

July 12, 2019

To: Mark Danaj, City Manager

From: Jeanne Suyeishi, Senior Civil Engineer, Public Works Department

Subject: Council Agenda Item 2.P – STATE ROUTE 84 RELINQUISHMENT – Adopt a Resolution Accepting the Transfer of State Rights-of-Way Along State Route 84 Between I-880 and State Route 238 and Approving the Relinquishment Agreement; and Adopt a Resolution Authorizing City Manager to Request Advance Funding from the California Transportation Commission for the State of Good Repair Costs Along State Route 84 Between I-880 and State Route 238

Staff is modifying the last paragraph under the header **Discussion/Analysis** as follows:

In order to maximize the amount of LATIP funds to be received by the City and minimize the amount of funding the City would need to advance at this time, staff is requesting LATIP advance funding authority based on the projected costs for the portion of “state of good repair work” to be done in the following three phases, for a total amount of \$16.4 million plus an amount to be determined for the pump station maintenance work at Mowry Avenue undercrossing as part of Phase 3.

- Phase 1 (\$5.1 million) includes Thornton Avenue, Fremont Boulevard and Peralta Boulevard up to Sequoia Road, with costs escalated to 2021
- Phase 2 (\$6.8 million) includes the remainder of Peralta Boulevard escalated to 2022
- Phase 3 (\$4.5 million) includes Mowry Avenue escalated to 2023

Staff is modifying the second paragraph under the header **Fiscal Impact** as follows:

The advance funding authority would fix the amount of funding the City would receive from the LATIP for the three separate phases of the state of good repair work. The amount of funding to be received is based on the City’s best estimates of the cost of the work as well as an escalation cost to the mid-point of construction. Should the actual cost of the state of good repair work be higher or lower than included in the current estimates, the City may not be fully reimbursed for all its costs for the work, or it could receive a greater amount of reimbursement than was actually expended. The estimates developed by City staff include both contingencies and escalation and have been reviewed and approved by Caltrans for a total amount of \$16.4 million plus the cost for the pump station maintenance work at Mowry Avenue undercrossing. Therefore, staff believes any difference between the cost of the work and the amount reimbursed to the City will be minimal.

Staff is deleting the second paragraph of the Resolution to Authorize Advance Funding for SR84 as follows:

~~WHEREAS, \$30 million has been allocated in the Route 238 Local Alternative Transportation Improvement Program (LATIP) authorized by the state legislature to be created from the sale of lands acquired for the State Route 238 By Pass project; and~~

Staff is modifying the fourth paragraph of the Resolution to Authorize Advance Funding for SR84 as follows:

WHEREAS, the approved general procedures provide that a local agency may enter into an agreement with the appropriate transportation planning agency, Caltrans and the CTC, to use its own funds to develop and construct a transportation project within its jurisdiction that is included in the State Route 84 LATIP; and

Staff is modifying the sixth paragraph of the Resolution to Authorize Advance Funding for SR84 as follows:

WHEREAS, the LATIP funds needed for the State of Good Repair is not expected to be available before the City of Fremont constructs the State of Good Repair improvements and will follow the CTC advance funding procedures.

Staff is modifying Resolve 2 of the Resolution to Authorize Advance Funding for SR84 as follows:

2. Execute a cooperative agreement or Master Agreement/Program Supplement with Caltrans for the advanced funds in a form to be approved by the City Attorney.

DRAFT

**RESOLUTION NO. 2019-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT  
AUTHORIZING THE CITY MANAGER TO REQUEST ADVANCE FUNDING  
FROM THE CALIFORNIA TRANSPORTATION COMMISSION FOR THE STATE  
OF GOOD REPAIR COSTS ALONG STATE ROUTE 84 BETWEEN INTERSTATE  
880 AND STATE ROUTE 238**

WHEREAS, the Memorandum of Understanding between the Alameda County Transportation Authority (ACTA), the California Department of Transportation (Caltrans), Union City and the City of Fremont identifies the need to rehabilitate and improve State Route 84 before relinquishing it to the City of Fremont; and

~~WHEREAS, \$30 million has been allocated in the Route 238 Local Alternative Transportation Improvement Program (LATIP) authorized by the state legislature to be created from the sale of lands acquired for the State Route 238 By Pass project; and~~

WHEREAS, the California Transportation Commission (CTC), at its April 8, 2010 meeting approved general procedures for the advancement of LATIP projects that need to proceed before the actual revenue is generated by the sale of surplus parcels; and

WHEREAS, the approved general procedures provide that a local agency may enter into an agreement with the appropriate transportation planning agency, Caltrans and the CTC, to use its own funds to develop and construct a transportation project within its jurisdiction that is included in the State Route ~~84238~~ LATIP; and

WHEREAS, Caltrans agreed to relinquish State Route 84 to the City of Fremont and the City agreed to advance the funds and construct the rehabilitation and improvements (State of Good Repair) along with the Relinquished SR84 Complete Streets Phase 1 project, subject to future reimbursement by the State; and

WHEREAS, the ~~\$16.4 million in~~ LATIP funds needed for the State of Good Repair is not expected to be available before the City of Fremont constructs the State of Good Repair improvements and will follow the CTC advance funding procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT  
RESOLVES AS FOLLOWS:

1. The City Manager or designee is authorized to submit an advance funding request to the CTC that contains the required content and is in the appropriate format,

including:

- a. A request that CTC grant a Letter of No Prejudice to allow the City of Fremont to use local funds to complete the State of Good Repair improvements while remaining eligible for reimbursement of these costs at a future date;
  - b. Full and committed funding plan for the funds necessary to complete the State of Good Repair improvements;
  - c. A description of the anticipated schedule for expenditures and completion of the Project; and
2. Execute a cooperative agreement or Master Agreement/Program Supplement with ~~the CTC~~ Caltrans for the advanced funds in a form to be approved by the City Attorney.

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ADOPTED, \_\_\_\_\_, 2019 by the City Council of the City of Fremont by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor

ATTEST:

APPROVED AS TO FORM:

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City Clerk

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Sr. Deputy City Attorney