



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JULY 2, 2024**

FROM: PUBLIC WORKS DEPARTMENT **WARDS: 1 AND 2**

SUBJECT: THIRD STREET GRADE SEPARATION – APPROVAL OF PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT WITH SPRINT COMMUNICATIONS COMPANY L.P. ("SCCLP") IN THE AMOUNT OF \$143,928 AND SECOND AMENDMENT TO PRELIMINARY ENGINEERING SERVICES AGREEMENT IN THE AMOUNT OF \$50,000 FOR A TOTAL AGREEMENT OF \$160,000 WITH BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY

ISSUES:

Approve the Preliminary Engineering Reimbursement Agreement with Sprint Communications Company L.P. ("SCCLP") in the amount of \$143,928; and approve the Second Amendment to Preliminary Engineering Services Agreement with Burlington Northern Santa Fe Railway Company in the amount of \$50,000.

RECOMMENDATIONS:

That the City Council:

1. Approve the Preliminary Engineering Reimbursement Agreement with Sprint Communications Company L.P. ("SCCLP") for an amount of \$143,928;
2. Approve the Second Amendment to Preliminary Engineering Services Agreement with Burlington Northern Santa Fe (BNSF) Railway Company, for an amount of \$50,000, bringing the total agreement amount to \$160,000; and
3. Authorize the City Manager, or designee, to execute the Preliminary Engineering Agreement with SCCLP and the Second Amendment to Preliminary Engineering Services Agreement with BNSF, including making minor and non-substantive changes.

BACKGROUND:

On April 11, 2017, the City Council received a report on the review and prioritization of potential railroad grade separations along the Burlington Northern Santa Fe (BNSF) railroad at Jackson Street, Mary Street, Spruce Street, and Third Street. Following this report, the City Council approved the Third Street/ BNSF line as the top priority railroad grade separation and directed the Public Works Department to issue a Request for Proposals to complete the Project Approval and Environmental Document phase of the Third Street Grade Separation.

On July 24, 2018, the City Council approved an agreement with the Western Riverside Council of Governments (WRCOG) for \$4.0 million in Transportation Uniform Mitigation Fee (TUMF) funding to fund the Project Approval and Environmental Document phase (PA&ED); and the Plans, Specifications, and Estimates (PS&E) phases of the Third Street Grade Separation project.

On December 18, 2018, the City Council approved a Professional Consultant Services Agreement with HDR Engineering, Inc., of Omaha, Nebraska, for the PA&ED phase of the Third Street Grade Separation in the amount of \$646,649.

On June 16, 2020, the City Council approved the First Amendment to the Professional Consultant Services Agreement with HDR Engineering, Inc. and authorized the Public Works Department to prepare and submit a grant application in the amount of \$15 million to the California Transportation Commission for Senate Bill 1-Trade Corridor Enhancement Program funds.

On January 5, 2021, the City Council approved the Second Amendment to Professional Consultant Services Agreement with HDR Engineering, Inc., Omaha, Nebraska, to extend the term of the agreement through June 31, 2021, and to provide additional services for the project in the amount of \$19,500, for a total contract amount of \$666,149.

On March 23, 2021, the City Council approved the Federal Funding Cooperative Agreement with the Riverside County Transportation Commission for \$18 million in federal Congestion Mitigation and Air Quality Improvement Program funds for the right-of-way phase of the Third Street Grade Separation project; approved Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement with the Western Riverside Council of Governments to increase the funding amount by \$4.25 million, to a total of \$8.25 million, for the right-of-way phase of the Third Street Grade Separation project; (3) approved the Professional Consultant Services Agreement with HDR Engineering, Inc., of Omaha, Nebraska, for the Plans, Specifications, and Estimate phase of the Third Street Grade Separation in the amount of \$2,285,093.

On May 24, 2022, the City Council approved a Preliminary Engineering Services Agreement with BNSF Railway Company for the design phase of the Project.

On May 16, 2023, the City Council authorized the Public Works Department to submit a funding application for the 2023 Western Riverside Regional Arterials Grant Program offered by the Riverside County Transportation Commission (RCTC) in the amount of \$12,000,000; and authorized the Public Works Department to submit a funding application in the amount of \$22,000,000 to the California Transportation Commission for the Port and Freight Infrastructure Program (PFIP) Grant offered by the California State Transportation Agency (CalSTA) to construct the Third Street at BNSF Grade Separation Project.

On November 28, 2023, the City Council approved the \$ 12,000,000 Measure A Regional Arterials (MARA) Funding Agreement with the Riverside County Transportation Commission (RCTC) for the construction phase of the Third Street Grade Separation Project; approved Amendment 1 to Preliminary Engineering Services Agreement with Burlington Northern Santa Fe Railway Company in the amount of \$35,000, bringing the total agreement to \$110,000.

DISCUSSION:

The Third Street Grade Separation project proposes to construct a railroad underpass at Third Street and the BNSF railroad tracks. Third Street will be lowered from about Vine Street to Park Avenue and a bridge will be constructed to convey rail traffic. The project will require the realignment of Commerce Street, construction of slopes, retaining walls, storm water pump station, and relocation of wet and dry utilities.

The Public Works Department is requesting the approval of:

1. The Preliminary Engineering Reimbursement Agreement with SCCLP, in the amount of \$143,928, to compensate SCCLP for the engineering services required to relocate their fiber optic cable and facilities within the BNSF Right-of-Way and impacted by Project; and
2. The Second Amendment to the Preliminary Engineering Services Agreement with BNSF Railroad Company, increasing the agreement amount by \$50,000 to a total of \$160,000, to compensate BNSF for additional engineering and plan check services required for the Project.

The Third Street Grade Separation Project is currently in the Plans, Specification and Estimate (PS&E), and R/W phases. The PS&E phase is anticipated to be completed by December 2024 and the R/W phase will be completed by April 2025. Construction of the Project is expected to begin in the 4th quarter of 2025, and last approximately 2 years. More information about the project can be found on www.RiversideCA.gov.

STRATEGIC PLAN ALIGNMENT:

This project aligns with **Strategic Priority 6 — Infrastructure, Mobility, and Connectivity** by improving safety, circulation, and providing critical infrastructure for our community to thrive and is in accordance with **Goal 6.3** — Identify and pursue new and unique funding opportunities to develop, operate, maintain, and renew infrastructure and programs that meet the community's needs.

Furthermore, this project aligns with each of the five Cross -Cutting Threads as follows:

1. **Community Trust** — The Public Works Department has engaged community members regarding the Third Street Grade Separation, and the project was developed in response to prior City Council action. Public Works will continue to include Riverside inform and engage the public regarding the grade separation project.
2. **Equity** — This Project will benefit all who travel on Third Street. It will provide a safe and reliable roadway network to schools, shopping centers and to various neighborhoods. The project would also improve the quality of life in the surrounding neighborhood.
3. **Fiscal Responsibility** — In order to maximize local dollars, the City pursues State and Federal grant funding for large and complicated construction projects.
4. **Innovation** — This Project will permanently relocate the existing tracks; minimizing impacts to rail operations and reducing the construction duration by eliminating the need to construct temporary shoofly tracks and temporary rail crossing.

5. **Sustainability & Resiliency**— This project will make the street safer by eliminating the at - grade railroad crossing.

FISCAL IMPACT:

The total fiscal impact of this action is \$193,928. Sufficient funds are budgeted and available in the TUMF Fund, Third St/BNSF Grade Separation project account number 9990119-440315 to execute the agreement with Sprint Communications Company L.P. and the Second Amendment with BNSF Railway Company.

Prepared by:	Swetaben Patel, Principal Engineer
Approved by:	Gilbert Hernandez, Public Works Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Kris Martinez, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. Location Map
2. Preliminary Engineering Reimbursement Agreement with SCCLP
3. BNSF Second Amendment