



REQUEST FOR COUNCIL ACTION

Title: Intergovernmental Agreement for ODOT US 20 53rd – 60th Avenue Sidewalk Project

Preferred Agenda: October 26, 2021

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy: N/A

Towards Council Goal: Goal 3.2: Community Safety

Attachments: Proposed Intergovernmental Agreement for the US 20 53rd – 60th Avenue Sidewalk Project

Purpose of this RCA:

The purpose of this RCA is to seek approval for an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) regarding the US 20 53rd Avenue to 60th Avenue Sidewalk project.

Background/Context:

This Project was approved by the Oregon Transportation Commission (OTC) into the 2016 ODOT Statewide Transportation Improvements Program (STIP), starting with applications in 2012. The previous Agreement was signed into effect from 8-28-2017 to 9-12-2017. At that time, we had a larger project, but the design was increasing the project costs. Due to the escalation of project costs, the City and ODOT reduced the scope of work, which resulted in Amendment #1 to the project. Even with the project re-scoping, one of the main concerns was the stipulation that any project cost overrun above the City's \$300K commitment and the ODOT allocation, would be the responsibility of the City to cover. That ambiguity and uncertainty was considered risky.

The project was then "down-scoped" to a single 10ft wide Multi-Use Path on the North side of Main St., from 55th Avenue eastward to the west side of the AERR bridge area, along with a segment east of the bridge area to 60th Avenue. Separately sourced funds were made available from ODOT for the two RRFB Pedestrian crossing locations (described below) to not affect the primary project elements. These changes reduced the estimated cost.

This new agreement supersedes Agreement #31705 and clarifies the changed responsibilities and project scope for the Multi-Use Path on Main Street (US 20). Primary updates are to the following items:

- To document additional ODOT monies for the two RRFB installations; at 49th Avenue and at 40th Avenue (each apx. 300ft West of the respective intersections).
- A portion of Section 4 in Terms of Agreement states: "The total Project cost is estimated \$3,194,663.86, which is subject to change. Federal funds for this Project shall be limited to \$2,197,590.00. State shall be responsible for \$697,538.50 of the total Project costs including any additional non-participating costs, all costs in excess of the federal funds. Agency City shall be responsible for \$299,535.36 of the Projects costs."
- To document the City's obligation to complete the pathway link under the AERR Railroad Bridge using City funds. This will be required after the construction of the Project pathway approaches to both sides of the bridge. The length of the pathway in the RR right-of-way is ~65ft. The path must be an ADA Accessible Path compliant surface of asphalt, concrete, or compacted fine aggregate crushed rock etc. The City and ODOT shall consult prior to making any changes.
- The other change in the agreement is the City's maintenance responsibility for the new features built. Those being ADA compliant pedestrian access, complaints are addressed by the City, repairs or obstruction removal is performed by the City, and future alteration if performed must be ADA compliant.

This project, reduced in scope as it is from the original submittals, is still an important benefit to the city and community. The connecting link from 60th Avenue and Foster Lake to the Foster neighborhood with sidewalks and bike lanes to the rest of the city, is an important link for tourism and economic development.

The Challenge/Problem:

Should the City enter into an additional IGA with ODOT for the construction of additional sidewalks on Main Street / US 20?

Stakeholders:

- Sweet Home City Council – The City Council is responsible for approving agreements with other governmental agencies, and for authorizing the work that will accomplish its goals.
- Sweet Home Residents – Residents deserve safe pedestrian access along Main Street to Foster Lake.
- Sweet Home Staff – Staff work to address residents' concerns and accomplish the Council's goals.
- ODOT– ODOT has jurisdiction over any improvements made within the US 20 right-of-way.

Issues and Financial Impacts:

The City has already committed to funding this project, in the amount of \$299,535.36. This funding is already budgeted and available for this project. This additional agreement will require the City to take on future maintenance and electricity for two pedestrian crossings. The City currently pays for street lighting along Main Street, and staff estimate that the electricity for one crossing will cost no more than a typical streetlight.

Elements of a Stable Solution:

A stable solution includes an approved agreement with ODOT that will move the sidewalk project forward.

Options:

1. Do Nothing – The agreement will not be approved, and ODOT will not construct any additional sidewalks on Main Street.
2. Approve the proposed Intergovernmental Agreement with ODOT as proposed and authorize the City Manager to sign it – Approving the agreement as proposed will allow ODOT to move forward with the project, and construct new sidewalks and pedestrian crossings on Main Street between 53rd and 60th Avenues.

3. Approve the Intergovernmental Agreement with ODOT with changes and authorize the City Manager to sign it – Approving the agreement with stated changes, if they are acceptable to ODOT, will move the project forward, and ODOT will construct the new sidewalks and pedestrian crossings.

Recommendation:

Staff recommends option 2: Approve the proposed Intergovernmental Agreement with ODOT as proposed and authorize the City Manager to sign it.