



COUNCIL REPORT

DATE: November 1, 2022

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Rengstorff Avenue Grade Separation, Project 22-27—Authorize Cooperative Agreement and Appropriate Funding**

RECOMMENDATION

1. Authorize the City Manager or designee to execute a Cooperative Agreement and necessary amendments to the Cooperative Agreement with the Peninsula Corridor Joint Powers Board and the Santa Clara Valley Transportation Authority for the Final Design, Environmental Permitting, Right-of-Way Engineering, and Right-of-Way Acquisition Phases of Rengstorff Avenue Grade Separation, Project 22-27.
2. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$5 million from the Shoreline Regional Park Community Fund to Rengstorff Avenue Grade Separation, Project 22-27.

BACKGROUND

The Peninsula Corridor Joint Powers Board (JPB) is the owner and operator of Caltrain, a commuter service which provides rail transportation for communities on the Peninsula between San Francisco and Gilroy. Caltrain currently operates 104 trains per weekday. The number of trains is anticipated to increase in 2024, when the electrification of the corridor is completed through the Caltrain Modernization Program and is planned to reach 398 trains per weekday by 2040 with both Caltrain's service and the California High-Speed Rail project utilizing the rail corridor.

The Rengstorff Avenue at-grade crossing of the Caltrain railway is a barrier to convenient pedestrian and bicycle travel and contributes to significant traffic delays on Rengstorff Avenue. The at-grade crossing is adjacent to the Rengstorff Avenue/Central Expressway intersection, commercial and residential land uses, and Rengstorff Park (see Figure 1). The City has been planning for grade-separating the intersection of Rengstorff Avenue and Central Expressway from the railroad crossing since 2004. This project will improve bicyclist and pedestrian safety, traffic safety, railroad operation safety, and circulation movement along all adjacent streets and intersections surrounding the crossing.



Figure 1: Rengstorff Avenue Grade Separation Project Location Map

In 2004 and 2014, the City completed the Rengstorff Avenue Underpass and Grade Separation Feasibility Study and the Rengstorff Avenue Grade Separation Design Concepts Final Report, respectively. Since 2004, the City Council has consistently supported the alternative that would depress the intersection of Rengstorff Avenue and Central Expressway below grade, leave the Caltrain tracks at approximate existing grade, and include a focus on pedestrian and bicycle access connectivity.

On [November 27, 2018](#), Council authorized the City Manager to execute a Memorandum of Understanding (MOU) with the JPB for the preliminary engineering and environmental clearance of the Rengstorff Avenue Grade Separation Project. The MOU identified Caltrain as the lead agency responsible for performing all engineering and environmental studies and clearance activities and the City as the project sponsor responsible for funding the preliminary engineering and environmental clearance phase of the project and for public outreach and stakeholder engagement. In June 2019, the MOU was executed, and Caltrain initiated work on the preliminary engineering and environmental clearance phase of the project.

The project has received concurrence from the Federal Transit Administration as categorically exempt under the National Environmental Policy Act (NEPA) as the project will construct a grade

separation to replace existing at-grade railroad crossings and is statutorily exempt from the California Environmental Quality Act (CEQA), which provides exemption for any railroad grade separation project that eliminates an existing at-grade crossing. The preliminary design is expected to be completed this fall. Figures 2 and 3, shown below, provide renderings of the preliminary design illustrating views of the grade separation from the northeast and southwest, respectively, of the Rengstorff Avenue and Central Expressway intersection. The major elements of the grade separation project include:

1. Lowering the intersection of Rengstorff Avenue and Central Expressway;
2. Installing a bridge structure for the Caltrain tracks;
3. Installing a bicycle and pedestrian bridge overcrossing to maintain the east-west connection between Rengstorff Park/Crisanto Avenue and the neighborhood west of Rengstorff Avenue;
4. Installing a new Leland Avenue connector to maintain bicycle, pedestrian, and vehicular access to the neighborhood and the market on the west side of Rengstorff Avenue; and
5. Adding protected bike lanes on Rengstorff Avenue within the project limits.



Figure 2: View from the Northeast of the Rengstorff Avenue and Central Expressway Intersection



Figure 3: View from the Southwest of the Rengstorff Avenue and Central Expressway Intersection

In June 2021, Council appropriated \$3 million toward the final design and right-of-way acquisition for Rengstorff Avenue Grade Separation, Project 22-27, as part of the Fiscal Year 2021-22 Capital Improvement Program (CIP).

ANALYSIS

Caltrain will be leading the design and construction of the Rengstorff Avenue Grade Separation project due to the complexities and liability involved in constructing improvements within an operating rail right-of-way. Caltrain has experience in delivering grade separation projects in San Mateo County and is committed to managing the final design and right-of-way acquisition phases for the Rengstorff Avenue Grade Separation Project.

In 2016, the Santa Clara Valley Transportation Authority (VTA) Measure B sales tax was approved by voters. The Measure B program set aside \$700 million for the construction of Caltrain Grade Separation Projects in Mountain View, Palo Alto, and Sunnyvale. Measure B funds will be the primary funding source for design, right-of-way acquisition, and construction of the project. On August 10, 2022, the VTA Board authorized staff to execute necessary agreements with the City of Mountain View and JPB to allocate \$42 million in Measure B funds for the Rengstorff Avenue Grade Separation Project final design, environmental permitting, and right-of-way acquisition phases.

A cooperative agreement between the City, JPB, and VTA is necessary to allow Caltrain and City staff to initiate work on the final design and right-of-way acquisition phases of the project. The cooperative agreement identifies the project description, scope of work, JPB/Caltrain responsibilities, VTA responsibilities, City responsibilities, funding and payment, insurance and indemnification, and miscellaneous conditions. Following are each agency's key roles, responsibilities, and elements to be included in the Cooperative Agreement.

Caltrain

Caltrain will work as the lead implementing agency responsible for delivering the final design, environmental permitting, and right-of-way engineering and for providing support to the City for the right-of-way acquisition phase. As lead implementing agency, Caltrain will lead the environmental permitting processes and serve as lead agency in the CEQA and NEPA compliance.

Other key Caltrain responsibilities include:

- Coordinating utility relocations and plans necessary for the project;
- Obtaining permits and design review from other agencies, including the County of Santa Clara;
- Identifying all right-of-way required for the project and providing support to the City to acquire required right-of-way; and
- Convening a technical working group to keep City, VTA, and Caltrain representatives apprised of project developments and provide opportunities for input into technical issues and project management.

VTA

VTA will provide \$42 million from the 2016 Measure B Grade Separation Program toward the total project cost of \$50 million for the final design, environmental permitting, right-of-way engineering, and right-of-way acquisition phases. Out of the \$42 million, \$18.5 million will be provided to Caltrain for reimbursement of costs incurred for the final design, environmental permitting, and right-of-way engineering, and \$23.5 million provided to the City for reimbursement of costs for the right-of-way acquisition phase of the project.

In addition to providing funding, VTA will be the Oversight Agency responsible for providing technical oversight throughout the duration of the project to ensure successful implementation of the project. As Oversight Agency, VTA will participate in and attend meetings of the technical working group.

City

The City will be the sponsor of the project and the lead implementing agency responsible for right-of-way acquisition. The City's role will include coordination with Caltrain during design review as well as several specific responsibilities.

The City will provide funding in the amount of \$8 million, which will count toward the City's required minimum 10% match for Measure B funds used on project design and construction. Of the \$8 million, \$1.5 million is budgeted for the City's expenses for final design, environmental permitting, and right-of-way engineering, and \$6.5 million will go toward right-of-way acquisition. Any City funds allocated to the Rengstorff Avenue Grade Separation Project not expended for final design or right-of-way acquisition will be utilized as matching funds for the construction phase.

Other key City responsibilities include:

- Directing and implementing all community outreach activities, keeping the City Council and community informed, and providing opportunities for input on the project;
- Assisting Caltrain with successful implementation of the project;
- Coordinating the selection process and integration of public art elements into the project; and
- Attending and participating in the technical working group.

Next Steps

Once the Cooperative Agreement is executed, Caltrain will issue a Request for Proposals (RFP) for the final design consultant. City staff will review and provide input on the scope of work prior to Caltrain issuing a notice to proceed. Final design and right-of-way acquisition is expected to begin summer 2023 and will take approximately two years to complete. Community meetings will be held at various points during the final design process in addition to providing opportunities for input from the Bicycle/Pedestrian Advisory Committee and working with the Visual Arts Committee for the public art selection process.

In addition to issuing the RFP for the final design consultant, Caltrain will lead the evaluation of construction delivery methods to determine the most appropriate delivery method: Design Bid-Build or Construction Manager/General Contractor (CM/GC). The City typically uses the Design-Bid-Build method where a project is advertised upon completion of design plans and project

construction is awarded to the lowest responsible and responsive bidder. This differs from the CM/GC delivery method, where a contractor is retained during the final design phase and provides input on the design and construction method, which could result in cost savings and/or early project construction delivery. If the CM/GC method is determined to be the most appropriate approach, the cooperative agreement will need to be amended to advance funds for contractor services. It is expected that Measure B funds will be provided to Caltrain to cover any additional costs for the CM/GC in final design. Should additional City funds be required, staff will return to Council to request approval to appropriate additional funding and amend the Cooperative Agreement to increase the City funding commitment.

FISCAL IMPACT

The City has already expended \$4.02 million for preliminary engineering and environmental clearance under Rengstorff Grade Separation Environmental Clearance, Project 17-37. Project 17-37 was funded with \$3,115,000 in San Antonio Public Benefit funds and \$905,000 in Construction/Conveyance Tax funds. This \$4.02 million will be applied to the required minimum 10% match for the Measure B funds to be expended on design and construction.

The VTA Measure B Grade Separation Program will fund \$42 million of the estimated \$50 million final design, environmental permitting, right-of-way engineering, and right-of-way acquisition phases of the project. Per the terms of the recommended Cooperative Agreement, the City will commit a total of \$8 million for these phases of the project. The Rengstorff Avenue Grade Separation-Design/Right-of-Way, Project 22-27, is currently funded with \$2.1 million from the San Antonio Public Benefit Fund and \$900,000 from the General Fund—Transportation Reserve for a total project funding of \$3 million. An additional \$5 million is needed to fund the City's share of these phases. Staff recommends the Shoreline Regional Park Community Fund provide the additional amount needed due to the project benefits for the North Bayshore Area. Namely, the project will significantly improve access to the Rengstorff Avenue gateway into North Bayshore. There are sufficient funds in the Shoreline Regional Park Community Fund for the recommended action.

CONCLUSION

The Rengstorff Avenue Grade Separation Project, which will lower the intersection of Rengstorff Avenue and Central Expressway while the Caltrain tracks remain at the approximate existing elevation, has been a long-term goal for the City. The Preliminary Engineering and Environmental Clearance Phase is nearly complete, and the City will need to enter into a cooperative agreement with Caltrain and VTA for the final design, environmental permitting, right-of-way engineering, and right-of-way acquisition phases of the project to continue the momentum of progressing the project toward construction phase and timely use of VTA Measure B funding. An additional \$5 million is required from the City for these phases of work.

ALTERNATIVES

1. Specify additional or modified terms for the Cooperative Agreement.
2. Provide other direction.

PUBLIC NOTICING

In addition to the City’s standard agenda posting requirements, notices were distributed to the persons who have signed up on the project website for updates and information. Copies of the Council report were provided to Caltrain, VTA, and the County of Santa Clara.

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