

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

## Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve an Agreement between the North Carolina Department of Transportation (NCDOT) and the Town of Apex to be eligible for up to \$550,000 in federal funds reimbursement toward a total estimated cost of \$687,500 in design, environmental documentation and right-of-way (ROW) acquisition for project BO-2416, SR 1153 (Tingen Road) Bicycle and Pedestrian Bridge, requiring a minimum 20% local cost match of \$137,500, and to adopt Capital Project Ordinance Amendment 2024-1, and to authorize the Interim Town Manager , or their designee, to execute the Agreement on behalf of the Town.

### Approval Recommended?

Yes

### Item Details

This Agreement is required to receive federal funds reimbursement at an 80% federal/20% local cost match for up to \$687,500 in total expenses toward design, environmental documentation, and right of way acquisition for the future bridge, to plan a route for cyclists and pedestrians to cross the railroad at that location, given the existing Tingen Road crossing is required to close once the southwest Apex Peakway bridge is open to traffic. As typical for this type of agreement, if the total cost exceeds the estimated cost then additional local funds would be needed to cover that shortfall at 100%, unless supplemental federal funds can be allocated to the project subject to approval by the Executive Board of the Capital Area Metropolitan Planning Organization and NCDOT, in which case a minimum 50% local cost match would be required for supplemental funds.

Although an estimate of NCDOT staff review and inspections time has been factored into the overall cost estimate, and NCDOT will set aside \$68,750 (10% of estimated total budget) toward that expense, if NCDOT internal charges exceed available funds then Apex is responsible for reimbursement of 100% of those charges in excess of available funds. Additionally, per the Agreement: *The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed*

*by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.*

#### Attachments

- CN10-A1: Agreement - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1
- CN10-A2: Map - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1
- CN10-A3: Capital Project Ordinance Amendment 2024-1 - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design

