CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Legislation Details (With Text)

File #:	18-093	**Version:** 1	**Name:**	
Type:	Consent Item		**Status:**	Passed
File created:	2/20/2018		**In control:**	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency
On agenda:	3/19/2018		**Final action:**	3/19/2018

Title: SUBJECT: Construction Agreement with BNSF Railway Company for CMAQ Westerly Bike Path, Project 111066

REPORT IN BRIEF
Consider approving a construction agreement with BNSF Railway Company to allow the City of Merced to construct a bike path in BNSF Railway Company's right-of-way.

RECOMMENDATION
City Council - Adopt a motion approving the Construction Agreement with BNSF Railway Company; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Sponsors: Joe Cardoso

Indexes:

Code sections:

Attachments: 1. BNSF Agreement

Date	Ver.	Action By	Action	Result
3/19/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

Report Prepared by: Joe Cardoso, P.L.S., City Surveyor, Engineering Department

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REPORT IN BRIEF
Consider approving a construction agreement with BNSF Railway Company to allow the City of Merced to construct a bike path in BNSF Railway Company's right-of-way.

RECOMMENDATION
City Council - Adopt a motion approving the Construction Agreement with BNSF Railway Company; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or

conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. 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
As provided for in the 2017-18 Adopted Budget.

DISCUSSION
The City of Merced has received funds from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) to construct a Class 1 Bike Path from Buena Vista Drive, south along State Route 59 to the BNSF railroad tracks, thence easterly, north of the BNSF railroad tracks, approximately 1,300' to the existing bike path.

Part of the project is to remove and replace old worn-out sections of the existing bike paths and replace it with a new concrete bike path. During the design phase, staff identified an existing s-curve in the alignment, along an abandoned railroad spur track behind Walmart, as being difficult for cyclists to navigate through.

The s-curve is no longer necessary to meet the safety requirements for crossing railroad tracks at a perpendicular angle. By removing a portion of existing track, we are able to straighten the bike path, therefore making a safer and more enjoyable path of travel.

Staff contacted BNSF Railway Company's Project Manager and they have no objections to the realignment of the bike path. Therefore, staff is recommending the approval of the Construction Agreement with BNSF Railway Company to move forward with the construction project.

If Council decides not to approve the Construction Agreement, the s-curve will remain and design will avoid this area within BNSF Railway Company's right-of-way.

IMPACT ON CITY RESOURCES
As stated in the agreement, in the future, if BNSF Railway constructs a new track at this location, the City would be required to remove and reinstall the path with a design that is acceptable to the Railway. The cost to reconstruct the path would be the responsibility of the City.

ATTACHMENTS
1. BNSF Agreement