

# Capitola City Council Agenda Report



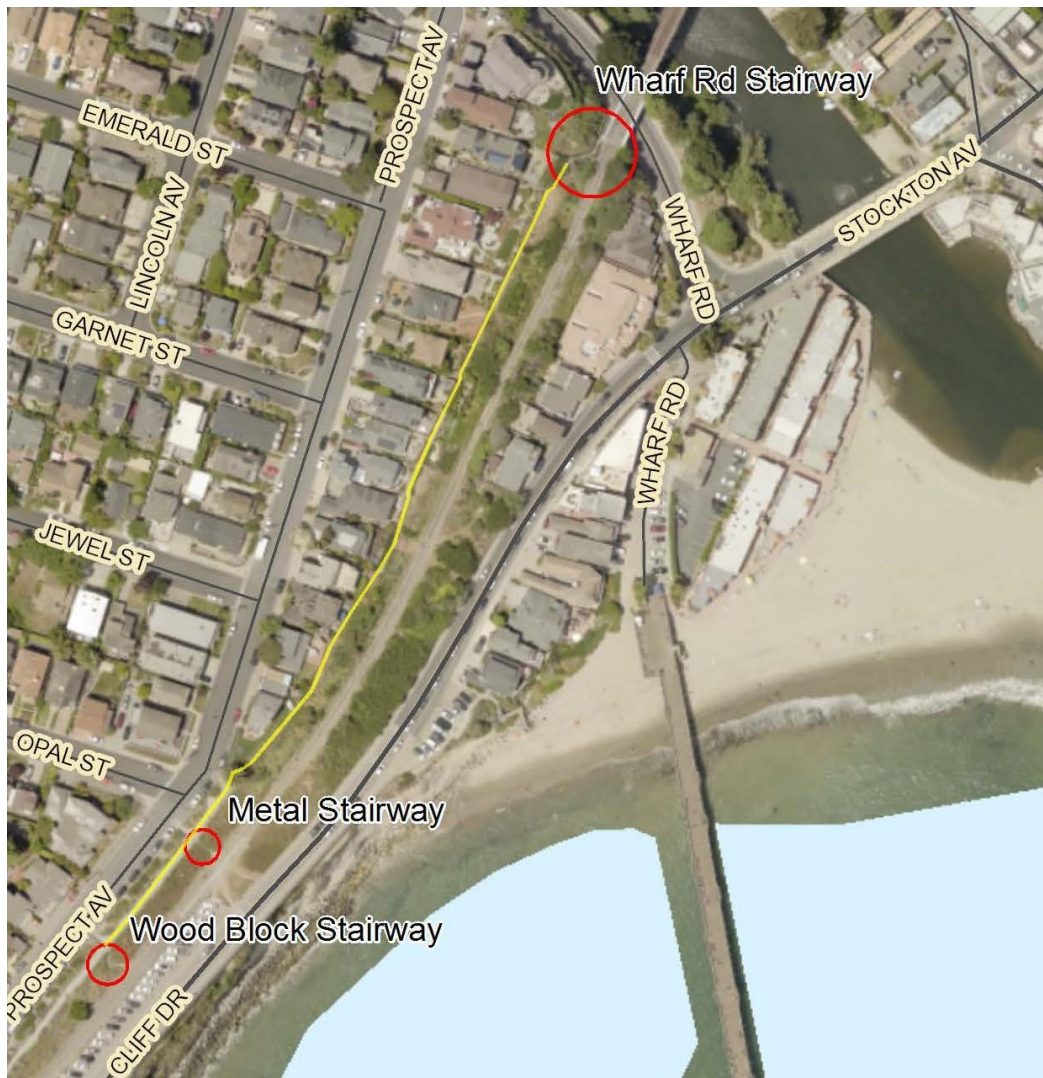
**Meeting:** February 9, 2023

**From:** Public Works Department

**Subject:** Prospect Walking Path Repair and Continued Maintenance

**Recommended Action:** Provide direction to staff on the repair, continued maintenance and future use of the Prospect Walking Path.

**Background:** The City entered into an agreement with the Union Pacific Railroad Company (UPRR) in October of 2004 to “construct, maintain, use, repair, renew and reconstruct the three existing stairways and connecting walking path” located along the railway corridor between Prospect Avenue and Cliff Drive as shown in Figures 1 and 2 below in in Schedule 1 of the agreement (Attachment 1). All three stairways were existing structures non-City installed in 2004. The City reconstructed the most eastern stairway and railing immediately above, and connecting to, Wharf Road in 2006. Santa Cruz County Regional Transportation Commission (RTC) acquired the rail corridor from UPRR in 2012.



**Figure 1. Walking Path and Stairways Maintained by the City - Overview**





**Figure 2. Stairways Maintained by the City**

During the recent storms, several slope failures occurred in the area the City maintains under this agreement. Two smaller failures are on the western edge of the walking path, and a third, more significant, slope failure is adjacent to private property encroachments at 1400 and 1410 Prospect Avenue. These slope failures are creating an unstable and unsafe condition for the walking path above, see Figures 3 and 4.



**Figure 3. Slope Failure Locations Overview**





**Figure 4. Slope Failures – West**



**Figure 5. Slope failure adjacent to 1400 and 1410 Prospect Avenue**

City Staff has been in contact with the RTC regarding this slope failure. The RTC has informed the City that the RTC, as owner of the property, will stabilize the slope but will not restore the slope for a navigable trail.

Discussion: Staff has identified three potential options for the continued maintenance and use of the Prospect Walking Path.

1. **Negotiate Termination of the Agreement and abandon the walking path.** Under this scenario, the City would approach RTC to discuss terminating the Agreement. Following termination the City would likely be responsible for removing the staircases within 90 days and restoring the property to its original (2004) condition. RTC would nonetheless stabilize the existing slope failures. Most of the benches on the eastern park space portion of the walking path are located just outside the RTC property in the City's right of way. Thus, if the City and RTC terminate the Agreement, the City would not be responsible for removing the benches in this eastern park space portion of the walking path.
2. **Repair the walking path in place.** Under this scenario, the City would apply for FEMA Public Assistance Funding to repair the failed slope to pre-storm conditions. Federal design and bidding requirements would apply, and the City would need to execute a Right of Entry Agreement with the RTC. It is likely that similar failures will occur along the walking path with subsequent storm events.
3. **Relocate the walking path inland from the failed slope.** Under this scenario, the City would apply for FEMA Public Assistance Funding, and potentially be eligible for FEMA Hazard Mitigation Funding, to relocate the walking path further inland from the current top of slope in the areas where there are private encroachments into the railroad corridor right of way. The City would collaborate with the RTC to remove the encroachments and then reconstruct the trail in a more stable location. This scenario would reduce the likelihood of future slope failure affecting the usability of the walking path.

Applying for FEMA reimbursement and/or project funds significantly lengthens the timeline for resolution of the slope failures. The City must prioritize FEMA-funded projects, both by FEMA program guidelines and workload necessity. Considering the larger capital projects the City must address due to storm damage, such as the Municipal Wharf and Stockton Bridge, the repair of the walking path is likely to be deferred to later in the process.

Fiscal Impact: The fiscal impact varies depending on the direction given by Council.

Option 1 could be completed at a relatively low cost to the City, however, a permanent blockage of the stairs leading up from Wharf Road to the walkway would be required. There would also be marginal cost savings to the City by not having to maintain the stairways and walking path.

Option 2 construction cost is estimated at \$50,000. Option 3 would have a similar capital cost to the City but would require staff time to assist the RTC to remove private encroachments from the railroad corridor right of way. However in the long term, Option 3 would reduce City costs as the path would be less susceptible to future slope failures. Both options would require the design and construction of the repair to meet federal bidding guidelines to be eligible for FEMA funding and a Right of Entry Agreement with the RTC.

Attachments:

1. Maintenance Agreement for Stairways and Walking Path

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk; Tamar Burke, Assistant City Attorney

Approved By: Jamie Goldstein, City Manager