

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CHRIS CATBAGAN, ASSOCIATE CIVIL ENGINEER
TRANSPORTATION AND PUBLIC WORKS
SUBJECT: COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF SANTA ROSA FOR THE IMPROVEMENTS TO THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department that Council, by resolution, approve a no cost Cooperative Agreement No. 04-2773 between the State of California and the City of Santa Rosa authorizing Caltrans to provide independent quality management assessment during the preparation of the Project Plans, Specifications and Estimate for the improvements to the Highway 101 Bicycle and Pedestrian Overcrossing.

EXECUTIVE SUMMARY

This proposed action will approve Cooperative Agreement No. 04-2773 between Caltrans and the City for independent quality management assessment during the preparation of the Project Plans, Specifications and Estimate (PS&E) for the improvements to the Highway 101 Bicycle and Pedestrian Overcrossing.

Under the Cooperative Agreement, the City will be the Implementing Agency for the PS&E phase; however, Caltrans will be responsible for the Quality Management Assessment (QMA). Caltrans will not require payment for their oversight tasks from the City. Caltrans is responsible for the costs that they incur in performing work during the PS&E phase.

This resolution supports Council Goal 5 by investing in and sustaining infrastructure and transportation. The bicycle & pedestrian overcrossing would close a gap in east-west bicycle and pedestrian travel caused by US-101 in the Santa Rosa Junior College (SRJC) area. The bicycle & pedestrian overcrossing would be more inviting to bicyclist and pedestrians crossing over the US-101 while reducing vehicle and pedestrian conflict on College Avenue and Steele Lane.

COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE
CITY OF SANTA ROSA FOR THE IMPROVEMENTS TO THE HIGHWAY 101
BICYCLE AND PEDESTRIAN OVERCROSSING

Page 2 of 4

BACKGROUND

1. In November 2010, the Feasibility Study was accepted by Council that determined a planning concept and scope identifying the type of facility as well as others features relating to the location and length of the proposed crossing.
2. The Project Initial Document (PID) prepared by Steven Grover & Associates was completed in September 2016. The PID evaluated design variations and developed project evaluation documentation for Caltrans' review and approval.
3. In September 2016 the City Council, by Resolution 28859, approved Cooperative Agreement No.04-2617 between the State of California and the City of Santa Rosa authorizing Caltrans to provide Independent Quality Assurance for the Project Approval and Environmental Document (PA&ED) phase for the Highway 101 Bicycle and Pedestrian Overcrossing.
4. In June 2017, the City Council, by motion, approved Project Work Order A010019-2016-01 with BKF Engineers for the Project Approval and Environmental Document (PA&ED) phase for the Highway 101 Bicycle and Pedestrian Overcrossing.
5. After Caltrans' adoption of the Final Environmental Document, the Project will be ready to proceed to the Project's Plans, Specifications and Estimate (PS&E) phase to produce construction plans. However, an executed PS&E cooperative agreement with Caltrans is required by Caltrans' project delivery process before proceeding to the PS&E phase.
6. This Cooperative Agreement defines the roles and responsibilities of the two parties for the PS&E phase. Most importantly, this Cooperative Agreement delegates the authority to the City to be the Implementing Agency in the development of the PS&E work.

PRIOR CITY COUNCIL REVIEW

On May 12, 2008, the City Council, by Resolution No. 27078, approved the Cooperative Funding Agreement No. M71406 with SCTA to provide \$50,000 in funding to the City for the feasibility study of the Santa Rosa Bicycle and Pedestrian Overcrossing at Highway 101.

On November 30, 2010, the City Council, by Resolution No. 27774, accepted the Santa Rosa Bicycle and Pedestrian Bridge Feasibility Study prepared by Steven Grover & Associates.

On November 15, 2011, the City Council adopted Resolution No. 28013, approving the Cooperative Agreement between Caltrans and the City of Santa Rosa for completion of

COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF SANTA ROSA FOR THE IMPROVEMENTS TO THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING

Page 3 of 4

the Project Initiation Document for the Santa Rosa Junior College Pedestrian and Bicycle Overcrossing on US Highway 101.

On September 1, 2015, the City Council, by Resolution No. 28681, approved the first amendment to Cooperative Agreement M71406 between SCTA and the City of Santa Rosa making available a total of \$250,000 of Measure M funding for the proposed Bike-Pedestrian Access across Highway 101 project.

On June 15, 2016, the City Council, by Resolution No. 28801, approved the Budget for the City of Santa Rosa for Fiscal Year 2016-17, which included \$500,000 for the preparation of US Highway 101 – Bicycle and Pedestrian Bridge Project Approval and Environmental Documentation (PA&ED) phase.

On September 13, 2016, the City Council, by Resolution No. 28859, approved Cooperative Agreement No.04-2617 between the State of California and the City of Santa Rosa authorizing Caltrans to provide Independent Quality Assurance for the Project Approval and Environmental Document (PA&ED) phase for the US Highway 101 – Bicycle and Pedestrian Overcrossing.

On June 20, 2017, the City Council, by motion, approved Project Work Order A010019-2016-01 with BKF Engineers for the Project Approval and Environmental Document (PA&ED) phase for the US Highway 101 – Bicycle and Pedestrian Overcrossing not to exceed amount of \$907,559.00.

On March 20, 2018, the City Council, by motion, approved Amendment No. 1 to Project Work Order with BKF Engineers to evaluate an additional project location, the Range Avenue-Bear Cub Way alignment, for the Project Approval and Environmental Document (PA&ED) phase for the US Highway 101 – Bicycle and Pedestrian Overcrossing increasing the contract amount by \$379,344.00, for a total amount of \$1,286,903.00.

On July 21, 2020, the City Council provided input on the draft environmental document for the Bicycle and Pedestrian Overcrossing.

ANALYSIS

1. If the City enters into the Cooperative Agreement, the project would utilize Caltrans resources to advance the project through the design phase.
2. Caltrans would provide independent quality management assessment (QMA) during the preparation of the projects PS&E for the project at no cost to the City.
3. The Cooperative Agreement delegates the authority to the City to be the Implementing Agency in the development of the PS&E for the project.

COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF SANTA ROSA FOR THE IMPROVEMENTS TO THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING

Page 4 of 4

4. The Cooperative Agreement that Caltrans requires the City to execute includes unfavorable provisions and lacks many of the standard terms, conditions and protections the City typically insists upon in the City's standard contracts to best protect the City's interests. Among other issues, the Cooperative Agreement makes the City responsible for certain hazardous materials disturbance (even in freeway rights-of-way), creates joint and several liability for soil disposal, makes all Caltrans obligations under the agreement subject to appropriation and venue for disputes could lie in Oakland. City staff are familiar with similar terms from Caltrans under other cooperative project agreements and nevertheless believe that the benefits associated with the Cooperative Agreement outweigh the legal risks.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The Highway 101 Bicycle and Pedestrian Overcrossing Project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and distributed for the required 30-day public review period on June 22, 2020. The Project has been also been reviewed pursuant to the National Environmental Policy Act (NEPA) and qualifies for a Categorical Exclusion.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Location Map
- Resolution/Exhibit A – Cooperative Agreement 04-2773

CONTACT

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