



**Department:** Public Works  
**Cost Center:** 5010  
**For Agenda of:** 7/20/2021  
**Placement:** Consent  
**Estimated Time:** N/A

**FROM:** Matt Horn, Public Works Director

**Prepared By:** Bryan Wheeler, Transportation Planner / Engineer III

**SUBJECT:** RAILROAD SAFETY TRAIL TAFT TO PEPPER ADDITIONAL SIDEWALK AND LIGHTING – CONTRACT CHANGE ORDERS, SPEC #91375

### RECOMMENDATION

1. Authorize the installation of shared-use path lighting per City Engineering Standards along the Railroad Safety Trail (Taft to Pepper) alignment, deviating from Architectural Review Commission Resolution No. ARC-1008-17, Condition 3, which calls for "bollard style lighting"; and
2. Approve a construction contract change order to increase the Railroad Safety Trail (Taft to Pepper) Project construction contract by \$40,000 to cover anticipated costs to install additional path safety lighting; and
3. Approve the transfer of \$120,000 in funds from the Street Reconstruction and Resurfacing Master Account (Spec. No. 90346) to the Railroad Safety Trail (Taft to Pepper) project account (Spec. No. 91375) to fund additional pavement restoration along Pepper Street, increasing the total Railroad Safety Trail project budget from \$6,060,108 to \$6,180,108; and
4. Authorize the City Engineer to approve subsequent construction contract change orders up to and in excess of \$100,000 if within total available project budget of \$6,180,108.

### DISCUSSION

#### Background

In August of 2020, the construction contract for the Railroad Safety Trail (Taft to Pepper) Project, Spec. No. 91375, was awarded to Souza Contraction Inc. in the amount of \$3,774,960. The project includes the extension of the Railroad Safety Trail south of Cal Poly from Taft Street to Pepper Street, including a pedestrian/bicycle bridge crossing over the Union Pacific Railroad (UPRR) tracks between Phillips and Pepper Street. Construction began in October, 2020, and is progressing on schedule, with an anticipated completion date of September of 2021. At this time, staff has identified two modifications to the project designs that would improve the safety and functionality of the final project:

1. Safety Lighting: Installation of additional safety lighting along the trail alignment.

2. Trail Extension: Extension of the southern terminus of the shared-use path from mid-block on Pepper Street approximately 200 feet further south to the intersection of Pepper Street & Mill Street. These two elements were contemplated in the original project designs but were ultimately omitted due to concerns that the total costs would exceed the available project budget, which could have resulted in further project delays and increased risk of forfeiting \$3.2 million in Caltrans grant funds. The construction contract award ultimately came in below the initial Engineer's Estimate and staff anticipates that there are sufficient contingency funds within the project budget to fund these additional design modifications, which are described in further detail below.

#### Additional Safety Lighting

As originally designed, the project included lighting only at the end points of the trail and along the portions of the trail alignment on the elevated bridge structure. However, upon further consideration staff recommends additional pathway lighting to maintain a consistent level of illumination throughout the trail and increase the perceived comfort of using the off-street pathway at night. While the City's Architectural Review Committee (ARC) originally recommended use of short "bollard-style" fixtures for any trail lighting, City staff recommends the installation of City Standard pathway lighting (Attachment A), consistent with the existing lighting installations along other segments of the Railroad Safety Trail south of the Jennifer Street Bridge and within the recently constructed trail segments in the Orcutt Area. See additional discussion later in this staff report regarding the proposed deviation from the ARC's original recommendation.

The proposed contract change order would include the installation of four (4) additional path lights along the trail segment that shifts away from California Boulevard behind the California Highway Patrol offices. An electrical conduit was already installed along this segment as part of the original project plans to power the lights along the bridge crossing the UPRR tracks; thus, additional hard-wired path lighting can be added without significant modifications to the existing electrical infrastructure. The estimated cost for this additional lighting is \$40,000.

#### Extension of Trail Terminus

The current plans for the Railroad Safety Trail (Taft to Pepper) project reflect a southern terminus of the path mid-block on Pepper Street, approximately 200 feet north of the Pepper Street/Mill Street intersection. As originally designed, the trail terminus would include a ramp for bicycles to exit the trail to a shared travel lane on Pepper Street, while pedestrians would use the ramp to cross to the opposing side of Pepper Street mid-block to access the existing sidewalks on the west side (no sidewalks exist on the east side of Pepper Street). Staff is proposing to modify the project plans to include extension of the trail along the east side of Pepper Street 200 feet south to the Pepper Street/Mill Street intersection. In addition, the Pepper Street/Mill Street intersection would be converted to all-way stop control and hi-visibility crosswalks would be installed.

Extending the pathway at this time will provide a superior final project, with a seamless, ADA-compliant route all the way to the intersection of Mill and Pepper Streets without directing pedestrians to cross at an uncontrolled mid-block crossing on Pepper Street. In addition, constructing this extension at this time as part of the larger construction contract may provide cost savings compared to pursuing this modification at a later date as a stand-alone project. Attachment B illustrates the proposed path extension.

Staff is currently working with the construction contractor to obtain a cost estimate to add this work as a contract change order. To avoid any unnecessary delays with continuing construction of the project, staff is requesting that Council authorize the City Engineer to approve subsequent contract change orders for this project if the related costs are within the total approved project budget and there are sufficient remaining contingency funds to complete construction.

#### *Pepper Street Reconstruction and Paving*

With the proposed construction change order to extend the Railroad Safety Trail project south to Mill Street, as discussed above, additional pavement repairs will be required along Pepper Street. This section of Pepper Street is proposed to be reconstructed later this fall as part of the 2021 Downtown Pavement Improvements Project and was included in the 2021 paving project bid package as an Additive Alternative to the base project. At the time this report was authored, the 2021 Downtown Pavement Improvements Project was still out to bid and a construction contract has yet to be awarded.

In order to avoid any additional unnecessary construction impacts to the Pepper Street neighborhood following completion of the Railroad Safety Trail project, staff recommends that all of the pavement reconstruction proposed for Pepper Street be completed as part of current Railroad Safety Trail construction activities. In turn, the Pepper Street bid Additive Alternative would not be included in the contract award for the 2021 Downtown Pavement Improvements Project. To facilitate this approach, staff is requesting that Council authorize the transfer of \$120,000 in 2021-2022 funds from the Streets Reconstruction and Resurfacing Master Account (Spec. No. 90346) originally intended for the Pepper Street portion of the 2021 paving project to the Railroad Safety Trail (Taft to Pepper) project account (Spec. No. 91375). Effectively, the funds originally planned for the Pepper Street paving as part of the 2021 paving project would instead be used to fund this same work as part of the Railroad Safety Trail project.

#### **Previous Council or Advisory Body Action**

On May 5, 2017, the Architectural Review Committee (ARC) approved the design and environmental study for the Railroad Safety Trail (Taft to Pepper) Project. In the ARC resolution approving the project (Attachment C), the committee included Condition #3, which related to the recommended style of path lighting:

*Final project design and construction drawings shall show the locations of all exterior lighting, including a graphic representation of the proposed lighting fixtures and cut sheets. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City'*

*s Night Sky Preservation standards contained in Chapter 17. 23 of the Zoning Regulations. Lighting shall be low level (less than four feet in height), bollard style, and continuous (outside of street sources of lighting).*

The City Engineer and maintenance staff have significant concerns regarding potential for vandalism and maintenance requirements for low-height bollard-style lighting fixtures, particularly when located in off-street locations out of eyesight from well-populated public streets/spaces. Further, the City does not currently have a standard bollard-style lighting fixture and does not maintain an inventory of spare equipment to repair these type of fixtures. For this reason, staff is requesting Council approval to allow for the installation of City Standard path lighting fixtures, which include an overhead light mounted at 16 feet in height, with a fixture design consistent with City Night Sky Preservation standards, and backlight shields that effectively illuminate the path, while minimizing light spillover beyond the footprint of the path itself. These path lights have been installed throughout the City, including along other segments of the Railroad Safety Trail, and have provided effective lighting with infrequent maintenance needs.

The City Council approved advertisement of the Railroad Safety Trail (Taft to Pepper) Project on March 17, 2020 (Attachment D), and delegated award authority to the City Manager. The award of the Project was approved by the City Manager on August 21, 2020 (Attachment E).

### **Policy Context**

The Railroad Safety Trail is identified as a “Tier 1” (highest priority) project in the City’s Active Transportation Plan (ATP) and supports the Major City Goal for Climate Action, Open Space and Sustainable Transportation. The proposed design modification to extend the trail to the Pepper Street/Mill Street intersection is consistent with the project alignment identified in the ATP, and the proposed path lighting installations are consistent with the ATP Design Guidelines, summarized as follows:

*8.18 Vandal-resistant lighting shall be provided for all shared-use paths and shall be consistent with City plans, located overhead (including in under crossings), generally not more than 16 feet high, direct light downward, have bulbs well recessed to avoid direct glare, and comply with City regulations and engineering standards.*

*8.19 Solar path lighting options should be considered for new installations.*

While the City is investigating a range of solar path lighting products, a City Standard solar path lighting fixture has not yet been selected. While staff plans to incorporate solar path lighting into future projects once a standard product has been confirmed, City Standard hard-wired path lighting is proposed for this particular installation because there is existing electrical conduit available, and this solution is expected to reduce up-front capital costs and result in more certain long-term maintenance obligations.

**Public Engagement**

Development of the Railroad Safety Trail (Taft to Pepper) Project included several public engagement opportunities, including outreach activities as part of the City's previous Bicycle Transportation Plan, recently adopted Active Transportation Plan, and several project-specific public hearings for the City's Active Transportation Committee, ARC and City Council meetings. This specific agenda item was noticed consistent with the City's Public Engagement and Noticing (PEN) Manual.

**CONCURRENCE**

The Public Works Director, City Engineer, Construction Manager and Community Development Director concur with the recommendations in this staff report.

**ENVIRONMENTAL REVIEW**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this Project, approved by the ARC, and filed to the County of San Luis Obispo on May 15, 2017. As mentioned above, the original project proposed low-height lighting only along the bridge structure; however, staff proposes additional safety lighting to improve the perceived safety of the pathway at night. The additional lighting would use a City Standard path lighting fixture, which conforms with the City's Night Sky Ordinance, and would include backlight shields to minimize light spillover beyond the footprint of the path itself. The Community Development Director has reviewed this proposal and determined that the additional lighting would not create potential significant aesthetic impacts, and the final project design remains in substantial conformance with the original project description and mitigation requirements identified in the approved IS/MND.

**FISCAL IMPACT**

Budgeted: Yes

Budget Year: 2017-18

Funding Identified: Yes

## Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance (uncommitted)	Annual Ongoing Cost
General Fund	\$0	\$0	\$0	
Local Revenue Measure	\$117,108	\$0	\$0	
Local Revenue Measure (transfer from Streets R&R Account)	\$0	\$120,000	\$120,000	
State	\$3,494,000	\$0	\$0	
Federal	\$0	\$0	\$0	
Sewer Fund	\$50,000	\$0	\$0	
Other: TIF	\$2,399,000	\$0	\$416,517	
<b>Total</b>	<b>\$6,060,108</b>	<b>\$120,000</b>	<b>\$536,517</b>	<b>\$</b>

## Railroad Safety Trail - Taft to Pepper, Specification No. 91375

	TIF Account (507.5010.71006)	ATP Grant Account (401.5010.71006)	Local Revenue Account (201.5010.71006)	SHA Grant Account (507.5010.71006)	Sewer Fund (602.950.1.71501)	Downtown Paving Improvement Project (90346)	Project Total Costs
	507 Fund	401 Fund	201 Fund	507 Fund	602	101 Fund	
Bid Total:	\$163,852	\$3,244,000	\$117,108	\$250,000	\$0	\$0	\$3,774,960
Contingencies	\$630,000	\$0	\$0	\$0	\$0	\$0	\$630,000
<b>Total for Construction</b>	<b>\$793,852</b>	<b>\$3,244,000</b>	<b>\$117,108</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,404,960</b>
Construction Management	\$518,934						\$518,934
Materials Testing:	\$96,013						\$96,013
Design Support:	\$129,994						\$129,994
UPRR Plancheck	\$75,000						\$75,000
Project Sewer Work					\$50,000		\$50,000
ROW Acquisition Costs	\$368,690						\$368,690
<b>Total Project Cost</b>	<b>\$1,982,483</b>	<b>\$3,244,000</b>	<b>\$117,108</b>	<b>\$250,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$5,643,591</b>
Available Project Balance	\$416,517	\$0	\$0	\$0	\$0	\$0	\$416,517
Total Project Budget	\$2,399,000	\$3,244,000	\$117,108	\$250,000	\$50,000	\$0	\$6,060,108
Additional Funding:	\$0	\$0	\$0	\$0		\$120,000	\$120,000
<b>New Project Budget</b>							<b>\$6,180,108</b>
Available Project Balance (after current transfer request)							\$536,517

The project was approved as part of the 2017-19 Financial Plan. When awarded, there was a total of \$6,010,108 available in the project budget, which was sufficient to fully fund the total costs of construction, contingencies, construction engineering support, construction management support, and materials testing services. An additional \$50,000 was allocated to the project from the Sewer Fund (602.9501.71501) for to improve an existing sewer line under a Council-approved change order.

Contingencies for the project were set at \$630,000, and \$213,483 in contingency funding has been expended thus far. Staff is estimating the additional path lighting will cost \$40,000. Staff is requesting a transfer of \$120,000 from the 2021 Downtown Paving Improvements Project, Spec. 1000167 for this work. This amount is the prorated portion of the project allocated for the street reconstruction on Pepper Street. This portion of Pepper Street will be removed from the 2021 Downtown Paving Improvements Project. With this transfer of funds and after accounting for the \$40,000 expenditure for additional path lighting, a total of \$496,517 will remain in the project account for the proposed extension of the path south to Mill Street. Staff believes that this funding will be sufficient to fund the path extension to Mill Street and any minor additional costs that may arise through completion of the project.

Approval of the staff recommendations presented in this report is requested at this time, as there will not be another opportunity to present these requests for Council approval until August 17<sup>th</sup>, as there is no Council hearing scheduled for the first week in August. The construction contract is scheduled to be completed by September 10<sup>th</sup>, and staff and the contractor will need time to process a change order before the end of construction. Delaying until August 17<sup>th</sup> may not provide enough time to receive the necessary approvals or to complete the work.

Remaining unused funds from the project account will be transferred back to the corresponding account balances, depending on fund source, upon completion of construction.

## ALTERNATIVES

1. ***City Council could deny the request to utilize City Standard path lighting fixtures***, deviating from the ARC's previous recommendation to use low-height "bollard-style" lighting along the trail. Staff does not recommend this, as bollard-style lighting presents a higher risk of vandalism and increased ongoing maintenance costs. Further, the City does not have an approved standard bollard-style light fixture, thus, City Streetlight Maintenance staff would need to invest additional resources in order to maintain a new product in a state of good repair.
2. ***City Council could deny the request to authorize the City Engineer to approve additional construction contract change orders*** and require that staff return to the Council to approve subsequent change orders exceeding \$100,000. Staff does not recommend this, as could result in project delays and potential for increased costs to either re-mobilize the current contractor or to implement these changes as future stand-alone capital projects.

3. ***City Council could deny the request to transfer funds from the Street Reconstruction and Resurfacing Master Account*** (Spec. No. 90346) to the Railroad Safety Trail (Taft to Pepper) project account (Spec. No. 91375) to fund additional pavement restoration along Pepper Street. Under this alternative, the Railroad Safety Trail project would restore a portion of the pavement area on Pepper Street, then the remainder of the pavement would be rehabilitated as part of the 2021 Downtown Pavement Improvements Project later this fall. Staff does not recommend this alternative, as this would result in extended construction impacts and inconvenience to the Pepper Street neighborhood.

#### **ATTACHMENTS**

- A. City Standard Plan for Path Lighting (Eng. Std. 7905)
- B. Railroad Safety Trail (Taft to Pepper) – Pathway Extension Plan
- C. Architecture Review Commission Resolution (ARC-1008-17, May 15, 2017)
- D. Council Agenda Report – Railroad Safety Trail Authorization to Advertise (March 17, 2020)
- E. City Manager Report – Railroad Safety Trail Construction Contract Award