



## Legislation Text

---

**File #:** 18-551, **Version:** 1

---

*Report Prepared by: John Ainsworth, Temporary Senior Engineer, Engineering Dept.*

**SUBJECT:** Approval of Agreement with the State of California Department of Transportation Requiring the City to Maintain the Multi-Use Pathway Crossing Within the State Highway Right of Way on Highway 59 at the Burlington Northern Santa Fe (BNSF) Railroad Crossing, Project No. 115047

### REPORT IN BRIEF

Authorizes the City Manager or Assistant City Manager to execute a Maintenance Agreement with the State of California Department of Transportation (CalTrans) assigning responsibility to the City for the maintenance of the concrete bike path, stamped concrete sidewalk and concrete median island installed within the CalTrans right-of-way on Highway 59 at the Burlington Northern Santa Fe (BNSF) Railroad Crossing

### RECOMMENDATION

**City Council** - Adopt a motion approving the execution of a Maintenance Agreement with CalTrans for the State Highway 59 Multi-Use Pathway Crossing at the Burlington Northern Santa Fe (BNSF) Railroad Crossing; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

### ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Deny; or,
3. Continue to a future meeting (date and time to be specified in the motion).

### AUTHORITY

Charter of the City of Merced, Section 200 et seq.

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

State Highway 59 is within the jurisdiction of Caltrans. For this reason, Caltrans requires the City to enter into an agreement to maintain the multi-use pathway on State Highway 59, between Olive Avenue and Cooper Avenue. As part of the agreement, some of the maintenance the City is required to preserve are the road, curb and gutter, sidewalk, and other ancillary improvements.

At the April 2, 2018, City Council meeting, the City Council approved a Maintenance Agreement with Caltrans for this same project. . Subsequent to that meeting, Caltrans made slight non-substantive

language changes their standard agreement. Accordingly, the Agreement is being brought back to the City Council for consideration of approval.

Staff recommends Council approve the Maintenance Agreement with Caltrans and authorize the City Manager or Assistant City Manager to execute the necessary documents.

### History and Past Actions

On February 1, 2016, City Council approved Program Supplement No. 028-N, accepting \$5,000 for the Environmental phase of the project. (Item 16-021)

On September 19, 2016, City Council accepted \$106,000 for the Preliminary Engineering phase of the project. (Item 16-384)

On October 17, 2016, City Council adopted Resolution 2016-54 approving a Program Supplement Revision as required by Caltrans in order to claim reimbursement of the \$106,000 in preliminary engineering funding. (Item 16-473)

On April 2, 2018, City Council accepted \$834,000 in ATP (Caltrans) Grant funding for the construction and construction engineering costs associated with the pedestrian crossing project. (Item 18-096)

On April 2, 2018, City Council authorized the City Manager or the Assistant City Manager authorization to execute a Maintenance Agreement within State Highway Right of way on Route 59 (Item 17-590)

On April 16, 2018, City Council awarded a construction contract to Avison Construction. (Item 18-160)

### **IMPACT ON CITY RESOURCES**

No additional funding is required at this time. The Public Works Department will conduct the necessary maintenance along the multi-use pathway on State Highway 59, between Olive Avenue and Cooper Avenue, as a part of their normal operation. It's anticipated that the increased staff time would equate to approx. \$3,000.

### **ATTACHMENTS**

1. Location Map
2. E-76 CML-5085(045)
3. Maintenance Agreement