



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
RECEIVED

MAR 16 1982

DEPARTMENT OF ENGINEERING
915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

March 16, 1982 **APPROVED** C. AG 81128
BY THE CITY COUNCIL
MAR 23 1982 D. ~~80~~ AG 81129
E. AG 81130
OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Resolutions Approving Agreements with the Sacramento Transit Development Agency, Caltrans, and the Southern Pacific Transportation Company for Separations of Arden Way and Marconi Avenue with the Southern Pacific Mainline, Requesting Allocation of State Participating Funds and Declaring that Necessary City Funds are Available for Grade Separations at Arden Way and Marconi Avenue with the Southern Pacific Mainline

SUMMARY:

This report recommends that the City Council approve, by passage of the attached resolutions, agreements with the Southern Pacific Transportation Company and an agreement with Sacramento Transit Development Agency and the State of California for the separations at Arden Way and Marconi Avenue, and that the City Council authorize the City Engineer to file an application with Caltrans for an allocation from the 81-82 Grade Separation Fund. This report also recommends that the City Council certify that requirements prerequisite to awarding of a construction contract can be accomplished within one year after allocation and that the City can fund its 10% share of the cost of the separations.

BACKGROUND:

In 1981 the City applied to the PUC to receive a priority for State Grade Separation Funds for the Arden Way, El Camino Avenue and Marconi Avenue crossings of the Southern Pacific Mainline. Arden Way was assigned Priority No. 7 and Marconi Avenue Priority No. 3 on the Statewide Priority List and are both fundable from the \$15,000,000 dollars budgeted each year to the State Grade Separation Fund. El Camino Avenue, because it is separated as a two lane road at the present time, received a very low priority and no funds are available from the State Grade Separation Fund.

The alignment for the Light Rail System of the Sacramento Transit Development Agency is adjacent and parallel to the Southern Pacific Mainline at these three crossings. Therefore, under the matching funding requirement set up by the PUC for the Grade Separation Fund, 80% of the cost will be paid by the Grade Separation Fund with 10% to be paid by the local agency and 10% by the railroad involved. In this case the PUC treats the Light Rail as another railroad; therefore, the split would be 5% for STDA and 5% for the Southern Pacific.

The PUC requires that the City must submit to Caltrans agreements with both railroads involved, authorization by the City Council to file for an application for an allocation from the Grade Separation Fund, certification by the City Council that all matters prerequisite to awarding of the construction contract have been or are to be accomplished within one year after allocation, and certification that the City has funds for its 10% share. All of these items must be submitted by April 1, 1982.

The City has worked with the staff of STDA towards the common goal and interests of both agencies of constructing all three separations even though funding is only available for two of the separations from the Grade Separation Project Fund. The City's matching share for the two separations will be made up of right of way previously acquired by the State for construction of the I-80 bypass interchanges at these locations. The value of the right of way exceeds the City required 10% share by a large amount, and by taking credit for this right of way from the Grade Separation Funds, and a contribution by STDA of plan preparation for the separations, it is possible to construct all three separations with participation by the City of approximately \$700,000. The proposed City Capital Improvement Program recommends budgeting \$300,000 in 1982-83 and \$400,000 in 1983-84 for this purpose.

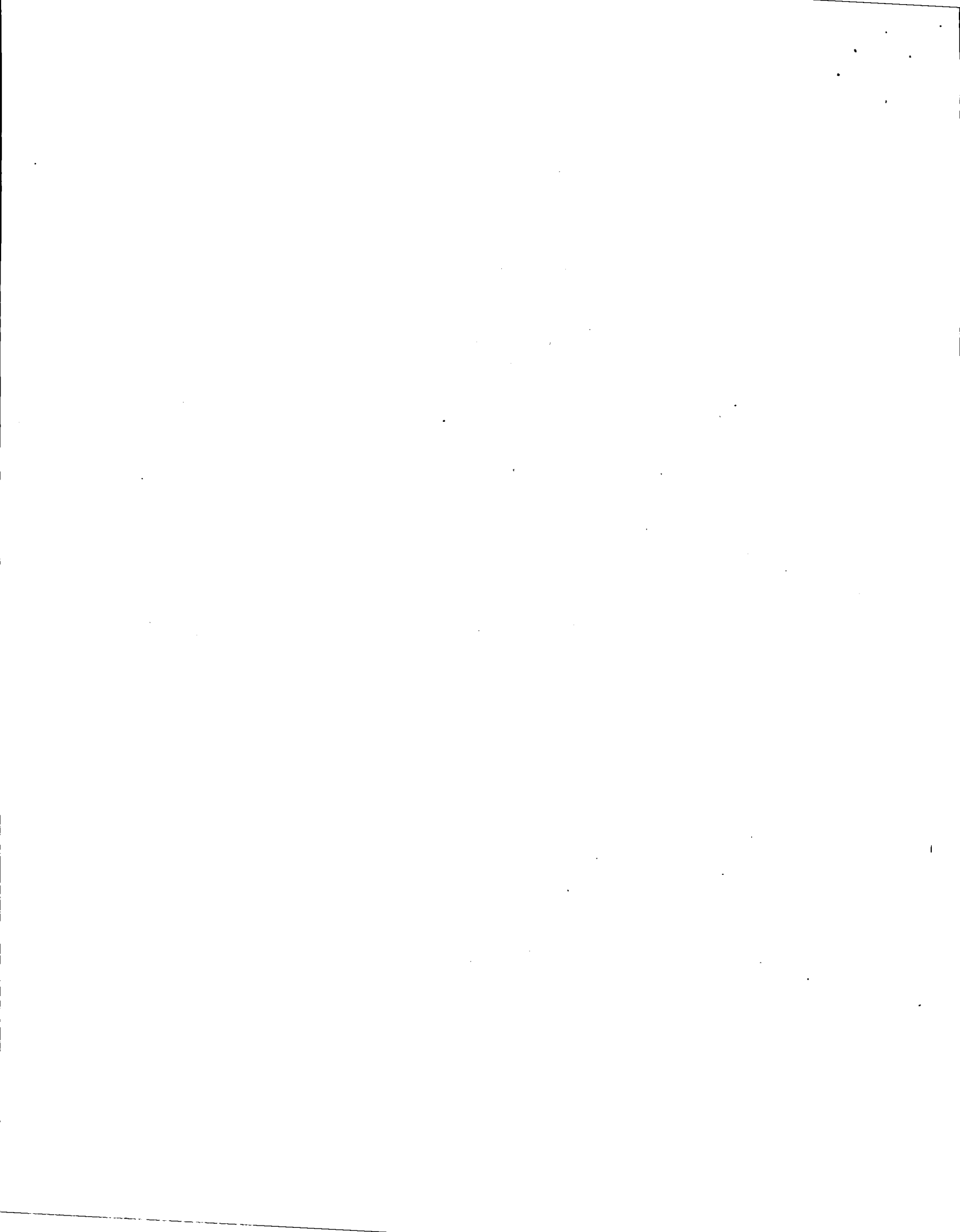
FINANCIAL:

See attached Exhibit 1 Cost Analysis of the Grade Separations.

RECOMMENDATION:

It is recommended that:

1. The City Council authorize the City Manager to enter into an agreement, with the Southern Pacific Transportation Company covering the Arden Way and Marconi Avenue overcrossings by passage of the attached resolutions, and
2. That the City Manager be authorized to enter into an agreement with the Sacramento Transit Development Agency and State of California covering the Arden Way and Marconi Avenue overcrossings by passage of the attached resolutions, and



3. That the applications requesting an allocation of State Participating Funds for the construction of a grade separation for Arden Way and for Marconi Avenue be filed by the City Engineer, and that the City certify that all matters prerequisite to awarding of the construction contract have been or can be accomplished within one year after allocation, and that the City has sufficient funds for its 10% share, by passage of the attached resolutions.

Respectfully submitted,



R. H. PARKER
City Engineer

Recommendation Approved:



Walter J. Slips City Manager

14-A-050-30-0

March 23, 1982
District No. 2

EXHIBIT 1

COST ANALYSIS - GRADE SEPARATIONSEstimated Construction Costs: Arden and Marconi/Arcade Grade Separations
over Southern Pacific (1982 Dollars - Thousands)

<u>Item</u>	<u>Arden</u>	<u>Marconi</u>	<u>Total</u>
Bridge Construction	\$1,236	\$1,403	\$2,639
Road Construction	1,123	1,726	2,849
Railroad Work	30	25	55
Utilities Work	25	20	45
Right-of-Way	1,900	750	2,650*
Remove Existing	25	25	50
Engineering-Preliminary	189	250	439
Engineering-Construction	284	375	659
Contingencies	189	288	477
Subtotal:	\$5,001	\$4,862	\$9,863

(*) Already Expended

Estimated Reimbursement by Funding Source (P.U.C. Grade Crossing Elimination Program Typical Requirements)

	<u>Amount</u> <u>(\$000)</u>
State P.U.C. Grade Crossing Elimination Fund (80%)	\$7,890
Southern Pacific Transportation Company (5%)	493
Other (15%) Local Share (Including STDA 5%)	1,480
Total:	\$9,863
Reimbursement From State Grade Crossing Fund and S.P.T. Co.	\$8,383
Remaining Cost of Construction	6,115
Balance:	\$2,268
Available to be Applied to Cost of Constructing El Camino Avenue Grade Separation From Above	\$2,268
Cost of Grade Crossing Protection at Arden/Marconi	\$ 300
Cost of Minimum Required Separation at El Camino	\$ 338
Total Available	\$2,906
Estimated Cost of New El Camino Grade Separation	\$3,555
City Share	\$ 650

RESOLUTION NO. 82-198

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO REQUESTING AN ALLOCATION OF STATE PARTICIPATING FUNDS FOR CONSTRUCTION OF A GRADE SEPARATION AT ARDEN WAY AND THE SOUTHERN PACIFIC TRANSPORTATION COMPANY CROSSING NO. A-93.5 AND DECLARING THAT NECESSARY CITY FUNDS ARE AVAILABLE

WHEREAS, the proposed grade separation project at Arden Way and the Southern Pacific Transportation Company Crossing No. A-93.5 has been placed No. 7 on the priority list of projects for 1981-82 in the State of California which the Public Utilities Commission has determined to be in need of separation; and

APPROVED
BY THE CITY COUNCIL

WHEREAS, for the public interest and safety, the City of Sacramento proposes to construct said grade separation; and

MAR 23 1982

OFFICE OF THE
CITY CLERK

WHEREAS, the Public Utilities Commission has issued an order for Authority to Construct said grade separation; and

WHEREAS, it is required that the City furnish evidence satisfactory to the California Department of Transportation that sufficient funds are available for the City's share of the project; and

WHEREAS, an environmental impact report or a negative declaration are not required for the Arden Way Grade Separation Project in accordance with Senate Bill No. 549 which became effective on February 18, 1982.

WHEREAS, all matters prerequisite to the award of the construction contract have been or can be accomplished within one year after the allocation, and

WHEREAS, the total estimated project cost of \$4,775,000 and the amount of said total cost which is to be shared by participating agencies is as follows:

State of California	\$ 3,820,000
City of Sacramento	477,500
Southern Pacific Transportation Co.	238,750
Sacramento Transit Development Agency	238,750

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sacramento that:

1. The California Transportation Commission be and is hereby requested to allocate \$ 3,820,000 to the City of Sacramento pursuant to Section 2453 and Section 2454(a) of the California Streets and Highways Code for the aforementioned project in accordance with the aforesaid provisions and detailed information being submitted to the California Department of Transportation. The City Engineer be authorized to file an application for allocation of State Participating Funds for the construction of a grade separation for Arden Way.
2. Funds previously expended for right of way and engineering on behalf of the City are sufficient to cover the City's ten percent (10%) share of the Arden Way Grade Separation project.

CITY MANAGER

ATTEST:

CITY CLERK

RESOLUTION NO. 82-199

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO REQUESTING AN ALLOCATION OF STATE PARTICIPATING FUNDS FOR CONSTRUCTION OF A GRADE SEPARATION AT MARCONI AVENUE AND THE SOUTHERN PACIFIC TRANSPORTATION COMPANY CROSSING NO. A-93.5 AND DECLARING THAT NECESSARY CITY FUNDS ARE AVAILABLE

WHEREAS, the proposed grade separation project at Marconi Avenue and the Southern Pacific Transportation Company Crossing No. A-94.9 has been placed No. 7 on the priority list of projects for 1981-82 in the State of California which the Public Utilities Commission has determined to be in need of separation; and

APPROVED BY THE CITY COUNCIL

WHEREAS, for the public interest and safety, the City of Sacramento proposes to construct said grade separation; and

MAR 23 1982

OFFICE OF THE CITY CLERK

WHEREAS, the Public Utilities Commission has issued an order for Authority to Construct said grade separation; and

WHEREAS, it is required that the City furnish evidence satisfactory to the California Department of Transportation that sufficient funds are available for the City's share of the project; and

WHEREAS, an environmental impact report or a negative declaration are not required for the Marconi Avenue Grade Separation Project in accordance with Senate Bill No. 549 which became effective on February 18, 1982.

WHEREAS, all matters prerequisite to the award of the construction contract have been or can be accomplished within one year after the allocation, and

WHEREAS, the total estimated project cost of \$4,775,000 and the amount of said total cost which is to be shared by participating agencies is as follows:

State of California	\$ 3,820,000
City of Sacramento	477,500
Southern Pacific Transportation Co.	238,750
Sacramento Transit Development Agency	238,750

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2. Funds previously expended for right of way and engineering on behalf of the City are sufficient to cover the City's ten percent (10%) share of the Arden Way Grade Separation project.

ATTEST:

CITY MANAGER

CITY CLERK

RESOLUTION NO. 82-200

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE SACRAMENTO TRANSIT DEVELOPMENT AGENCY (STDA) AND STATE OF CALIFORNIA FOR FINANCING OF THE MARCONI AVENUE AND ARDEN WAY GRADE SEPARATION PROJECTS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City Manager and City Clerk are hereby authorized to execute, for and on behalf of the City of Sacramento, that certain AGREEMENT between the SACRAMENTO TRANSIT DEVELOPMENT AGENCY (STDA) and STATE OF CALIFORNIA, acting by its Department of Transportation, and the CITY OF SACRAMENTO, a municipal corporation of the State of California, therein called "City" covering responsibilities of the parties for the financing of the Marconi Avenue and Arden Way Grade Separation projects.

CITY MANAGER

ATTEST:

CITY CLERK

APPROVED BY THE CITY COUNCIL

MAR 23 1982

OFFICE OF THE CITY CLERK

AG 81128

AGREEMENT

This Agreement is made by and between City of Sacramento, a municipal corporation ("City") and Sacramento Transit Development Agency ("STDA") and State of California, acting by its Department of Transportation ("State") who agree as follows:

R E C I T A L S

WHEREAS, an agreement between the State of California, acting by its Department of Transportation ("State") and City of Sacramento, a municipal corporation ("City") and Sacramento Regional Area Planning Commission ("SRAPC"), dated October 18, 1979, provided that the right-of-way necessary for the construction of the "I-80 Bypass" freeway has heretofore been acquired by State; and

WHEREAS, the aforementioned agreement stated that whereas a portion of the I-80 Bypass freeway project was to provide for certain railroad grade separation projects and regardless of whether said freeway is constructed, it is essential to accomplish the construction of these railroad grade separations; and

WHEREAS, in the aforementioned agreement dated October 18, 1979, the Sacramento Regional Area Planning Commission agreed to use its best efforts to help secure funds from the Federal Government and any other applicable public agency, for the construction of railroad grade separations at Arden Way and Marconi Avenue/Arcade Boulevard at their respective intersections with the Southern Pacific Railroad main line tracks; and



WHEREAS, in the aforementioned agreement dated October 18, 1979, State agrees that in the event the Federal Department of Transportation approves a substitute project or projects for said right-of-way, State will make said right-of-way available for such project or projects;

WHEREAS, in the forementioned agreement dated October 18, 1979, State agrees that if the right-of-way acquired for the I-80 Bypass is subsequently sold by State, then State will actively recommend to the California Transportation Commission that the funds resulting from the sale of said right-of-way shall be used for transportation purposes primarily benefiting the City of Sacramento; and

WHEREAS, the State Administrative Regulations setting forth rules for filing applications with the State of California, Department of Transportation, pursuant to Sections 2456 and 2457 of the Streets and Highways Code, requires that the applicant (City of Sacramento) enter into an agreement with railroad or railroads in which the railroad or railroads shall contribute a minimum of 10 percent of the cost of the project;

AGREEMENT

1. State shall endeavor to make right-of-way previously acquired for the Arden Way and Marconi Avenue Grade Separations available to City through the STDA, in accordance with and subject to the aforesaid agreement dated October 18, 1979.

2. The parties hereto agree that the value of the right-of-way to be made available to City through the STDA for the Arden Way, and Marconi Avenue Grade Separations, will pay for and is in

excess of the STDA's 5% share of the Arden Way and Marconi Avenue Grade Separation projects.

3. STDA agrees to fund the project for City's 10% shares of Arden Way and Marconi Avenue Grade Separation projects. Said funding shall be in the form of engineering services or right-of-way value or any combination thereof.

4. STDA agrees to fund its 5% shares of the Arden Way and Marconi Avenue Grade Separations to the project. Said funding shall be in the form of engineering services, or right-of-way value or any combination thereof.

5. City agrees to assign to STDA all funds allocated to City from the Grade Separation Fund for the Arden Way and Marconi Avenue Grade Separation projects.

6. City agrees to assign the Southern Pacific Transportation Company (Railroad's) 5% shares of the Arden Way and Marconi Avenue Grade Separations to STDA.

7. STDA agrees to accomplish necessary engineering services, to award a contract or contracts to construct the Arden Way and Marconi Avenue Grade Separations and agrees to administer said contract(s).

8. STDA shall refund to City all funds assigned to STDA pursuant to Sections 5 and 6 hereof in the event STDA fails to fully fund the 10 percent share of City pursuant to Section 3.

9. This Agreement is operative only if the City receives an allocation from the Grade Separation Fund and the State makes the right of way available pursuant to Section 1.

10. In the performance of this agreement, City will not

discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. City shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, religion, sex, color, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. City agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by STDA setting forth the provisions of this nondiscrimination clause. City shall, in all solicitations or advertisements for employees placed by or on behalf of the City, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, or national origin. City shall incorporate the foregoing requirements of this paragraph in all of its subcontracts exceeding Ten Thousand Dollars (\$10,000.00) for work performed pursuant to this agreement and shall require such subcontractors to include the foregoing requirements in all of their subcontracts.

11. The City shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as STDA may require.

12. In connection with the performance of this Agreement, the City and any subcontractor of City shall comply with Title 49 CFR Part 23 Minority Business Enterprise in Department of Transportation Programs and shall cooperate with STDA in meeting

its commitments and goals with regard to the maximum utilization of minority business enterprises and use reasonable efforts to insure that minority business enterprises shall have the maximum practicable opportunity to compete with subcontract work not performed by public agencies under this Agreement. The provisions of Exhibit A "Minority Business Enterprise" attached hereto are incorporated by reference herein.

13. City agrees to and does hereby grant to the Federal Government, subject to written permission of any copyright owner, a royalty-free, non-exclusive and irrevocable license throughout the world for government purposes to publish, translate, reproduce and otherwise use and dispose of, and to authorize others to do so, all data, including reports, patents, copyrights, drawings, blueprints, and technical information resulting from the performance of the work under this Agreement.

14. No member, officer or employee of STDA during his tenure or for one (1) year thereafter shall have any interest, direct or indirect, in this agreement or the proceeds thereof.

15. No member of, or delegate to, the Congress of the United States of America shall be admitted to any share or part hereof or any benefit to arise herefrom.

16. The STDA covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of work or services required to be performed under this Agreement. The STDA further covenants that in the performance of this Agreement,

no person having any such interest shall be employed by STDA.

17. All reports, maps and other documents completed as a part of this Agreement other than documents prepared exclusively for internal use shall carry the following notation on the same page (or, in the case of maps, in the same block) containing the name of the City: "Preparation of this document has been financed in part through a grant from the U. S. Department of Transportation under the provisions of Section 8 of the Urban Mass Transportation Act of 1964, as amended."

18. All documents, data, surveys, drawings, maps, models, photographs, and other materials prepared by the STDA specifically in the performance of this Agreement shall be and remain the property of the STDA upon completion of the project; provided, that copies of all such documents, reports and materials shall be delivered to the Board upon demand.

19. This Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in duplicate by their officers thereunto duly authorized as of the date and year written below.

DATED: March _____, 1982.

CITY: CITY OF SACRAMENTO
a municipal corporation

ATTEST:

CITY CLERK

By _____
WALTER J. SLIFE, City Manager

STDA: SACRAMENTO TRANSIT
DEVELOPMENT AGENCY

By _____

STATE: STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By _____
ADRIANA GIANTURCO
Director

APPROVED AS TO FORM: _____

CITY ATTORNEY

MINORITY BUSINESS ENTERPRISE

23.43 General requirements for recipients.

(a) Each recipient shall agree to abide by the statements in paragraphs (a) (1) and (2) of this section. These statements shall be included in the recipient's DOT financial assistance agreement and in all subsequent agreements between the recipient and any subrecipient and in all subsequent DOT-assisted contracts between recipients or subrecipients and any contractor.

(1) "Policy. It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently the MBE requirements of 49 CFR Part 23 apply to this agreement."

(2) "MBE Obligation. (i) The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard all recipients or contractors shall take all necessary and

reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts."

(b) Each DOT financial assistance agreement shall include the following: "If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program the Department shall impose such sanctions as noted in 49 CFR Part 23 Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance."

RESOLUTION NO. 82-201

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENT WITH THE SOUTHERN PACIFIC
TRANSPORTATION COMPANY COVERING THE
ARDEN WAY OVERPASS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City Manager and City Clerk are hereby authorized to execute, for and on behalf of the City of Sacramento, that certain AGREEMENT between the SOUTHERN PACIFIC TRANSPORTATION COMPANY, a corporation, therein called "Railroad", and the CITY OF SACRAMENTO, a municipal corporation of the State of California, therein called "City", covering the Arden Way Overpass.

CITY MANAGER

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

MAR 23 1982

OFFICE OF THE
CITY CLERK

AG 81129

RESOLUTION NO. 82-202

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY COVERING THE MARCONI AVENUE OVERPASS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City Manager and City Clerk are hereby authorized to execute, for and on behalf of the City of Sacramento, that certain AGREEMENT between the SOUTHERN PACIFIC TRANSPORTATION COMPANY, a corporation, therein called "Railroad", and the CITY OF SACRAMENTO, a municipal corporation of the State of California, therein called "City", covering the Marconi Avenue Overpass.

CITY MANAGER

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

MAR 23 1982

AG 81130

OFFICE OF THE
CITY CLERK