



## Legislation Text

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**File #:** K-1920-110, **Version:** 1

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**CONTRACT K-1920-110:** A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$445,774 FOR THE STATE HIGHWAY 9 MULTIMODAL PATH, PHASE 3 (BETWEEN 36TH AVENUE S.E. AND 48TH AVENUE S.E.) FEDERAL-AID PROJECT TAP-214D(101)AG, STATE JOB 33270(04, ADOPTION OF RESOLUTION R-1920-87, AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

**BACKGROUND:** The Transportation Alternatives Program (TAP) was authorized under Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), and is codified at 23 U.S.C. Sections 213(b) and 101(a)(29). Section 1122 provides for the reservation of funds apportioned to a state under Section 104(b) of Title 23 to carry out the TAP. The national total reserved for the TAP is equal to 2% of the total amount authorized from the Highway Act of the Highway Trust Fund for Federal-aid highways each fiscal year.

Recently the MAP-21 Act has been renamed the MAP-21/FAST Act, and the funding program is now called the Surface Transportation Block Group Program. However, the programs and projects are still referred to as Transportation Alternatives, which still wrap into a single funding source the previous programs of Transportation Enhancements, Recreational Trail (RTB), and Safe Routes to School (SRTS).

Projects inside the Oklahoma City or the Tulsa urbanized areas are selected through a separate competitive process administered by the Association of Central Oklahoma Governments (ACOG) or the Indian Nations Council of Governments (INCOG). Eligible project sponsors under the MAP-21/FAST Act are the following entities:

- Local governments (cities and counties);
- Regional transportation authorities;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or schools (note: ACOG prefers that school districts partner with local governments for project applications);
- Tribal governments

For the Federal Fiscal Years 2015-2020, ACOG decided to have a single application period and invited eligible entities to submit project applications representing both large and small scale projects within the Oklahoma City Urbanized Zone. \$8.4 million was made available to Central Oklahoma entities. The assessment of projects was based on how well they met the published criteria. Requests could not exceed \$600,000 in federal funds for a single project, and there is no limit on the overall project size.

The following is a summary of the funding requirements and project examples:

- Federal/local matching split - 80/20%
- Federal funding request maximum - \$600,000
- Maximum project size - Unlimited
- Maximum number of applications - Unlimited
- Federal funding limit that a single entity (56%) can receive for submitted projects

Examples of projects include:

- Multi-use trail
- Sidewalk connecting major pedestrian generators
- Protected bicycle facilities, like buffered bicycle lanes or cycle track
- Safe bicycle & pedestrian crossings
- Design for project that would be eligible for funding in the future
- Signals to increase pedestrian safety
- On-street bikeways and bike lanes (striping and signage)

Projects must have at least a 20% commitment of non-federal funds to the total project cost. In order to participate in the selection process, applicants had to provide a TAP Resolution, adopted at a public meeting of its governing body, which described the location of the project, type of improvement, total project cost, and source(s) of funds.

On April 27, 2017, Council's Community Planning and Transportation Committee was briefed on the program and upcoming application cycle, and recommended that the following five projects and priorities be pursued:

#### Priority

1. Multimodal Path paralleling Constitution Street from Jenkins Avenue to Classen Boulevard, which includes a ten-foot wide paved path for pedestrians and bicyclists that will connect southeast Norman with the University of Oklahoma Main Campus.
2. Multimodal Path paralleling State Highway 9 (from 36<sup>th</sup> Avenue SE to 48<sup>th</sup> Avenue SE), which consists of a ten-foot wide paved path for pedestrians and bicyclists along the north side that will connect the urbanized area of Norman with Lake Thunderbird State Park.
3. Multimodal Path along Flood Avenue (West Side) from Robinson Street to Tecumseh Road

and along Tecumseh Road (South Side) from Flood Avenue to 24<sup>th</sup> Avenue NW, which consists of a ten-foot wide paved path for pedestrians and bicyclists that will connect northwest Norman with Downtown Norman and the University of Oklahoma Main Campus, and completes an eight-mile loop around Max Westheimer Airport.

4. Sidewalk Path along the east side of McGee Drive (from State Highway 9 to Lindsey Street), which consists of a five-foot wide pedestrian sidewalk along the east side of McGee Drive, between SH-9 and Cherry Stone Street that completes the pedestrian infrastructure along this heavily used corridor.
5. Fabrication/Installation of Wayfinding Signs on five city corridors (Robinson Street, Flood Avenue, 24<sup>th</sup> Avenue West, Tecumseh Road, and State Highway 9), which will aid travelers in finding certain important destinations in Norman, and fully implements the Wayfinding Plan previously adopted by City Council.

On May 9, 2017, City Council adopted resolutions R-1617-103 thru 107 requesting that the Association of Central Oklahoma Governments and the Oklahoma Department of Transportation consider the five city-wide projects previously described as candidates for federal funding under the Transportation Alternatives Program

On May 12, 2017, City staff submitted five of the thirty-eight project applications that were considered in the formulation of the Federal Fiscal Year 2015-2020 TAP. ACOG staff and the TAP review committee evaluated the different applications and awarded funds to the twenty higher-ranked projects.

In August of 2017, ACOG's Intermodal Transportation Technical and Policy Committees recommended and adopted the TAP plan, which includes the City's top two priority projects (the Constitution Multimodal Path and Phase 3 of the State Highway 9 Multimodal Path). The plan also includes two back-up projects that could be partially funded if there are any project cancellations, savings or a higher than estimated appropriation of federal funds. The first project on the back-up list is the Flood Avenue Multimodal Path project, between Robinson Street and Tecumseh Road.

On November 14, 2017, City Council approved contract K-1718-76 with Cardinal Engineering Company of Norman for the design of the State Highway 9 Multimodal Path - Phase 3 project

In January of 2020, City staff submitted the final plans and the final cost estimate to ODOT with a request to include the project in their April 23, 2020 bid opening. The final estimate of \$1,045,774 is to be funded with \$600,000 from the Transportation Alternatives Program grant and \$445,774 from the City's capital budget. Construction is anticipated to begin in late summer of 2020 with completion of the work by the end of the calendar year.

**DISCUSSION:** ODOT requires the City to execute a project agreement and to adopt it by resolution before spending any federal funds. The agreement addresses the responsibilities of the City and the Department during and after the construction of the project. The execution of four original documents is required. Both the resolution and agreement have been reviewed by staff and approved by the City

Attorney.

ODOT is also asking that the local share of the project cost, estimated at \$445,774, be paid in advance of the bid opening, which again has been scheduled for April 23, 2020. Most of the funds (\$300,000) are budgeted in the FYE Capital Improvement Plan, Other Traffic-Special, Construction (Account/org/object 50596688-46101/Project TR0116). A \$145,774 appropriation from the Capital Fund Balance will be necessary to make up the difference.

**RECOMMENDATION:** Staff recommends approval of Contract K-1920-110 and Resolution R-1920-87 for the State Highway 9 Multimodal Path - Phase 3 project, between and 36<sup>th</sup> Avenue SE and 48<sup>th</sup> Avenue SE.

Staff also recommends a \$145,774 appropriation of funds from the Capital Fund Balance (50-29000) to State Highway 9 Multimodal Path, Phase 3 from 36th Avenue to 48th Avenue SE, Construction (Project TR0116).

Staff further recommends that Council authorize payment in the amount of \$445,774 to the Oklahoma Department of Transportation for the local share of the project cost.