

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, Department Director

Arnaldo Rodriguez, City Manager

Council Meeting of: September 1, 2021

Agenda Item Number: D-4

SUBJECT:

Acceptance of Fresno River Trail – Union Pacific Railroad (UPRR) & Gateway Drive Undercrossing Project, Federal Project No. ATPCML 5157 (100), City Project No. PK-08

RECOMMENDATION:

Staff recommends that the City Council approve Minute Order Approving:

1. Acceptance of the Construction of Fresno River Trail - UPRR & Gateway Drive Undercrossing Project, Federal Project No. ATPCML 5157 (100), City Project No. PK-08.
2. The Recording of Notice of Completion.
3. The release of retention 35 days after recording of the Notice of Completion.

SUMMARY:

The City Council (Council), at its October 9, 2019, meeting, awarded a contract to Truxell & Valentino Landscape Development, Inc., for the Project in the amount of \$1,011,851. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders. Staff recommends that the Council accept the Project.

BACKGROUND:

The project included construction of a Class I concrete bicycle and pedestrian trail along the north bank of the Fresno River, clearing and grubbing, excavation and grading, steel protective canopy structures at the UPRR crossing, drainage improvements, concrete retaining walls, fencing and erosion protection. The project connects to the existing trail along the north side of the Fresno River in the park area along Riverside Drive at Sonora Street and continues underneath the UPRR bridge, underneath the Gateway Drive bridge, and follows a switchback pattern back up the bank to connect to the sidewalk on the west side of Gateway Drive leading to Rotary Park.

A brief history of the project:

- The Fresno River Trail – UPRR and Gateway Drive Undercrossing Project was initially presented to the Council in January 2005 on a list of projects to submit for Congestion Mitigation and Air Quality (CMAQ) Grant funding administered by the Madera County Transportation Commission (MCTC). It was the only City-nominated project that received grant funding that cycle.
- In 2008, the Parks Department initiated a contract with Lars Anderson & Associates for engineering services for the project.
- Negotiations with UPRR stalled around 2010 due to loss of Transportation Enhancement funds and changeover in UPRR staff.
- In 2013, Engineering resubmitted the project to UPRR. The new UPRR Manager of Industry and Public Projects for this region and her successor supported and helped moved this project through the tedious approval process of a new crossing that required special exceptions due to the shallow depth of the trail under the railroad bridge. The Agreement with UPRR was finalized in May 2018.
- The City successfully secured additional federal grant funding from the Active Transportation Program (ATP) and was able to keep the project moving forward.
- Project was first advertised for construction on August 28, 2019.

In addition to approvals from UPRR, the Project required coordination with many other agencies for various agreements, permits and approvals. This included:

- A. *California Department of Fish & Wildlife (DFW)*: Staff secured a Streambed Alteration Agreement from DFW
- B. *California Public Utilities Commission (CPUC)*: Approval of the new railroad undercrossing from the CPUC
- C. *Central Valley Regional Water Quality Control Board (CVRWQCB)*: Permission from the CVRWQCB under Section 401 of the Clean Water Act
- D. *Caltrans*: Approval by Caltrans (the funding agency for a majority of the funds in this project)
- E. *Army Corps of Engineers (ACOE)*: The City received Section 404 and 408 permit approvals from the ACOE for work in the floodway of the Fresno River
- F. *Central Valley Flood Protection Board (CVFPB)*: After approval of the ACEO Section 404 and 408 permits, the Central Valley Flood Protection Board released their encroachment permit.

DISCUSSION:

Although the project was awarded in October 2019, work could not proceed until the CVFPB released their encroachment permit which, as discussed above, was contingent upon approvals by the ACOE. Once the final permits for the Project were received from the ACOE and the work was permitted to begin, the expected Project completion was June 2020. The Contractor worked steadily from the start date in January, albeit at a slower pace due to several factors encountered during construction. The presence of various underground utilities, primarily a Kinder Morgan gas pipeline, required additional coordination and staff time. There were a few design modifications to meet current accessibility requirements and existing conditions of the river channel that had changed since the plans were originally drawn over ten years ago.

The project was substantially complete in November 2020, apart from installation of the railroad protective canopy structure shown on the drawings to be installed on either side of UPRR bridge. The canopy could not move forward into fabrication until the issues around the Kinder Morgan pipeline were resolved. In fall of 2020, Engineering staff received approval from UPRR for a modification to the length of the structure to avoid structural footings near the Kinder Morgan pipeline. Truxell & Valentino returned on site in February 2021, to complete the installation of the canopy.

Three (3) Contract Change Orders were processed. The change orders included:

- Incorporating Permits from the CVFPB and ACE into the project documents
- Modifications to the trail due to existing underground utilities and changes in the river channel from original design
- Upgrading the guardrail along the trail to meet current design standards
- Provide an access gate in chain link fence between Gateway Drive & UPRR for vehicular access
- Removal of a conflicting underground obstruction (old railroad concrete pillar)
- Reimbursement of costs incurred by Contractor due to delays associated with resolving conflicts between Kinder Morgan Pipeline and UPRR Protective Canopy footings.

The total cost of the change orders resulted in a net increase to the project contract of \$101,169.95, within the allowable 10 percent contingences. The final contract amount is \$1,113,020.95.

Table 1 provides a summary of all related project costs from 2010 to the present.

Table 1: Project Cost Summary (Year 2010 to Present)		
Project Planning, Development, and Design Phases		
Lars Anderson	Consultant Services	\$100,976
UPRR	Plan Check/Review	\$16,622
UPRR	License Fee	\$32,500
Engineering Staff Time	Project Management 2010 - 2019	\$50,997
Environmental	CEQA Recording Fee	\$2,094
P&P	Water Quality Tech Memo for CEQA/NEPA	\$3,000
Section 401	State Water Resources Control Board, Water Quality Certification	\$2,137
ACOE Section 404 Permit	Aquatic Resources Study	\$4,500
Streambed Alteration Agreement	California Department of Fish & Wildlife Fee	\$5,610
Construction Phase		
Streambed Alteration Agreement	Required Pre- and Post-Construction Biological Studies	\$9,138
NPDES Permit	State Water Resources Control Board	\$400
Construction Contract	Truxell & Valentino Landscape Development, Inc.	\$1,113,021
Moore Twining	Construction Testing & Inspection Services	\$27,457
Engineering Staff Time	Construction Management, Contract Administration, Inspection	\$97,359
Total:		\$1,465,811

A final project inspection was conducted by affected City Departments and Engineering Department. All parties agree that the project can be recommended for acceptance by the Council and a "Notice of Completion" recorded.

FINANCIAL IMPACT:

Funding for the project is outlined in Table 2.

Table 2: Project Funding (Year 2010 to Present)		
<i>Funding Source</i>	<i>Description</i>	<i>Amount</i>
CMAQ Grant- Federal \$	Congestion Mitigation & Air Quality Program	\$298,000
ATP Grant- Federal \$	Active Transportation Program	\$379,000
BTA – State \$	Bicycle Transportation Account	\$60,700
Remove Grant	San Joaquin Valley Air District	\$55,000
LTF	Local Transportation Funds	\$156,300
Measure T – Env Enh	Environmental Enhancement Component	300,000
Measure T – LTP	Local Transportation	100,000
Measure A	Former ½ cent sales tax for transportation residual funds.	117,000
Total:		\$1,466,000

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 121 – Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses with Madera.

Strategy 132 – Neighborhood Connectivity: Connect Madera’s neighborhoods through streets, trails and walkways that promote community interaction.

Strategy 401 – Walkable Community: Develop and promote Madera as a walkable community with an emphasis on improving the quality of the natural resources.

ALTERNATIVES:

As an alternative, the Council may elect to reject the Notice of Acceptance of the Project. Rejection of the Notice of Acceptance would result in staff’s inability to release retention funds and closing the Project.

ATTACHMENTS:

1. Notice of Completion
2. Location Map
3. Project Photos

ATTACHMENT 1

Notice of Completion

Recording Requested by:
City of Madera

And When Recorded, Mail to:
City of Madera – City Clerk
205 W. 4th Street
Madera, CA 93637

Space above this line for Recorder's Use
Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code – No Document Tax Due \$ -0-

NOTICE OF COMPLETION
Corporation

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is **City of Madera.**
3. The full address of the undersigned is **205 W. 4th Street, Madera, CA 93637.**
4. The nature of the title of the undersigned is: In fee _____
(If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase" or "lessee".)
5. The full name and full addresses of all persons, if any, who hold title with the undersigned as joint tenant or as tenants in common are:

<u>Name</u>	<u>Address</u>
_____	_____

6. A work of improvement on the property hereinafter described was completed on _____
7. The name of the original contractor, if any, for such work of improvement was: _____
(If no contractor for work of improvements as a whole, insert "none".)

8. The full name(s) and address(es) of the transferor(s) of the undersigned is(are):

<u>Name</u>	<u>Address</u>
_____	_____

9. The property on which said work of improvement was completed is in the City of **Madera**, County of **Madera**, State of California, and is described as follows:

10. The street address of said property is _____
(If no street address has been officially assigned, insert "none".)

(Signature of Owner named in Paragraph 2)

Dated

Keith Brent Helmuth, P.E.
City Engineer

**State of California
County of Madera**

Keith Brent Helmuth, being duly sworn says: He is the City Engineer of the City of Madera, the corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that he makes this verification on behalf of said corporation; that he has read said notice and knows the contents thereof, and that the facts herein stated are true.

(Signature of Officer)

Keith Brent Helmuth, P.E.
City Engineer

The notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

**State of California
County of Madera**



Subscribed and sworn to (or affirmed) before me on the _____ day of _____, 2021 by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Alicia Gonzales
City Clerk

ATTACHMENT 2

Location Map



LEGEND	
	PROPOSED PROJECT
	EXISTING TRAIL

PROJECT MAP
FRESNO RIVER BIKE TRAIL UNDER-CROSSING AT
GATEWAY DRIVE AND UPRR (FHWA FUNDED)
CITY OF MADERA

↑
 NORTH
 SCALE
 1:40

ATTACHMENT 3

Project Photos



Figure 1: Aerial View of Completed Project.



Figure 2: BEFORE - east side of UPRR bridge looking west



Figure 3: AFTER - east side of UPRR bridge looking west



Figure 4: Looking east under Gateway Bridge