



## Legislation Text

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**File #:** 24-137, **Version:** 1

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**SUBJECT:** Approval of a License for Environmental Access Agreement Within the BNSF Railway Company, a Delaware Corporation, to Perform Soil Sampling and Testing for an At-Grade Railroad Crossing Improvements by Dokken Engineering, a California Corporation, as Part of the Highway 59 Widening and Highway 59 Bridges Over Black Rascal Creek Projects (CP200064 and CP200065) in the Amount of \$2,500 for the License Fee

### REPORT IN BRIEF

Considers approving a license for environmental access agreement within the BNSF Railway right of way for Dokken Engineering to perform soil sampling and testing for the proposed at-grade crossing improvements as part of the Highway 59 Widening and Highway 59 Bridges Over Black Rascal Creek projects (CP200064 and CP200065) in the amount of \$2,500 for the license fee.

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving a License for Environmental Access agreement between BNSF Railroad and the City of Merced; and,
- B. Authorizing the payment to BNSF Railroad for the license fee in the amount of \$2,500 and any additional expenses incurred by the City of Merced to BNSF as required per the License; and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments.

### ALTERNATIVES

- 1. Approve as recommended by Staff; or,
- 2. Deny; or,
- 3. Refer to Staff for further evaluation.

### AUTHORITY

Charter of the City of Merced, Section 200.

### CITY COUNCIL PRIORITIES

Addresses Council's priority of widening Highway 59 from 16<sup>th</sup> Street through the Bridges at Black Rascal Creek.

## DISCUSSION

The City of Merced proposes to widen and improve Highway 59 from a two-lane roadway to four-lanes from the 16<sup>th</sup> Street intersection to approximately 600 feet south of Buena Vista Drive. The project also proposes to replace the Black Rascal bridges. Additional project features include roadway shoulders, intersection improvements, class II bicycle lanes, median, sidewalks, stripping and signage.

As part of the project, widening of the existing at-grade crossing of the BNSF railroad tracks is included. Access is required within the BNSF right of way to perform soil sampling and testing associated with the at-grade crossing improvements. Below is a list of work that will be performed within the BNSF right of way as part of the attached access agreement:

- Soil samples collected by hand augers with no use of heavy equipment,
- Soil samples taken to a depth of 0-1 to 1-2 feet,
- Soil samples from two locations, as shown on the attached figure. Each sample will take approximately 15 minutes to collect at each location,
- No need to cross the tracks when taking the samples,
- Purpose of sampling is to determine if any hazardous material is present to let the future roadway contractor aware of the material, as part of the required construction contract documents.

The City of Merced may incur additional costs from BNSF per Section 7 of the License such a flaggers, vehicle rental costs, overtime, lodging and other items.

### History and Past Actions

On November 8, 2016, the voters of Merced County approved “Measure V”, a one-half cent sales transaction and use tax to supplement transportation roads and alternative transportation project funding. The Measure V transportation sales tax will be in place for 30 years, expiring on March 31, 2047. The Merced County Association of Governments (MCAG) will administer the apportionment of sales tax funds to the County, six Cities and the agreed upon regional areas within Merced County.

On April 16, 2018, City Council approved the prioritization of Highway 59 from 16<sup>th</sup> Street to Yosemite Avenue. Specifically, prioritized in the following order:

1. Widening of Bridges over Black Rascal Creek;
2. Widening of Roadway from 16<sup>th</sup> Street to Olive Avenue; and,
3. Olive Avenue to Yosemite Avenue.

On June 1, 2020, City Council approved two (2) Measure V Regional Funding Agreements for the Widening of Bridges over Black Rascal Creek and the Widening of Roadway from 16<sup>th</sup> Street to Olive Avenue

On July 6, 2020, City Council approved the Cooperative Agreement with State of California, Department of Transportation (Caltrans) for the Highway 59 Widening Phase 1 (CP200064) and Highway 59 Black Rascal Bridge Project (CP200065).

On August 3, 2020, City Council approved a professional service agreement for Dokken Engineering to perform civil engineering services for the Highway 59 Widening and Highway 59 Black Rascal Bridge Project in the amount of \$2,399,223.01.

### **IMPACT ON CITY RESOURCES**

Funding for these two projects is on a reimbursement basis. City pooled cash will be used to cover expenditures until reimbursement is received from MCAG. The expenditures and reimbursements of Measure V regional projects will be tracked in Capital Improvement Fund 5002 - Measure V Regional Projects within each respective project, CP200064 Highway 59 Widening, and CP200065 Highway 59 Black Rascal Bridge.

### **ATTACHMENTS**

1. BNSF Railway License for Environmental Access Agreement