

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda date: June 18, 2012  
Reviewed by: BP

**SUBJECT:** Buchanan/ Marin Bikeway Pierce Street to San Pablo Avenue, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030.

**FROM:** Jeff Bond, Community Development Director  
Randy Leptien, City Engineer  
Ana Bernardes, Project Manager  
Aleida Andrino-Chavez, Transportation Planner  
Judy Lieberman, Projects Director

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**STAFF RECOMMENDATION**

Staff recommends the following actions:

1. Approve Final Plans for Buchanan/ Marin Bikeway Pierce St. to San Pablo Ave, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030 and authorize the City Manager to call for bids.
2. Appropriate \$328,150 of Measure F 2006 for this project.
3. Authorize the Mayor to send letters of appreciation from the City Council to Congresswoman Barbara Lee and Assemblymember Nancy Skinner for their assistance in working with federal and state agencies involved in the project grant and approval processes.

**BACKGROUND**

In 2007, the City began working on the design plans for the Buchanan Marin Bicycle pedestrian path connecting the Ohlone Greenway to the San Francisco Bay Trail. This portion of the project was funded with a Measure B grant from Alameda County Transportation Improvement Authority (ACTIA). The design plans and environmental documentation were completed in 2010, and a cost estimate of approximately \$3.4 million for the entire segment was developed.

In 2010 the City applied for federal funds to construct the first segment of the project, from the Buchanan overpass to San Pablo Avenue, including the right hand turn lane onto southbound San Pablo Avenue. The funding was approved in late 2010, and resulted in some additional requirements that would not have been part of a State funded project. Specifically, the project required National Environmental Policy Act (NEPA) clearance in addition to

California Environmental Quality Act (CEQA) review, which had already been completed. The grant also requires final approval by the Federal Highway Administration (FHWA). The City must submit a comprehensive package of documentation to Caltrans for FHWA approval, including full environmental certification, completed plans, specifications and estimates (PS&E), and signed Right of Way documentation.

The NEPA requirement was completed and certified by Caltrans in early March, the PS&E was completed the week of March 19, 2012, and the City has received the signed Right of Way offer from the Albany Unified School District (AUSD). The University Right of Way offer was also completed.

On May 7, 2012 Council authorized the City manager to accept and record temporary and permanent easements from the University of California (UC) and AUSD and the United States Department of Agriculture (USDA), whose properties are needed for a portion of the width of the path. Grants from UC and AUSD were received and have been recorded, and the right of way certification has been received from Caltrans. The easement from USDA, however, requires that the City first obtain concurrent jurisdiction over the portion of the land owned by the Federal Government that is being used for the path, as well as the portion of Buchanan for which the city has an existing roadway easement.

## **DISCUSSION**

The final plans for the project have been completed and reviewed by the property owners. The PS&E submittal for construction has been delivered to Caltrans local Assistance and processed simultaneously with Sacramento and the representative from the FHWA. Final approval of these documents requires a right of way certification. As noted above the certification for the land by the UC and AUSD has been obtained. Excerpts from the project plans are attached.

Obtaining concurrent jurisdiction over the land owned by the USDA however, will require approval from the State Lands Commission (SLC). The approval by the SLC is scheduled to take place on August 8, 2012. In order to call for bids within the extremely tight timeframe allotted by the Metropolitan Transportation Commission (MTC) and FHWA, the City and the USDA negotiated an Encroachment Permit. The permit satisfies Caltrans requirements for a "Cert 3" Right of Way certification. This will allow the City to call for bids, but not receive or open them.

In order to receive bids and award a construction contract, it will be necessary to upgrade the Cert 3 (Encroachment permit) to a Cert 2 (right of entry). This right of entry cannot be executed until the approval of concurrent jurisdiction by the SLC. Caltrans and the FHWA require an additional three weeks to approve the upgrade to the Right of Way Certification (from Cert 3 to Cert 2). The upgraded right of way certification will enable the City to receive, open and award the bids.

The plans have been reviewed by the City Engineer and Staff. The bid documents have also been reviewed by Caltrans Local Assistance for conformance with funding requirements. Staff has also met with Preston Jordan of Albany Rollers and Strollers to discuss concerns and potential enhancements, including the pedestrian lead-off phase at San Pablo, and the

potential for an additional cycling lane between the right-hand turn lane and the through lane. With regard to the pedestrian lead off phase, it is staff's understanding that CalTrans will assess the timing for this phase in the field. (It should be noted that Phase 2 of the project will directly address the bicycle pedestrian crossing by replacing the signalization.) With regard to adding an additional cycling lane, preliminary discussions with the City Engineer and AECOM engineers indicate that the street would be too narrow to accommodate this possibility without further easement area that may not be available. Redesign would mean additional costs to the project not currently budgeted. Furthermore, the project timeline to meet grant deadlines and agency approvals is constrained and may not be met with a change of this scope.

It should be noted that Congresswoman Barbara Lee and her staff were instrumental in assisting the City in discussions with the federal agencies involved with this project, and of critical importance to the city's receipt of the appropriate approvals within the timeframe required to retain the \$1.7 million in federal grant funds. Assembly member Nancy Skinner and her staff likewise have been essential in helping the City navigate through the State of California and University processes involved with the project to meet the grant and other project deadlines. Staff is particularly grateful for their involvement. It would therefore be appropriate to thank them via a letter from the City Council.

### **ENVIRONMENTAL ANALYSIS**

A mitigated negative declaration under CEQA was completed and filed with the Alameda County Clerk and the State Clearing House and no objections were received. Following receipt of the federal Congestion Mitigation and Air Quality Improvement (CMAQ) grant, it was necessary to also comply with the requirements of the National Environmental Protection Act (NEPA) and mitigations for CEQA and NEPA have been incorporated into the construction documents.

### **SUSTAINABILITY IMPACT**

The path will increase the use of bicycles and the walk-ability of the City, promoting alternative transportation. The path, the addition of the right hand turn lane from eastbound Marin to southbound San Pablo Avenue, and the modifications to the existing signal will also improve pedestrian and bicycle safety. The path is one of the high priority projects of the City's Active Transportation Plan and the Alameda Countywide Bicycle Plan. In accordance to the Clean Water Act, pervious pavement has been utilized for a portion of the path and a bio-swale is included at the west end of the project near Pierce Street. Bio-swale and pervious pavement help improve the quality of storm water that drains to the bay.

### **FINANCIAL IMPACT**

The total estimated cost of the project, including design, is \$2.5 million. Attachment A summarizes the project costs and revenues. Project cost breakdowns are discussed, as follows:

## **COSTS**

### **1. Design: \$423,000**

Final Design: The design contract for PS&E with AECOM for this project was \$187,000. Additional scope of services for pavement design, utility surveys, geotechnical engineering, landscaping architectural, special traffic signal studies for Caltrans, submittals for encroachment permit and right of way documents for easements over the USDA, AUSD, and UC were necessary and authorized by staff. The additional scope of work was \$86,000 and the total design cost amounts to \$273,000.

Supplemental Environment: LSA provided supplemental Archeological Investigation for required NEPA certification at a cost of \$25,470.

Right of Way, Design Coordination and Grant Applications: The City Engineer (LCC) costs to: (a) coordinate and negotiate the easements with USDA, AUSD, (b) prepare plats and legal descriptions for temporary and permanent easements, (c) to review plans and specifications, (d) complete the PS&E submittal package for construction including the right of way and utility certifications is estimated to cost \$98,000. Right of Way certification assistance was provided by City of Fremont at the estimated cost of \$10,000. Gray Bowen provided liaison with Caltrans local assistance and FHWA at an estimated cost of \$10,000.

Project Plans Review: The City project managers cost for plan review is estimated to \$10,000. Jacobs Engineers and Gale Rossi provided constructability review and the estimated cost of this review is \$ 10,000.

### **2. Bids: \$20,000**

Advertise, Receive and Review Bids: The estimated costs will be approximately \$20,000.

### **3. Construction: \$2,042,150**

Construction: The current total estimate construction cost for the project is \$1,617,000. Contingencies in the amount of \$155,150 have been allowed bringing the total construction budget to \$1,772,150.

Construction Management: These costs are estimated at \$270,000.

## **REVENUES:**

- Federal CMAQ Grant: The primary source for this project is a grant from Congestion Mitigation and Air Quality Improvement (CMAQ) Program. This grant is for \$1,702,000 and reimburses the cost of construction and construction engineering.

- BAAQMD Grant: City Staff obtained a grant from the Bay Area Air Quality Management District for \$100,000.
- EBMUD Recycled Water: EBMUD will reimburse the City for the cost of design and installation of the 8” recycle water main being placed beneath the path. The estimated amount of reimbursement is \$55,000.
- Measure F 2002: The project utilized \$300,000 in Measure F funds, approved by Council in December 2008.
- Measure F 2006: The project will also use \$328,000 from City’s storm drain and paving rehabilitation fund.

#### Attachments

1. Excerpts from Final Plans
2. Summary of Project Cost and Revenue