



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/18/22

ITEM NO: 6

DATE: October 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving and Authorizing the Town Manager to Execute the Project Specific Maintenance Agreement for Los Gatos Creek Trail with the California Department of Transportation

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving and authorizing the Town Manager to execute the Project Specific Maintenance Agreement for Los Gatos Creek Trail (Attachment 2) with the California Department of Transportation (Caltrans).

BACKGROUND:

The design work on the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505) began in October 2019 to install bicycle and pedestrian connections between Highway 9 and the Los Gatos Creek Trail, including the installation of a bicycle and pedestrian bridge across Los Gatos Creek just south of the Highway 9 and a pedestrian switchback ramp on the north side of Highway 9 (see Attachment 3 for a Site Plan). Los Gatos Creek Trail, including the creek itself along Highway 17, is largely within the Caltrans' operation right-of-way. In addition to the work being in Caltrans' right-of-way, since federal grant funds are involved, staff has been closely coordinating the project with Caltrans following the Caltrans Local Assistance Process for federal-aid projects.

The preliminary design was presented to the Complete Streets and Transportation Commission and to the community in February of 2020. Both groups provided input and support for the project. On March 3, 2022, the Town Council approved the preliminary design and authorized staff to proceed to final design.

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Interim Finance Director, and Parks and Public Works Director

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DISCUSSION:

Caltrans lands along Highway 17 include Los Gatos Creek and the Los Gatos Creek Trail between the Forbes Mill footbridge and Roberts Road West. These parcels are remnants from the construction of Highway 17 and remained under Caltrans ownership.

As the property owner, Caltrans is requiring execution of a Project Specific Maintenance Agreement for Los Gatos Creek Trail as a condition to approve the encroachment permit to allow the Town to work on the Caltrans' right-of-way for construction. There is an existing Delegated Maintenance Agreement for the Creek Trail between the Town and Caltrans from 1975. The Project Specific Maintenance Agreement is meant to replace or supersede this earlier Maintenance Agreement. The new Maintenance Agreement documents and clarifies the Town's maintenance responsibilities for the existing Los Gatos Creek Trail between the Forbes Mille Footbridge and Roberts Road West as well as for the proposed Connector Project.

Execution of the Maintenance Agreement is a critical step for Caltrans to facilitate the consideration of the approval of the encroachment permit for construction of the trailhead connector project. Before the project is advertised for bid, staff will return to Council to request approval of the Project Plans, Specifications, and Estimates (PS&E) and authorization to advertise for bid. The project schedule is heavily dependent upon Caltrans' contracting process, and the schedule will be updated as the project progresses. Construction is anticipated to start by spring or summer 2023.

As of September 2022, the project PS&E have been completed and approved by Caltrans and construction funding identified. The project is close to fully funded at this time and sources include funds from the One Bay Area Grant Program - Cycle 2 (OBAG 2), the Transportation Fund for Clean Air (TFCA) regional grant, 2016 Measure B Funds, and commitment of up to \$1 million of Town local funds as approved by Council on March 1, 2022. The actual distribution of funding from different sources and grant funding agreements will be presented to Council for approval once finalized within the next two months. Illustrated below is the current total funding distribution summary for the construction phase:

Funding Source	Amount
OBAG 2	\$3,351,200
TFCA	\$755,921
2016 Measure B	\$693,500
Town Local Funds	\$928,687
Total Funding	\$5,729,308

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CONCLUSION:

Staff recommends that the Town Council adopt a resolution approving and authorizing the Town Manager to execute the Project Specific Maintenance Agreement for Los Gatos Creek Trail with Caltrans.

FISCAL IMPACT:

The Los Gatos Creek Trail has been maintained by Town staff. The Project Specific Maintenance Agreement for Los Gatos Creek also calls for on-going maintenance of the new improvements installed as part of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project, which would include bicycle/pedestrian bridge, retaining walls, and pathways. It is anticipated the maintenance costs for the new infrastructure will be included in future operating budgets for the Parks and Public Works Department.

ENVIRONMENTAL ASSESSMENT:

Caltrans opted to be the lead agency for the CEQA and NEPA environmental clearances for the project and has provided the final CEQA Categorical Exemption and NEPA Categorical Exclusion environmental certifications.

Attachments:

1. Draft Resolution
2. Project Specific Maintenance Agreement for Los Gatos Creek Trail in Town of Los Gatos
3. Site Map