



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Hans F. Larsen

**SUBJECT:** STATE ROUTE 101 FREEWAY  
MAINTENANCE AGREEMENT

**DATE:** 04-26-10

Approved

Date

5/6/10

**COUNCIL DISTRICT:** 5, 7, 8

**SNI AREA:** K.O.N.A.

Tully/Senter

West Evergreen

## RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute a freeway maintenance agreement between the City of San José and the California Department of Transportation for State Highway 101 in the City of San José from Story Road to Capitol Expressway including the 101/Tully Road interchange.

## OUTCOME

As a result of the planned improvements to be constructed by the California Department of Transportation (Caltrans) in the vicinity of the State Highway 101/Tully Road interchange, execution of the recommended Freeway Maintenance Agreement (FMA) will:

- Supersede the FMA currently in effect.
- Define the maintenance and operational responsibilities between Caltrans and the City of San José in consideration of the planned improvements.
- Expand the City's indemnification to the State for certain design elements that meet nationally recognized standards and support locally preferred practices and principles but do not meet current Caltrans design standards set forth in the Caltrans Highway Design Manual.

Prior to opening contractor bids on the project, Caltrans requires the proposed FMA be executed to ensure the City's acceptance of the operation, maintenance, and indemnification obligations for the improvements as described in detail in this memorandum. The bid opening for the construction of the project is currently scheduled for June 2010.

## **BACKGROUND**

As part of the Proposition 1B/Corridor Mobility Improvement Account (CMIA) program, the Santa Clara Valley Transportation Authority (VTA), in cooperation with the City of San José and Caltrans, has developed a highway and interchange improvement project to relieve severe traffic congestion along State Highway 101 and at the Tully Road interchange. VTA, in cooperation with the City, designed the project and Caltrans will bid and construct the improvements. In summary, the project:

- Includes reconstruction and reconfiguration of the State Highway 101/Tully Road interchange and widening of southbound State Highway 101 from I-280 to Capitol Expressway.
- Has an estimated construction cost of \$37 million with construction duration of approximately 2 ½ years. The current bid opening date is June 9, 2010.
- Is considered the first phase of the State Highway 101 Operational Improvement Plan, with improvements in the Capitol Expressway/Yerba Buena Road interchange area planned as a subsequent phase.

The original FMA between the City of San José and Caltrans for the existing State Highway 101/Tully Road interchange was executed on January 7, 1963 and was later amended on April 20, 1965. As a result of the planned reconstruction of the 101/Tully interchange, the FMA currently in effect will be superseded by the proposed FMA that is the subject of this memorandum. The recommended FMA reflects changes to the interchange as a result of the project.

### **Policy Direction on Design Standards**

In January 2009, the VTA Board of Directors directed VTA staff to follow a multi-modal design approach on all future roadway improvement projects including future projects within the State right of way such as the 101/Tully project. The multi-modal design approach allows for the consideration of more flexible design standards as provided in the nationally recognized American Association of State Highway and Transportation Officials (AASHTO) "Green Book" entitled, *A Policy on Geometric Design of Streets and Highways*, and VTA's Community Design and Transportation (CDT) Program.

AASHTO is a non-profit corporation comprised of government entities, associations, or organizations whose primary purpose is to finance, monitor, plan, or manage any part of the nation's transportation system. AASHTO is a leader in setting technical standards for design and construction of highways and bridges. The 2004 fifth edition of AASHTO's "Green Book" includes the latest design practices in universal use as the standard for highway geometric design, features the use dual units (metric and U.S. customary), is in compliance with the Americans with Disabilities Act, and discusses the new AASHTO Bicycle Guide and AASHTO Pedestrian Guide.

With direction from VTA Board, VTA, as the design agency, incorporated design features for the 101/Tully overcrossing that reduced travel lane and shoulder widths below Caltrans standards so as to develop wider sidewalks on the Tully road overpass. These design features are consistent with VTA and City's design standards set forth in VTA's CDT Program, *Manual for Best Practices for Integrating Transportation and Land Use* (CDT Manual), which establishes guidelines for the development and design of local transportation improvements, and City Council Resolution No. 71772, adopted on September 30, 2003, in support of the concepts, principles, practices and actions presented in the CDT Manual. Additionally, the current design is in conformance with the Geometric Design Guidelines adopted by the City's Department of Transportation. The City's Geometric Design Guidelines generally conforms to the standards and policies set forth in the 2006 California Manual of Uniform Traffic Control Devices (MUTCD), 2006/2007 California Highway Design Manual (HDM)(English Version), and AASHTO Green Book referenced above, as well as City of San José Municipal Code.

As the project is within State right of way, Caltrans' design standards apply in accordance with their *Highway Design Manual* (HDM). As such, Caltrans would only support the advancement of the project if the City agreed to extend its indemnification of Caltrans to those design features that do not meet Caltrans design standards. Caltrans has indicated that they cannot open bids for this project without a freeway maintenance agreement in place with the required indemnification.

### **ANALYSIS**

The proposed FMA is a standard agreement that establishes the responsibilities between the State and the City for the maintenance of improvements within the State's right-of-way. Under the terms of the proposed FMA, the City's maintenance responsibilities generally include each of the affected, relocated, and/or reconstructed City streets and roads, as well as those non-structural roadway elements that are within the future City right of way and jurisdiction, which may include landscaping within City right of way, soundwall (the face along the City side of the property line), street and pedestrian lighting features that are within City right of way, and signs and striping as appropriate for the Tully Road crossing of the freeway. City will also be responsible for the operation and maintenance of the two proposed new traffic signals on the new Tully Road overcrossing at State Route 101. City will be responsible for the timing adjustment, interconnection and communications of multiple traffic signals, as well as the repair and replacement of faulty and/or damaged elements of the new traffic signals. The standard FMA also includes indemnification language that has been approved by both Caltrans and the City in the past.

In general, the City will maintain, at City's expense, the top of the deck surface and shall perform such work as may be necessary to ensure an impervious and/or otherwise suitable surface together with any surface treatment thereon, the lighting installations, as well as all traffic service facilities (traffic signals, controller cabinets, service cabinets, pull boxes, sidewalks, signs, pavement markings, and bridge rails) that may be required for the benefit or control of traffic using that overcrossing. City will also provide weed abatement, graffiti removal, sweeping, and litter removal. City will, at City's expense, clean and paint the sound

walls and retaining walls to keep City's side reasonably free of debris, dirt and graffiti. City will maintain, at City's expense, any plantings or other types of roadside development lying outside of the area reserved for exclusive freeway use.

City will also operate and maintain the traffic signals located at the intersections of Tully Road and State Highway Route 101 on and off ramps. For each location, City shall install a State standard Model 332 foundation and City's choice of cabinet and controller. City will assume maintenance and operation responsibilities of the traffic signal, cabinet, and controller. City will furnish records of proposed subsequent timing changes to the State. If in the future and upon thirty (30) days written notice, State requires assuming responsibility for maintenance and operation of the traffic signal, cabinet and controller at this site specific intersection, City agrees to install State standard model 332 cabinets, and State will install its standard controller.

The maintenance and energy costs of safety lighting, traffic signals or other necessary electrically operated traffic control devices at ramp connections to City streets shall be shared between State and City on a pro rata basis in the same ratio as the number of legs in the intersection under each jurisdiction bears to the total number of legs.

One of the differences between the FMA that is the subject of this memorandum and previous FMA's is that Caltrans has required the City to extend its indemnification of the State to include those design features that incorporate nationally recognized AASHTO standards and locally preferred CDT principles rather than Caltrans standards. Specifically, this is in reference to the reduced lane and shoulder widths of Tully Road as it crosses Highway 101.

Typically, Caltrans standards would require 12-foot lanes, 8-foot shoulders, and 6-foot sidewalks on the Tully Road overcrossing of State Highway 101. However, the City and VTA proposed to design the travel lanes and shoulder widths on the Tully Road overcrossing structure in accordance with AASHTO standards and the principles outlined in the CDT Manual. As a result, the current design includes 11-foot lanes, 6-foot bike lanes/shoulders and 10-foot sidewalks on both sides of the Tully Road overcrossing. In support of these departures from Caltrans standards it is noted:

- Reducing the width of the travel lanes and bike lane/shoulders improves the pedestrian environment by providing for wider sidewalks without widening the bridge. This direction is consistent with the principles of the CDT Manual and feasible under the nationally recognized AASHOT standards, but deviates from Caltrans' more auto-centric design standards.
- The reduced lane and shoulder width dimensions are consistent with City standards for the travel lane and bike lane/shoulder widths on Tully Road as it approaches the overcrossing.
- Two new traffic signals at the ramp termini provide for improved traffic management.
- Reconfiguration of the interchange from a full cloverleaf to partial cloverleaf design reduces weaving and other conflicting movements.

Although Caltrans is considering updates to the *Highway Design Manual* to be more flexible in their design standards, the reduced width of the travel lanes and roadway shoulders on the Tully Road overcrossing do not meet current Caltrans design standards. As such, Caltrans has added language to the FMA that extends the City's indemnification of Caltrans to those design features that are not in compliance with the HDM. Execution of the proposed FMA will require City to indemnify, defend, and hold harmless State from any claims, losses, or liability to the extent arising out of the specific design width of the streets, shoulders, or sidewalks and are at the time such claim arises are inconsistent with then current Caltrans Highway Design Manual guidelines or other Caltrans design standards.

The proposed design meets all the requirements of a typical City standard street.

### **EVALUATION AND FOLLOW-UP**

No further follow-up actions with the Council are expected at this time.

### **POLICY ALTERNATIVES**

Due to the schedule commitments associated with projects funded under Proposition 1B, this project may be delayed and/or postponed should the City Council choose not to approve the recommendation of this memorandum.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The recommendation of this memorandum does not meet any of the minimum requirements as defined by Public Ordinance criteria; however, this memorandum will be posted on the City's website as part of the Council Agenda outreach process.

### **COORDINATION**

This memorandum and agreement have been coordinated with the Department of Planning, Building and Code Enforcement, the City Manager's Budget Office and the City Attorney's Office.

### **FISCAL/POLICY ALIGNMENT**

The recommended action is the first step of the State Route 101 Operational Improvement Project and therefore aligns with the Transportation and Aviation Services CSA Outcomes related to providing transportation choices to improve community livability and relieve traffic congestion.

### **COST SUMMARY/IMPLICATIONS**

As the City already maintains the infrastructure within the public right-of-way in the vicinity of the 101/Tully interchange, there is no additional cost implication associated with this recommendation for local streets. The project will, however, construct two new traffic signals on Tully Road at the State Route 101 ramps which Caltrans will construct. The total cost of this project is approximately \$63 million, and the City has committed to investing a total of \$10 million towards the project. On April 14, 2009, Council approved the agreement with VTA for the design of the interchange improvements and \$4 million was transferred to VTA. The remaining commitment (\$6 million) will be programmed in the 2011-2015 Proposed Capital Improvement Program. The maintenance and energy costs of safety lighting, traffic signals or other necessary electrically operated traffic control devices at ramp connections to City streets will be shared between the City of San Jose and Caltrans.

The additional annual operating and maintenance costs of the traffic signals and street lighting are estimated at \$3,500 and \$700, respectively. Operating and maintenance costs will be required upon acceptance of the project, currently scheduled for late 2012. The operating and maintenance costs were not initially included in the Preliminary 2010-2011 General Fund Forecast that was discussed at the November 5, 2009 City Council study session but is included in the 2011-2015 General Fund Five-Year Forecast which was released in February 2010.

HONORABLE MAYOR AND CITY COUNCIL

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**Subject: State Route 101 Freeway Maintenance Agreement**

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**CEQA**

Mitigated Negative Declaration, File No. OA05-010.

Acting as Lead Agency, Caltrans prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) in 2005 for the US 101 Operational Improvement Project. The City, acting as a Responsible Agency, can rely upon Caltrans' MND for purposes of informing the City's decision to complete the proposed agreement with Caltrans.

/s/

HANS F. LARSEN  
Acting Director of Transportation

For questions please contact Manuel Pineda, Acting Deputy Director of Transportation Planning and Project Delivery, at 975-3295.