



MARIPOSA COUNTY

Public Works · (209) 966-5356



RESOLUTION - ACTION REQUESTED 2014-375

MEETING: July 22, 2014

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Approve the Darrah Rd Bridge Agreement

MINUTE ORDER ATTACHED

RECOMMENDATION AND JUSTIFICATION:

Approve a Program Agreement for the Darrah Road Bridge Over the Chowchilla River Bridge Project No. BRLO 5940(004), and Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency by \$66,000 for the County Match, and Increasing Revenue and Appropriations in the Bridge Replacement Fund to Account for the Federal Funding and County Match (\$239,905).

Staff has prepared the necessary federal documents for the authorization of an additional \$330,000 for Preliminary Engineering in Federal Bridge funds for Project Number BRLO 5940(004). Mariposa County has received authorization for the project from Caltrans. A resolution is required to authorize the Public Works Director to execute the Program Agreement.

This project requires a 20% match in the amount of \$66,000.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 17, 2014 the Board originally considered this item. During the discussion Board members expressed concern with the approximately \$400,000 (20% of \$2 million estimated bridge construction cost) in match money that the County will need to identify in order to eventually build the project.

Following the June 17, 2014 meeting staff have worked with California Transportation Commission staff and have identified that there is currently a balance of \$1,678,000 in un-programmed County shares shown in the State Highway Improvement Program (STIP) for Mariposa County.

An agenda item will be placed on the August 5, 2014 Local Transportation Commission (LTC) agenda requesting the LTC's approval of a Regional Transportation Improvement Program (RTIP) Amendment to program \$400,000 of the un-programmed balance in the 2016/17 fiscal year to be used as the 20% local match for the Darrah Road Bridge project.

California Transportation Commission (CTC) staff indicated that they have no problem recommending approval of an amendment for \$400,000 as there is more than

sufficient capacity in the statewide STIP to accommodate a request of this size. Assuming such an amendment is approved by the CTC that would still leave an un-programmed balance of \$1,278,000, which will be available to Mariposa County for programming of future road and/or bridge projects.

The only potential issue we may face is that the CTC normally prefers that the entire project be programmed at the same time. In other words they do not prefer to see only the match programmed but rather would like to see the 80% federal Highway Bridge Program funding be programmed at the same time. Staff contacted Caltrans to inquire about the possibility of getting the approximately \$1,600,000 federal share for construction programmed now. The answer we were given is that this is not possible until the environmental document and final engineering are completed. Since the Program Agreement being requested is necessary in order to complete the environmental document and the final design it is not possible to meet the CTC request for concurrent programming at this time.

In order to move forward now staff recommend that the Board:

1. Approve the Program Agreement as originally submitted.
2. Direct staff to bring a contract to the Board for CH2M Hill to complete the environmental document and the final bridge design.
3. Direct staff to prepare an agenda item for the LTC (Board) to consider approval of an RTIP Amendment on August 5, 2014 request programming of the \$400,000 match and send that approved RTIP Amendment request to the CTC.

If the CTC approves the RTIP Amendment as requested we are done.

If the CTC does not approve the RTIP Amendment, due to the remainder of the construction funding not being ready to program at this time, staff recommend that the Local Transportation Commission commit to including the \$400,000 match for the Darrah Road Bridge in it's December 2015 deliberations for the 2016 RTIP. Doing so will give CH2M Hill approximately 19 months to complete the environmental document and the final bridge design which should be sufficient time for them to complete the required work. Once that work is complete staff can then request Caltrans to program the needed construction funding at that time. This should not be a problem as Caltrans normally reserves adequate construction funding for projects that are already in the program and waiting to complete the required environmental document and final project design.

If the LTC includes the \$400,000 match for the project in the 2016 RTIP we have been assured by CTC staff that the state will have no issue with approving the request at that time.

On April 22, 2008 (RES 08-161) the Board approved accepting federal revenue in the amount of \$167,000 for the Darrah Bridge project with a County match from the General Fund of \$41,750.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve; the funds would be unencumbered and the project would not be completed.

FINANCIAL IMPACT:

Federal funding of \$173,905 is available with a county match of \$66,000 from General Fund Contingency, for a total of \$239,905. If approved the match funds of \$66,000 will be allocated in the FY 14/15 final budget. The match for construction will be discussed during this agenda item.

ATTACHMENTS:

Darrah Bridge Agreement - July 8Th and July 22Nd Meeting (PDF)
Summary 2014 STIP Proposal - July 22, 2014 Meeting (PDF)

CAO RECOMMENDATION

Mary Hodson

Mary Hodson, Deputy CAO 6/11/2014

RESULT: ADOPTED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

NAYS: John Carrier



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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DISTRICT II
DISTRICT I
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DOUG WILSON, Interim Public Works Director

FROM: RENE' LaROCHE, Clerk of the Board *RL 8-20-14*

SUBJECT: Approve a Program Agreement for the Darrah Road Bridge Over the Chowchilla River Bridge Project No. BRLO 5940(004), and Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency by \$66,000 for the County Match, and Increasing Revenue and Appropriations in the Bridge Replacement Fund to Account for the Federal Funding and County Match (\$239,905) 4/5ths Vote Required

RES. 14-375

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 22, 2014

ACTION AND VOTE:

3. Public Works RES-2014-375

Approve a Program Agreement for the Darrah Road Bridge Over the Chowchilla River Bridge Project No. BRLO 5940(004), and Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency by \$66,000 for the County Match, and Increasing Revenue and Appropriations in the Bridge Replacement Fund to Account for the Federal Funding and County Match (\$239,905) 4/5ths Vote Required

Chair Cann noted that the action today is only to sign the agreement, and that Public Works has requested elimination of the language regarding approving the budget action as it won't be necessary.

Peter Rei gave the staff report. He advised that this item was originally brought to the board on June 17, 2014, at which time board members expressed concern about the amount of county matching funds needed for this project, particularly the match for the construction phase; noted that staff has rethought the budget and that they are now proposing that the \$66,000 be included in the Public Works 2014-2015 Fiscal Year Engineering budget submittal; and noted that the funds will come from salary savings from a couple of unexpected retirements that are coming up, with at least one of the positions not being rehired. He also noted that the construction phase match will require a separate action of the Local Transportation Commission to resolve; advised that there will be a \$400,000 match, as calculated at twenty percent of a two million dollar project; and advised that we will also

have to pay twenty percent towards the construction engineering and testing as well, which will bring the total amount to \$432,000. Gary Taylor/Assistant Director of Public Works-Public Works noted that the project was first looked at as being a rehabilitation project, but that Caltrans granted a replacement as their chosen alternative after a feasibility study. Mr. Taylor then gave a PowerPoint overview of the process noting that they have a request for authorization for \$315,000 plus another \$15,000 for right-of-way; that this project is under a program from the early 1990s that required an 80/20 split; noted that, under this program, the project is supposed to be completed within twenty years but that it has not been completed; noted that, in response to a request from Public Works, Caltrans has granted an extension of the deadline to complete the plans, specifications, and estimates (PS&E) to September 1, 2017; has granted more money for the preliminary engineering; and advised that construction would occur in Fiscal Year 2017-2018, or beyond. Mr. Taylor presented a cash flow forecast, showing what the consultant is expected to charge; and discussed a funding and budget summary, noting that the \$66,000 match for the PS&E phase will be coming from the Public Works Fiscal Year 2014-2015 budget with \$264,000 coming from Caltrans as their 80% match. Mr. Taylor also noted that there currently is no approval for the E76 right-of-way services, and that Caltrans requested it not be added in with the preliminary engineering; but, that it will be requested in the next year once the design has proceeded far enough, and once the environmental has been completed. Mr. Taylor also advised that a lot of environmental work had previously been done, but that new studies need to be done to update the information on file; and that this contract includes all of the environmental services needed to get permitted. Mr. Rei explained that they will have to request the funding be moved at each phase; that so far they have requested money for the preliminary plans and specifications; explained that one slide shows funds that have been requested, while the other one shows requests that need to be made; noted that this totals \$505,000 in additional county resources, with the \$434,000 being proposed to come out of the RTIP. Mr. Rei also discussed that 1.678 million dollars has been programmed, but not requested; noted that it would most likely be approved on the state level; noted that a summary of accidents on the bridge, or within a quarter of a mile of it, shows that there were six accidents over the last 5 years, with 3 being injury accidents; remarked that an extension can be obtained if you have one thousand dollars that you can bill; discussed that there is an agenda item prepared for an agreement with CH2MHill but that it can't be brought forward until this is approved; and expressed his confidence that we can get this done.

Supervisor Cann inquired if there was any data regarding the amount of traffic on this road relative to other county roads. Mr. Rei responded that he didn't bring that data, but that he would be surprised if it isn't one of the highest used segments of roadway in the county.

Supervisor Carrier and Mr. Rei discussed whether there were posted speed limits approaching the bridge, what the different colors of sign indicate, and the effects of basic speed laws. Mr. Rei noted that he would need to do a traffic study to determine that the speeds of travel in that area are at least 55 mph before signs could be changed from the yellow advisory signs to white speed limits. Supervisor Carrier inquired if Mr. Rei informed anyone outside of Public Works when they were notified that the project was in jeopardy of not meeting its deadline; and expressed his concerns that Public Works is already overtaken. Mr. Rei responded that they did not notify anyone else because issues that arise on selected projects are typically handled within the department. He also noted that he became alarmed because of the twenty year requirement and that he felt it was his obligation, as the Public Works Director, to do what he could to salvage the project, which is what they did. Regarding the workload issue, Mr. Rei responded that a contract with CH2MHill is scheduled for the August 5th meeting and that, if approved, the consultant will take 99 percent of the workload from this point to the conclusion of the environmental document, and the plans and specifications; that very little staff time will be needed until such time as they need to speak to property owners about acquiring right-of-ways which is a good year and a half, to two years, out; noted that the real staff time will be needed when this goes out to bid; remarked that he thinks they are able to manage this project at this time; noted that he is comfortable with this funding source; and stated that he thinks this is a good way to get a huge amount of federal dollars back into the county. Supervisor Carrier remarked on the project needing to be started by September 1, 2017, and inquired when it would need to be completed. Mr. Rei responded that they did not provide a date but, typically, it goes out 10 years. Supervisor Carrier required clarification of whether the extension requested at the end of the twenty year timeline was for another 10 years. Mr. Rei responded that the extension was for 3 years to complete the design, to complete the right-of-way, and to put it out to bid. Supervisor Carrier inquired if another extension

would be requested for the construction part. Mr. Rei explained that the construction has no date on it, and the only reason there would become a date is when you actually program the money. Mr. Rei also noted that if the LTC decides to use the RTIP money, and if the California Transportation Commission (CTC) approved it, it would put it into a particular fiscal year which would be the first time there was a restriction on when construction would have to happen. Mr. Rei further explained that he is proposing asking for that money in either the 2016-17, or 2017-18, fiscal year. Supervisor Carrier remarked on the need to go through a new environmental review and noted that if the CTC doesn't approve this in August, then we'll have to wait another year until December, 2015, to resubmit. Mr. Rei noted that, assuming an LTC action in early August, they would put it on the next available CTC agenda which would probably be September or October which then sets up the match; and that when the preliminary engineering was complete, trips to the CTC and Caltrans would be necessary to turn programming into hard dollars.

Supervisor Cann required clarification of why staff would do the construction inspection rather than contract with a firm. Mr. Rei noted it could be done either way; that Bill McKenzie did one in Tuolumne but is retiring; and noted people expressing interest in providing those services. Supervisor Bibby required clarification that it has not been planned that Mr. McKenzie will retire and be rehired back. Mr. Rei noted that it is only an option being contemplated; but will comply with standard procedures.

Supervisor Bibby inquired if this would jeopardize any other projects on the RTIP. Mr. Rei responded that it will not. Supervisor Bibby discussed with Mr. Rei that this project didn't follow the normal process because the Board never formally approved a replacement versus a rehab. Mr. Rei discussed that an advantage to a replacement is that Fish and Game will look at it favorably as it will remove a pier from the river. Supervisor Bibby reiterated that the Board the choice of a replacement bridge over rehabilitation. Mr. Rei noted that his goal for next year is to have a capital improvement program to show projects and timelines. Supervisor Bibby discussed problems with capital improvement funds, noting that they work fine when there is money; and stressed that anything that is going to commit additional money, or shift RTIP money, needs to go to the board in advance. Supervisor Bibby and Mr. Rei discussed approximate costs. Supervisor Bibby stressed the need for open competition for all projects and jobs.

Supervisor Cann noted that every bridge he has ever done escalated in cost, and inquired if the RTIP can be modified if the amount grows. Mr. Rei responded affirmatively, providing that it is done in the fiscal year prior to the work being done.

Supervisor Stetson inquired if it would have been extended if the \$1,000 was expended. Mr. Rei responded that it possibly would have, but that they had already billed and there hasn't been enough done since then.

Supervisor Cann remarked that we can live with the program that was proposed. Mr. Rei responded, noting that it needs to be approved, and that it will go inactive if it is not approved.

Supervisor Bibby required clarification that the right-of-way amount is not going to be more than \$5,000. Mr. Rei noted that, typically, that it is further out and gets defined as the project gets designed, but that he has had preliminary discussions with the landowner and there were no indications that there would be a problem. Supervisor Bibby discussed issues with the Mt. Bullion Road. Supervisor Jones inquired if there was anything budgeted for right-of-way. Mr. Rei responded that the federal process requires a preliminary design first, so we don't budget it. Supervisor Jones and Mr. Rei discussed the right-of-way acquisition process.

Supervisor Carrier urged Mr. Rei to check with HR and County Counsel regarding hiring a retired annuitant, as offers cannot be made before retirement. Mr. Rei responded that it hasn't been discussed with him, and no deal has been made; that it was an example.

Public comment opened.

Marshall Long wondered how he knows the employee is interested in coming back without having discussed it; and urged following all laws and doing it right.

Public comment closed.

Supervisor Jones moved the item as presented. Supervisor Stetson seconded the motion and requested clarification that the budget action is not part of the action. Chair Cann affirmed, and inquired if that was also recognized by the motion maker. Supervisor Jones affirmed.

Supervisor Bibby noted that she would be against this if Mr. Rei hadn't already gotten the

extension; stressed the need for Board approval in the future when changing projects from a rehab to a replacement; and voiced her concerns with using retiring employees, noting that it has to come through County Counsel.

Chair Cann called the vote. The Motion passed 4-1; Supervisor Carrier opposed.

RESULT: ADOPTED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

NAYS: John Carrier

Cc: Bill Davis, Auditor
File