

RESOLUTION 2023-090
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND THE
COLORADO DEPARTMENT OF TRANSPORTATION FOR THE
LEMAY AND DRAKE INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the intersection of Lemay Avenue and Drake Road is a crossroads that experiences almost three more injury crashes per year than would be expected given volumes and geometry and results in an excess crash cost of \$460,000 per year; and

WHEREAS, the Lemay Avenue and Drake Road intersection is in the top five intersections of safety concerns in Fort Collins and registers under Colorado Department of Transportation (CDOT) Level of Service of Safety (LOSS) analysis techniques as an intersection that has a high potential for crash reduction, labeled a "LOSS IV" rating under the CDOT LOSS rating system; and

WHEREAS, the southbound approach is the highest volume approach and is the approach turn with the highest propensity for rear end crashes, particularly during the afternoon peak period; and

WHEREAS, the Lemay and Drake Intersection Improvements Project (the Project) has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection that result in crashes; and

WHEREAS, the Project's proposed improvements will add a southbound right turn lane and will convert the signals on all four approaches to flashing yellow arrows that can be operated protected only, by time of day such as during the peak hour, where the protected operation provides a green arrow for drivers to have the right-of-way to complete their turns; and

WHEREAS, the Project's proposed improvements require a rebuild of the signal system with new signal poles and mast arms to replace existing "doghouse" style protected/permissive signals, which signals had a protected phase with a green arrow but also a permissive phase in which the left-turning vehicles must yield to the opposing traffic during the green indication; and

WHEREAS, based on experience at other locations in Fort Collins where treatments such as the proposed Project improvements have been used, the City anticipates about an 80% reduction in approach turn crashes; and

WHEREAS, the Project's conceptual design includes improvements for pedestrian and bicyclist safety as well; and

WHEREAS, Highway Safety Improvement Program (HSIP) grant funding became available to the City in the State fiscal year 2023, which began July 2022, and which funding involves a ninety percent to ten percent federal to local funding split; and

WHEREAS, the funding split for this award is \$900,072 in federal funds and \$100,008 in local funds; and

WHEREAS, CDOT has proposed an Intergovernmental Agreement (IGA) between CDOT and the City that outlines the terms and conditions of the use of the HSIP grant funds; and

WHEREAS, Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, Municipal Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and the proposed IGA involves total project funding in the amount of \$1,000,080 of which local matching funds amount to \$100,008; and

WHEREAS, the City Council has determined that the Project and the HSIP grant funding are in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT in support thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That City Council authorizes the Mayor to execute, on behalf of the City, the Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as "Exhibit A," with additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 3rd day of October, 2023.

Mayor

ATTEST:

City Clerk