



**Subject: COOPERATIVE AGREEMENT WITH
VTA FOR SAN CARLOS STREETScape
PROJECT**

**Council Agenda: 02-14-12
Item: 2.10**

City Council Action Request

Department: Transportation	CEQA: Downtown Strategy SEIR, Resolution No. 68839, File No. PP03-254	Coordination: City Attorney's Office	CMO Approval:  2/3/12 Dept. Approval: /s/ Hans F. Larsen
--------------------------------------	---	--	--

RECOMMENDED ACTION:

Approval of a Cooperative Agreement with the Santa Clara Valley Transportation Authority (VTA) for the relocation of existing VTA utilities, cabinets, and other utility related equipment in the City public right-of-way in conflict with the proposed San Carlos Multimodal Streetscape Improvement Phase II project.

BASIS FOR RECOMMENDATION:

On July 14, 2010, the City received a Transportation for Livable Communities (TLC) grant in the amount of \$2,024,000 for the San Carlos Multimodal Streetscape Improvement Phase II project with a local match requirement of \$506,000. The Council adopted Resolution No. 75512 on August 3, 2010, authorizing the City Manager to negotiate and execute a grant agreement with the State of California for the TLC grant. This grant funded project will provide improvements along the south side of San Carlos Street between Second Street and Market Street to enhance pedestrian accessibility. The project is currently in final design and is scheduled for construction in the summer of 2012.

In order to facilitate construction of this project, the existing VTA utility poles and cabinets located in the City public right-of-way must be relocated. The VTA facilities were installed as part of the Light Rail Transit (LRT) improvements on First and Second Streets in accordance with an agreement between the City and VTA entitled "Master Agreement for the Downtown Transit Mall" dated November 13, 1984. The subject utilities are owned, operated, and maintained by VTA. This 1984 agreement did not address the relocation of VTA utilities installed in the City's public right-of-way. The existing utility poles and equipment are essential to the operations of the LRT and cannot be removed or eliminated. The Department of Transportation (DOT) has made a request to Caltrans to allow the City to use part of the TLC grant funding for the relocation of the VTA facilities that are in conflict with the project. In order for DOT to use the grant funding, under federal guidelines, construction work involving third party utilities requires a separate Cooperative Utility Agreement between the local agency (City) and the utility owner (VTA). This proposed Cooperative Utility Agreement will satisfy the federal guidelines and allow the City to use part of the TLC grant funding for the relocation of VTA's utility poles, cabinets and associated equipment in conflict with the construction of the project. This proposed agreement will not change the ownership, operation, or maintenance responsibility of VTA or change any other agreements that are currently in place with VTA as it relates to these facilities. The estimated cost to relocate VTA's utilities is approximately \$800,000, which will be fully covered by the TLC grant.

The design and construction of VTA facilities will be subject to VTA's review and approval and Encroachment and Construction Access and Restricted Access permits. The permits will require the City to submit to VTA for their review and approval Traffic Control Plans, schedule of work to be performed on VTA facilities and allow VTA to inspect the work performed on VTA owned facilities. In the event the State does not authorize full grant funding for the relocation and reconstruction of VTA facilities or problems arise during the permit process, the City may terminate the agreement with 30 days notice. However, City would still be responsible for VTA cost incurred to termination date for the design of the facilities, review of the plan and specifications, and permit fees. VTA's cost would be approximately \$200,000, which would be paid by the City to VTA from the local match for this grant.

COST AND FUNDING SOURCE:

FISCAL/POLICY ALIGNMENT

The recommended action aligns with the Transportation and Aviation Services CSA outcome related to providing viable transportation choices.

COST SUMMARY/IMPLICATIONS

The approval of the Cooperative Agreement would allow the City to seek full grant reimbursement for relocation of VTA facilities as part of the San Carlos Streetscape Improvement project. Without this agreement, all VTA's facilities in conflict with this project would need to be done at the City's expense.

FOR QUESTIONS CONTACT: Manuel Pineda, Deputy Director, (408) 975-3295.