



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 07/26/2022

**REQUESTER:** Katherine Coffin

**PRESENTER:** David Riesland, Transportation Engineer

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2223-18: A COMBINED MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$1,500,000 FOR THE CITY'S SHARE FOR FEDERAL-AID PROJECT TAP3-3735(004)AG, J/P 33735(04), THE FLOOD AVENUE MULTIMODAL PATH FROM ROBINSON STREET TO TECUMSEH ROAD, AND EXTENDING ALONG TECUMSEH ROAD FROM FLOOD AVENUE TO 24TH AVENUE NW), RESOLUTION R-2223-13, AND BUDGET TRANSFERS AS OUTLINED IN THE STAFF REPORT.

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### **BACKGROUND:**

Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on Transportation from building highways to funding projects tied to smarter planning requirements that help ensure communities are more livable. At the center of new focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

The 2012 - Moving Ahead for Progress in the 21st Century (MAP-21) federal transportation funding bill allocates approximately \$21 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Recently the MAP-21 ACT has been renamed the MAP-21/FAST Act, and the Transportation Enhancement Program is now called the Transportation Alternatives Program (TAP). New sidewalks along federal functionally classified roads are eligible for 80% federal funding.

For the Federal Fiscal Years 2015-2020, the Association of Central Oklahoma Governments (ACOG), who handles TAP funding, had a single application period and invited eligible entities to submit projects for federal TAP funding. Requests could not exceed \$600,000 in federal funds for a single project, and the entities had to make a 20% minimum commitment of non-federal funds to the total project cost. The assessment of projects was based on how well they met

published criteria. The City of Norman sought five projects and they were selected for three of them, namely:

- Constitution Street Multimodal Path from Jenkins Avenue to Classen Boulevard (ready for construction).
- State Highway 9 Multimodal Path from 36th Avenue SE to 48th Avenue SE (complete).
- Multimodal Path along Flood Avenue (west side) from Robinson Street to Tecumseh Road and along Tecumseh Road (south side) from Flood Avenue to 24th Ave. NW.

The Flood Avenue path is the last of those TAP funded projects. Unfortunately though, because it was the last project on the list of approved projects by ACOG, it only qualified for the remaining \$146,484 of the total funds available.

The Flood Avenue Multimodal Path, which is under design by Halff and Associates, will provide a multimodal 10-foot wide concrete sidewalk on the west side of Flood Avenue and along the south side of Tecumseh Road, and will complete the Legacy Trail sidewalk trail around the Max Westheimer airport and University North Park business area. It is anticipated that work could begin as early as summer 2023, depending on which bid opening that ODOT can arrange after this agreement is fully executed and the necessary reviews approved.

**DISCUSSION:**

ODOT requires the City to execute a Project Maintenance, Financing, and Right-of-Way Agreement and to adopt it by resolution before spending any federal funds. The agreement addresses the responsibilities of the City and the Department of Transportation during the construction of the project. The execution of three original documents is required. Both the agreement and resolution have been reviewed by staff and approved by the City Attorney. The partial \$146,484 federal TAP grant will offset the estimated \$1,646,484 overall construction cost.

ODOT is also asking that the local share of the project cost, estimated at \$1,500,000, be paid in advance of the bid opening, which is expected in May or June 2023. Most of the local funds (\$970,541) will come from the Norman Forward Project New Trail Development Throughout Town (Account No. 51790097-46101 / Project NFP107) with a portion of the remaining funds, \$250,000, are budgeted in the FYE 2023 Capital Improvement Plan (Account No. 50596688 / Project TR0112). This leaves a balance of \$279,459 to be accounted for in order to pay the future ODOT invoice. The following table shows accounts, with cumulative balance exceeding the \$279,459 needed, with available balance in each account:

Description	Project	Org	Object	Balance in Account
Legacy Trail MM Path Ext	TR0082	50596688	46001	\$32.00
Legacy Trail MM Path Ext	TR0082	50596688	46201	\$980.00
Alameda-Summit Lakes Blvd	TR0237	50590076	46201	\$4,917.00
Railroad Quiet Zone	TR0066	50591169	46201	\$0.75
Classen Blvd. Signals	TR0057	50590076	46201	\$100,000.00
Railroad Quiet Zone	TR0066	50591169	46101	\$363,229.75
Total Available Balance in Existing Identified Accounts				\$469,159.50

The first four accounts in the table above are all completed projects. The fifth account is a future project with no anticipated start. As such, the available balance in the first five accounts would be depleted and those accounts would be closed. Traffic impact fees exist as a potential replacement for these funds for design should the Classen Blvd. Signal projects materialize in the future. The Railroad Quiet Zone (Construction) is largely completed. The above transfer would result in a balance of \$189,700.50. The balance in this account was to pay for fencing along the James Garner (Phase 3) corridor which is greater than the last fencing estimate even with the suggested transfer. The summary of requested transfers are summarized in the following table:

Losing Account				Gaining Account			
Project	Org	Object	Transfer Out	Project	Org	Object	Transfer In
TR0082	50596688	46001	\$32.00	TR0112	50596688	46101	\$32.00
TR0082	50596688	46201	\$980.00	TR0112	50596688	46101	\$980.00
TR0237	50590076	46201	\$4,917.00	TR0112	50596688	46101	\$4,917.00
TR0066	50591169	46201	\$0.75	TR0112	50596688	46101	\$0.75
TR0057	50590076	46201	\$100,000.00	TR0112	50596688	46101	\$100,000.00
TR0066	50591169	46101	\$173,529.25	TR0112	50596688	46101	\$173,529.25
Cumulative Transferred to Gaining Account							\$279,459.00

**RECOMMENDATION NO. 1:**

Staff recommends approval and execution of Contract K-2223-18 and adoption of Resolution R-2223-13.

**RECOMMENDATION NO. 2:**

Staff recommends budget appropriations from the losing accounts as identified in the table above.

**RECOMMENDATION NO. 3:**

Staff recommends the payment authorization of \$1,500,000 to the Oklahoma Department of Transportation for the local share of the project cost upon receipt of the invoice.