complexities with existing rights-of-way and utilities and coordination with UPRR.

Staff recommends approval of Amendment No. 1 to the agreement with the California Department of Transportation Division of Rails and Mass Transportation (Caltrans) for the Agnew Road At-Grade Crossing Project. Approval of this amendment will allow the City to maintain project funding from Caltrans.

### **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 Categorically 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.

### **FISCAL IMPACT**

Amendment No. 1 extends the expiration date of the agreement and there is no fiscal impact with this extension. The agreement provides for reimbursement of up to \$573,750 from the California Department of Transportation Division of Rails and Mass Transportation (Caltrans) for the project. The project is currently fully funded by the grant and is included in the FY 2020/21 and FY 2021/22 Adopted Capital Improvement Program Budget in the Streets and Highways Capital Fund for the Agnew Road At-Grade Crossing Project.

### **COORDINATION**

This report has been coordinated with the Finance Department and the City Attorney's Office.

### **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) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

1. Approve and authorize the City Manager to execute Amendment No. 1 to the agreement with the California Department of Transportation Division of Rails and Mass Transportation for the Agnew Road At-Grade Crossing Project;
2. Authorize the City Manager to make minor modifications, including time extensions, to the agreement, if needed; and
3. Authorize the City Manager to execute any and all documents associated with and necessary for administration of the project with the California Department of Transportation Division of Rails and Mass Transportation.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Original Agreement
2. Amendment No. 1