



**DATE:** September 17, 2024

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn & Associates, Inc., for the Preliminary Engineering Phase of the Tennyson Road Crossing Safety Improvements, Project No. 06944, in an Amount Not-to-Exceed \$549,772.26 and Appropriate an Additional \$92,489.34 from Fund 460 to the Project

## **RECOMMENDATION**

That Council adopts resolutions (Attachments II and III):

1. Authorizing the City Manager to execute a Professional Services Agreement (PSA) with Kimley-Horn & Associates, Inc., (Kimley-Horn) for the Preliminary Engineering Phase of the Tennyson Road Crossing Safety Improvements, Project No. 06944 in an amount not-to-exceed \$549,772.26; and
2. Authorize the Appropriation of \$92,489.34 from Fund 460 to the Preliminary Engineering Phase of the Tennyson Road Crossing Safety Improvements Project, Project No. 06944, for a total project balance of \$598,731.80.

## **SUMMARY**

On July 9, 2024, the City received four (4) valid proposals for the Preliminary Engineering Phase of the Tennyson Road Crossing Safety Improvements Project. The Project proposes to upgrade the railroad crossing located on Tennyson Road at the Union Pacific Railroad (UPRR) tracks by mitigating existing potential hazards to reduce the chance of future transportation-related incidents. Kimley-Horn's proposal ranked the highest with an average score of 89.5/100 based on criteria established in the published Request for Proposal 24-031. The negotiated cost proposal with Kimley-Horn is for \$549,772.26.

Staff recommends awarding a PSA to Kimley-Horn in the amount described above and appropriate an additional \$92,489.34 to cover additional consultant and staff costs to complete the Preliminary Engineering Phase. All additional funds are expected to be fully reimbursed by the Federal Railway-Highway Crossings (Section 130) grant funds.

## **BACKGROUND**

The Tennyson Road and Union Pacific Railroad (UPRR) Crossing was originally identified by the Alameda County Transportation Commission (ACTC) Rail Safety Enhancement Project, Phase A (RSEP-A). The RSEP project is intended to design and implement crossing improvements on many crossings throughout Alameda County. Due to increases in scope and to access funding from the Federal Railway-Highway Crossings (Section 130) program, the City took on the lead for the public (non-railroad) portion of the project.

The Section 130 Program is a federal program that provides funding to the States on a formula basis to fund safety improvements that reduce the number of fatalities, injuries, and crashes at public railway-highway grade crossings. Projects funded through this program are 100% funded for both the railroad and road agency and do not require a local match. The Section 130 Program for California is administered by the California Department of Transportation (Caltrans) and provided through Caltrans Local Assistance, which awards funding to specific projects based on previous incidents and conditions at each crossing.

On June 23, 2023, Caltrans issued an E-76, a formal Federal Authorization to Proceed, and initiated the Preliminary Funding Phase of this project under the Section 130 Program. While the Tennyson project was previously managed by ACTC through the RSEP-A program, at the request of Caltrans, the City accepted management the public road portions of the project. UPRR will manage the portion of the project that is within their right-of-way. On January 23, 2024<sup>1</sup>, Council approved a resolution authorizing the City Manager to accept and appropriate \$506,242.46 of the Federal Section 130 funds.

## **DISCUSSION**

The Tennyson Road rail crossing consists of a four-lane, generally east-west oriented roadway and one track of the UPRR Roseville Division, Niles Subdivision, intersecting at a 100-degree crossing angle. The roadway is 91 feet wide, including 5-foot bicycle lanes in both directions and 18-foot-wide raised concrete medians on both sides of the crossing. There are concrete sidewalk approaches to the crossing. UPRR and Amtrak currently operate trains at the crossing. From October 2016 to June 2023, there were four train-involved reported incidents at the Tennyson Road rail crossing; out of four incidents, two were pedestrians, one was a bicyclist and one was a motorist-involved collision. One of two pedestrian incidents and the bicyclist incident resulted in fatality and the motorist collision resulted in injuries.

On May 31, 2024, a Request for Proposal (RFP) was advertised and issued for the Preliminary Engineering Phase of the project. The Preliminary Engineering phase includes the background research, environmental clearance, utility coordination, traffic and lighting studies, developing final plans and specifications, right-of-way engineering, and submitting

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=6484932&GUID=AEC64E78-83BF-4AE3-B852-25A8335D9E8E&Options=&Search=>

the GO 88-B Authorization Request to the California Public Utilities Commission (CPUC). On July 9, 2024, the City received four (4) valid proposals from CSWST2, Kimley-Horn, JMA Civil, and TKDA. Federal projects require an evaluation of proposals based only on qualifications first with negotiations on cost after a top selection is made. Kimley-Horn's proposal was ranked the highest based on the criteria set forth in the RFP with an average score of 89.5/100. The remaining ranking placed JMA Civil second (77.5), CSWST2 third (70.5), and TKDA fourth (61.5). Negotiations with Kimley-Horn resulted in a revised cost proposal of \$549,772.26.

The total cost of the design phase is expected to be \$598,772.26, including the consultant cost proposal of \$549,772.26 and the estimated City staff costs of \$48,959.54. The estimated staff costs include project management public outreach, and review hours required for the project. City staff is working with Caltrans to receive a revised E-76 and Grant Agreement for the full amount, including the additional consultant and City staff costs totaling \$92,489.34.

The execution of this contract and appropriation of additional funding will allow the City to proceed with the Preliminary Engineering Phase of the project. The anticipated completion of the final plans and specifications is expected to be by the end of 2026.

## **ECONOMIC IMPACT**

This item has no direct economic impact. However, the project, which is adjacent to Cesar Chavez Middle School, will provide improved safety and access for students, pedestrians, bicyclists, and motorists at the Tennyson Road and UPRR railroad crossing. These improvements will improve the transportation system in the South Hayward area on Tennyson Road.

## **FISCAL IMPACT**

The adopted FY25 CIP Budget has an allocated project budget of \$506,242 from Fund 460. Staff recommends the appropriation of an additional \$92,489.34 for a new total project balance of \$598,731.80 to cover the consultant and staff costs to complete the Preliminary Engineering Phase. Of the \$598,731.80, consultant cost makes up \$549,772.26 while staff cost is \$48,959.54. Fund 460, Transportation System Improvement, has a sufficient fund balance to cover the increase and appropriation. Project expenses, including the additional consultant and staff costs totaling \$92,489.34 will be fully reimbursed by the Federal Railway-Highway Crossings grant fund. Staff is coordinating with Caltrans to amend the grant agreement to include the additional \$92,489.34. This item has no impact on the General Fund.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following projects:

Project N1: Continue to implement major corridor traffic calming initiatives.  
Project N4: Implement Safe Routes for School, with a focus on Cesar Chavez and Palma Ceia.

## **SUSTAINABILITY FEATURES**

The project intends to improve the railroad crossing to be safer and more accessible for all modes of transportation. It supports the City's recent Safe Routes to School efforts at Cesar Chavez Middle School and encourages active transportation through increased safety. With Cesar Chavez Middle School and Tennyson High School nearby, the project will help ensure that walking and cycling are safe options for students and residents in the area.

## **PUBLIC CONTACT**

No public contact has been made related to this agenda item.

## **NEXT STEPS**

If Council approves this request, the City Manager will execute a PSA with Kimley-Horn & Associates, Inc., for the Preliminary Engineering Phase of the Tennyson Road Crossing Safety Improvements, Project No. 06944 in a not-to-exceed amount of \$549,772.26 and appropriate an additional \$92,489.34 from Transportation System Improvement (Fund 460) to bring the total project balance to \$598,731.80. Project schedule for the preliminary engineering phase is below:

Task/Phase	Anticipated Completion
Data Gathering & Background Research	December 2024
Traffic Study	December 2024
Environmental	March 2025
Final PS&E	December 2025
Right-of-Way	July 2026
Bidding and Construction Support	TBD

*Prepared by:* Byron Tang, Senior Transportation Engineer  
Hugh Louch, Deputy Director of Public Works Transportation

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*

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Dustin Claussen, Interim City Manager