



## Legislation Details (With Text)

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**File created:** 12/12/2023      **In control:** Board of Supervisors

**On agenda:** 2/27/2024      **Final action:** 2/27/2024

**Title:** Department of Transportation recommending the Board consider the following pertaining to the Apache Avenue Pedestrian Safety and Connectivity Project, Capital Improvement Program project number 36107021, Contract No. 7922:

1) Authorize \$499,000 in Congestion Mitigation and Air Quality Program and an additional \$145,000 in Carbon Reduction Program funding while reducing Tahoe Regional Planning Agency mitigation funding by \$89,000 for a net funding increase of \$555,000 for the subject project to reflect the anticipated increased cost for the construction phase, raising the estimated total project cost as shown in the 2023 Capital Improvement Program from \$3,503,000 to \$4,058,000;

2) Approve and adopt the Plans and Contract Documents and authorize the Chair to sign the Plans;

3) Authorize advertisement for construction bids; and

4) Authorize the Chair to sign the Construction and Funding Agreement with South Tahoe Public Utility District in the amount of \$1,495,875 for relocation of existing water facilities that conflict with proposed improvements. (District V)

**FUNDING:** Active Transportation Program (42%), Carbon Reduction Program (13%), Congestion Mitigation and Air Quality Program (12%), Regional Surface Transportation Program Federal Funds - Caltrans Local Assistance (25%), and TRPA Mitigation Funds (8%). (Federal Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS.pdf, 2. B - Contract Documents.pdf, 3. C - Project Plans.pdf, 4. D - Vicinity Map.pdf, 5. E - STPUD ConstrFundingAgmt.pdf, 6. F - Counsel Approval - STPUD Agreement, 7. Executed Project Plans, 8. Executed STPUD Construction Funding Agreement

Date	Ver.	Action By	Action	Result
2/27/2024	1	Board of Supervisors	Approved	Pass

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### **DISCUSSION / BACKGROUND**

The Apache Avenue Pedestrian Safety and Connectivity Project (Project) will construct pedestrian, bicycle and drainage improvements along Apache Avenue from US 50 / SR89 to East San Bernardino Avenue in the community of Meyers, CA. Specific improvements include approximately 0.35 miles of Class I bike path on the east side of Apache Avenue; 0.37 miles of sidewalk on the west side of Apache Avenue; Americans with Disabilities Act (ADA) improvements; improved crosswalks and signage with a speed feedback sign; and drainage improvements along Apache Avenue within the Project limits.

Since this project is adding pedestrian and bicycle facilities and is not adding any traffic lanes, it is exempt from the California Environmental Quality Act (CEQA) per Section 15301(C) of the 2024 CEQA Guidelines. A Notice of Exemption was filed on March 10, 2022, and a National Environmental Policy Act (NEPA) Categorical Exclusion was approved for the Project on March 17, 2022.

Additional right of way did not need to be secured for the Project.

The Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 20%.

Authorization for construction funding (E-76) from Caltrans for the Active Transportation Program (ATP), Carbon Reduction Program (CRP), Congestion Mitigation and Air Quality Program (CMAQ), and Regional Surface Transportation Program (RSTP) grant funds is pending for this Project. If this item is approved, Transportation will not advertise until the E-76 for the above mentioned funds has been received.

Subsequent to the Board's approval of Transportation's 2023 Capital Improvement Program (CIP), Transportation received \$145,000 of additional funding through the CRP and \$499,000 of new funding from the CMAQ. Receipt of these funds allowed Transportation to reduce the amount of Tahoe Regional Planning Agency mitigation funding by \$89,000 for a net funding increase of \$555,000. These additional funds will be utilized for the construction phase in anticipation of the ongoing trend of increased bid cost for CIP construction projects. Transportation requests the Board approve the use of these funds and a commensurate increase of \$555,000 to Project cost above that was identified in the 2023 CIP.

During the design of the Project, it was determined there were water utility conflicts with Transportation's proposed improvements along Apache Avenue between East San Bernardino Avenue and Arrowhead Drive. Transportation consulted with South Tahoe Public Utility District (District) regarding the conflict. The District determined that the service connections on Apache Avenue within the project limits were in need of replacement. The District concluded the best mitigation for this issue was to relocate/upgrade the entire water line between East San Bernardino and US 50/SR 89, which would include 2500 linear feet of C900 pipe and the installation of thirty-five (35) residential water services and four (4) fire hydrants. Under California law, since the road was in place before the District's facilities, the District is responsible for all costs associated with relocating their facilities necessitated by road improvements, including the drainage improvements proposed by the Project.

District staff and Transportation staff concurred that the most efficient method of relocating the District's facilities that conflict with the proposed roadway improvements was to include the District's facility relocation work in Transportation's construction contract. The County would pay the construction contractor to relocate the water facilities, and the District would reimburse the County for the cost of the relocation. Staff and counsel from both agencies drafted an agreement to outline roles and responsibilities for the relocation work and its financing. On February 1, 2024, during their regular Board of Directors meeting, the District approved entering into the attached Construction and Funding Agreement (Agreement) with the County in the amount of \$1,495,875. The Agreement will require the County to include the relocation of the water line in the County's Project bid documents such that the water line is relocated as part of the Project scope (at District cost). This dollar value of the Agreement is based on a District cost estimate of \$1,196,700 plus a contingency of 25%. The total value of the Agreement will be deposited into an escrow account prior to bidding, adjusted to reflect actual bid price plus contingency after bidding, and then withdrawn by the County from the account during construction, pending approval by District staff of progress payment requests.

### **ALTERNATIVES**

- 1) The Board could choose not to approve the Contract Documents. Transportation will make any changes requested by the Board and return at a later date.
- 2) The Board could choose not to authorize advertisement for construction bids. Transportation will make any changes requested by the Board and return at a later date.
- 3) The Board could choose to cancel the Project.
- 4) The Board could choose not to approve the Construction and Funding Agreement with the District. Transportation will make any changes requested by the Board and return at a later date.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the Plans and Contract Documents.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

The estimated total project cost as shown in the 2023 CIP increased from \$3,503,00 to \$4,058,000. The total estimated combined cost for the Project's construction phase is \$3,550,259, which includes construction items of work, supplemental items of work, construction management, environmental monitoring, inspection, materials testing, and contingencies.

There is no financial impact or change to net County cost associated with this item. The Board will not obligate the County with the current requested action. The obligation will result from the subsequent action of awarding the bid.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk will obtain the Chair's signature on the construction Plans for the Project.
- 2) The Clerk will forward the original signed Plan set to Transportation, Headington Engineering, attention Jen Rimoldi.
- 3) The Clerk of the Board will obtain the Chair's signature on the Construction and Funding

Agreement.

4) The Clerk of the Board will forward two (2) originals signed Construction and Funding Agreement to Donaldo Palaroan, Sr. Civil Engineer.

### **TRANSPORTATION FOLLOW UP ACTIONS**

Transportation will advertise the Project for bid proposals and return to the Board with recommendations for award at a later date. Transportation will forward the executed Construction and Funding Agreement to the Clerk of the Board.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation