

STAFF REPORT



ITEM NO. 8 CITY OF OCEANSIDE

DATE: September 9, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF OCEANSIDE AND THE CITY OF SAN CLEMENTE CONCERNING COOPERATION IN ESTABLISHING A RAILROAD SAFETY QUIET ZONE**

SYNOPSIS

Staff recommends that the City Council approve a Memorandum of Understanding (MOU) between the City of Oceanside and the City of San Clemente concerning cooperation in establishing a railroad safety quiet zone, and authorize the Mayor to execute the MOU on behalf of the City Council and the Community Development Commission (CDC).

BACKGROUND

In June 2009, City of San Clemente staff requested a meeting with City of Oceanside staff to discuss railroad quiet-zone matters. A meeting took place the subsequent month in July 2009; representatives from the City of Oceanside, the City of San Clemente, Camp Pendleton, Metrolink, Orange County Transportation Authority (OCTA), and RailPros were in attendance. The primary topic of the meeting was a proposal by San Clemente representatives requesting the commencement of formal discussions to cooperatively create a quiet zone from San Clemente to Oceanside.

The City of San Clemente has identified the establishment of a quiet zone along the railroad corridor between Calafia Beach and North Beach as a City priority. A Notice of Intent (NOI) to establish a quiet zone within San Clemente was completed in November 2007. The City was subsequently informed by the Federal Railroad Administration (FRA) that the San Clemente quiet zone must be bound at each end by a public vehicular crossing; only one public vehicular crossing exists in San Clemente.

As a result of the news from the FRA, the City of San Clemente staff contacted Oceanside staff because Camp Pendleton does not have any public vehicular crossings. One of San Clemente's options to establish a quiet zone is to partner with the City of Oceanside. Oceanside has five (5) public vehicular crossings. The Oceanside crossing at Surfrider Way could serve as San Clemente's southerly boundary, thus satisfying the FRA requirement. However, due to the short distance

between the crossings at Surfrider Way and Mission Avenue, Metrolink staff stated that both the Surfrider Way and Mission Avenue crossings would have to be improved in order for Oceanside to realize significant noise reduction from southbound trains. Therefore, the extent of the quiet zone, as discussed at the July meeting, is proposed as that portion of rail located between the crossing at Capistrano Shores in San Clemente (northern boundary) and the public vehicular crossing at Mission Avenue in Oceanside (southern boundary).

ANALYSIS

City staff has recently reached an agreement with NCTD staff regarding a revised cost estimate concerning implementation of a quiet zone within Oceanside. The preliminary cost associated with enhancing safety at the Surfrider Way and Mission Avenue crossings is between \$1.5 million to \$4.2 million. The broad range in cost is primarily due to the following factors: considerable fluctuation within the NCTD cost estimate, early stage project scoping, and anticipated higher unit price due to reduced volume of work.

City staff anticipates that the discussions will include design parameters, construction timing, cost analysis, and funding opportunities.

FISCAL IMPACT

The MOU does not identify immediate expenditures. The agreement establishes a collaborative approach of enhancing railway crossing safety, while improving the quality of life for the citizens of each community. Future expenditures associated with the quiet zone and this agreement shall follow the City of Oceanside Procurement of Goods and Services Directive.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

On August 18, 2009, the Transportation Commission voted in favor of executing a MOU with the City of San Clemente.

CITY ATTORNEY'S ANALYSIS

The referenced Memorandum of Understanding has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council approve a Memorandum of Understanding (MOU) between the City of Oceanside and the City of San Clemente concerning cooperation in establishing a railroad safety quiet zone, and authorize the Mayor to execute the MOU on behalf of the City Council and the Community Development Commission (CDC).

PREPARED BY:



Scott O. Smith
City Engineer

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



George Buell, Development Services Director



Teri Ferro, Financial Services Director



Attachments:

1. Quiet Zone cooperation MOU
2. RailPros Cost Estimate

**MEMORANDUM OF UNDERSTANDING
FOR COOPERATION IN ESTABLISHING
A RAILROAD SAFETY QUIET ZONE**

This MEMORANDUM OF UNDERSTANDING is entered into this ____ day of _____, 2009, by and between the CITY OF SAN CLEMENTE, a California municipal corporation (“San Clemente”), the CITY OF OCEANSIDE, a California municipal corporation (“Oceanside”), and DEPARTMENT OF THE NAVY by and through MARINE CORPS BASE CAMP PENDLETON, (“Camp Pendleton”) (collectively, the “Parties”).

R E C I T A L S:

- A. The Parties desire to ensure the safety and welfare of their citizens, members, and the public from the harm posed by the various forms of rail traffic transiting their jurisdictions.
- B. The Parties desire to cooperate in the establishment of a safety/quiet zone pursuant to federal railroad administration rules (49 CFR § 222.35, *et seq.*).

C O V E N A N T S:

NOW, THEREFORE, based on the above Recitals and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereto covenant as follows:

- 1. The Parties agree to cooperate in the establishment of a safety/quiet zone pursuant to Title 49, Code of Federal Regulations, Section 222.33, *et seq.*, potentially extending between Mission Avenue in the City of Oceanside on the south and North Beach in the City of San Clemente on the north.
- 2. San Clemente will prepare the initial documentation associated with the establishment of the safety/quiet zone, which documents are the Notice of Intent and Notice of Establishment.
- 3. The Parties shall each be responsible for costs associated with diagnostic meetings for the particular at grade crossings proposed to be located within the portions of the safety/quiet zone within their own jurisdictions.
- 4. The Parties agree that Oceanside will not be a party to any agreements that San Clemente has between Metrolink/OCTA for the San Clemente crossings, and San Clemente will not be a party to any agreements between Oceanside and NCTD for any at-grade crossings within the City of Oceanside.
- 5. The Parties agree that they will share lead agency status for preparation of environmental documentation associated with the establishment of the safety/quiet zone.

6. Each Party (herein the Indemnifying party”) hereby agrees that it shall indemnify, defend, and hold harmless all other Parties and their officers, officials, members, employees, agents, consultants, and representatives, from and against any and all claims, liabilities, damages, losses, suits, costs and expenses (including but not limited to expert witness fees and reasonable attorneys’ fees) of every kind, nature, and type asserted by any person or entity arising out of any actions of the Indemnifying Party and their officers, officials, members, employees, agents, consultants, and representatives when such action is undertaken pursuant to this MOU.

7. This Memorandum of Understanding may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

8. This Memorandum of Understanding shall be governed by and construed in accordance with the laws of the State of California

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed by the parties as of the date set forth above.

CITY OF SAN CLEMENTE,
a California municipal corporation

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jeffrey M. Oderman
City Attorney

CITY OF OCEANSIDE,
a California municipal corporation

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

MARINE CORPS BASE CAMP
PENDLETON, DEPARTMENT OF THE
NAVY

By: _____
Col. Nicholas F. Marano, USMC
Commanding Officer, Marine Corps
Base, Camp Pendleton

Project:	Oceanside Quiet Zone - Surfrider Way and Mission Ave Only
Estimate:	Total Project Budget - Conceptual Design
By:	RailPros, Inc.
Date:	July 2, 2009

Description	Quantity	Unit	Unit Cost (Low)	Unit Cost (High)	Total (Low)	Total (High)
Project Costs						
City Costs					\$890,622	\$1,682,931
NCTD Costs					\$341,000	\$1,852,250
Total - Construction Costs					\$1,231,622	\$3,535,181
Non-Construction Costs - City Only						
Environmental and Permitting					\$10,000	\$20,000
Quiet Zone Processing					\$30,000	\$30,000
Project Management	5.0%				\$44,531	\$84,147
Construction Management	8.0%				\$71,250	\$134,635
City Administration	5.0%				\$44,531	\$84,147
NCTD Flag Protection	40	Person-Days	\$600	\$800	\$24,000	\$32,000
Total - Non-Construction Costs					\$224,312	\$384,928
Total - Construction + Non-Construction Costs					\$1,455,934	\$3,920,109
Escalation - 2 Years	3.0%				\$88,666	\$238,735
TOTAL					\$1,544,600	\$4,158,844
ROUNDED					\$1,500,000	\$4,200,000

Oceanside Quiet Zone
NCTD Preliminary Cost Estimate
4/21/2009, updated 7/2/2009 for Surfrider and Mission Costs Only

Description/Location		Unit	Quantity	Unit Price	Cost			
Signal								
Surfrider Way (MP 225.9)								
1	Power-out Indicators + Wayside Fault Indicators + Relocate Existing Warning Devices	LS	1	\$ 110,000	\$ 110,000			
Mission Avenue (MP 226.2)								
1	Power-out Indicators + Wayside Fault Indicators	LS	1	\$ 70,000	\$ 70,000			
2	Pedestrian Gates at all Four Quadrants	LS	1	\$ 300,000	\$ 300,000			
3	Implementation of Advance Preemption	LS	1	\$ 675,000	\$ 675,000			
Wisconsin Avenue (MP 226.8)								
1	Power-out Indicators + Wayside Fault Indicators	LS	1					
2	Two CPUC No. 8 Warning Devices at Downstream Quadrants	LS	1					
3	Pedestrian Gates at all Four Quadrants	LS	1					
Oceanside Boulevard (MP 227.2)								
1	Power-out Indicators + Wayside Fault Indicators	LS	1					
Cassidy Street (MP 228.0)								
1	Power-out Indicators + Wayside Fault Indicators	LS	1					
						RR Signal Subtotal	\$ 180,000	\$ 1,155,000
RR Civil								
	Surfrider Way (MP 225.9)	LS	1	\$ 20,000	\$ 20,000			
	Mission Avenue (MP 226.2)	LS	1	\$ 20,000	\$ 20,000			
	Wisconsin Avenue (MP 226.8)	LS	1					
	Oceanside Boulevard (MP 227.2)	LS	1					
	Cassidy Street (MP 228.0)	LS	1					
						RR Civil Subtotal	\$ 40,000	
						RR Construction Subtotal	\$ 220,000	\$ 1,195,000
						Soft Costs: Design, CM, PM, and NCTD Staff Time at 25%	\$ 55,000	\$ 298,750
						Contingency at 30%	\$ 66,000.0	\$ 358,500.0
						Estimated Project Total	\$ 341,000	\$ 1,852,250

NOTES:

1. Low range RR Signal Subtotal only includes Line 1 base cost for each crossing location
2. High range RR Signal Subtotal total includes Lines 1, 2, and 3 for Mission Avenue (Lines 2 and 3 are for improvements that NCTD anticipates may be necessary in order to potentially address impacts associated by future development; specifically, future signalization of adjacent intersections [that may result in vehicles queuing across the tracks] and increased pedestrian traffic.

Project:	Oceanside Quiet Zone - Surfrider Way and Mission Ave Only
Estimate:	City Estimate - Summary
By:	RailPros, Inc.
Date:	July 2, 2009

Description	Quantity	Unit	Unit Cost (Low)	Unit Cost (High)	Total (Low)	Total (High)
<u>Construction Costs</u>						
City Costs - Civil and Traffic					\$498,250	\$941,500
Mobilization and Demobilization	10.0%				\$49,825	\$94,150
Total - Construction Costs					\$548,075	\$1,035,650
<u>Other Costs - City</u>						
Design	15.0%				\$82,211	\$155,348
Design Support During Construction	10.0%				\$54,808	\$103,565
Total - Other Costs, City					\$137,019	\$258,913
Total - Construction + Other Costs					\$685,094	\$1,294,563
Contingency	30.0%				\$205,528	\$388,369
Total with Contingency					\$890,622	\$1,682,931

Project:	Oceanside Quiet Zone - Surfrider Way and Mission Ave Only
Estimate:	Grade Crossing - Conceptual Design
Location:	Crossings - Summary
By:	RailPros, Inc.
Date:	July 2, 2009

Description	Quantity	Unit	Unit Cost (Low)	Unit Cost (High)	Cost (Low)	Cost (High)	Total (Low)	Total (High)
<u>Demolish and Remove</u>								
Median	40	LF	\$100	\$150	\$4,000	\$6,000		
Curb	400	LF	\$20	\$30	\$8,000	\$12,000		
Curb and gutter	70	LF	\$20	\$30	\$1,400	\$2,100		
Curb ramp	0	EA	\$800	\$1,000	\$0	\$0		
Driveway	3350	SF	\$5	\$10	\$16,750	\$33,500		
Sidewalk	1200	SF	\$5	\$10	\$6,000	\$12,000		
Landscaped Area	0	SF	\$2	\$5	\$0	\$0		
Chain-link fence	0	LF	\$5	\$7	\$0	\$0		
Tubular steel fence	0	LF	\$15	\$20	\$0	\$0		
Pedestrian railing	0	LF	\$20	\$25	\$0	\$0		
Asphalt Paving - 4"	1500	SF	\$5	\$10	\$7,500	\$15,000		
Crossing Panel	70	TF	\$40	\$50	\$2,800	\$3,500		
Signing and Striping	2600	Lane Foot	\$5	\$10	\$13,000	\$26,000		
							\$59,450	\$110,100
SUBTOTAL - Demolish and Remove								
<u>Construct New</u>								
Median	100	LF	\$300	\$400	\$30,000	\$40,000		
Curb	400	LF	\$50	\$60	\$20,000	\$24,000		
Curb and gutter	70	LF	\$50	\$60	\$3,500	\$4,200		
Curb ramp	0	EA	\$4,000	\$5,000	\$0	\$0		
Driveway	3350	SF	\$50	\$60	\$167,500	\$201,000		
Sidewalk	1200	SF	\$40	\$50	\$48,000	\$60,000		
Landscaped Area	1000	SF	\$30	\$40	\$30,000	\$40,000		
Fencing	700	LF	\$20	\$120	\$14,000	\$84,000		
Pedestrian railing	400	LF	\$100	\$120	\$40,000	\$48,000		
Detectable warning strip	88	LF	\$100	\$150	\$8,800	\$13,200		
Pedestrian swing gate	4	EA	\$1,000	\$2,000	\$4,000	\$8,000		
Asphalt Paving - 4"	1500	SF	\$20	\$30	\$30,000	\$45,000		
Crossing Panel	10	TF	\$400	\$1,200	\$4,000	\$12,000		
Signing and Striping	2600	Lane Feet	\$15	\$20	\$39,000	\$52,000		
Queue-Cutter Traffic Signal (HIGH Range Only)	1	EA	\$0	\$200,000	\$0	\$200,000		
							\$438,800	\$831,400
SUBTOTAL - Construct New								
							\$498,250	\$941,500
TOTAL								

Project: **Oceanside Quiet Zone - Surfrider Way and Mission Ave Only**
 Estimate: **Grade Crossing - Conceptual Design**
 Location: **Surfrider Way**
 By: **RailPros, Inc.**
 Date: **July 2, 2009**

Description	Quantity	Unit	Unit Cost (Low)	Unit Cost (High)	Cost (Low)	Cost (High)	Total (Low)	Total (High)
Demolish and Remove								
Median	40	LF	\$100	\$150	\$4,000	\$6,000		
Curb		LF	\$20	\$30	\$0	\$0		
Curb and gutter	70	LF	\$20	\$30	\$1,400	\$2,100		
Curb ramp		EA	\$800	\$1,000	\$0	\$0		
Driveway	2850	SF	\$5	\$10	\$14,250	\$28,500		
Sidewalk	700	SF	\$5	\$10	\$3,500	\$7,000		
Landscaped Area		SF	\$2	\$5	\$0	\$0		
Chain-link fence		LF	\$5	\$7	\$0	\$0		
Tubular steel fence		LF	\$15	\$20	\$0	\$0		
Pedestrian railing		LF	\$20	\$25	\$0	\$0		
Asphalt Paving - 4"	1500	SF	\$5	\$10	\$7,500	\$15,000		
Crossing Panel	70	TF	\$40	\$50	\$2,800	\$3,500		
Signing and Striping	1000	Lane Foot	\$5	\$10	\$5,000	\$10,000		
SUBTOTAL - Demolish and Remove							\$38,450	\$72,100
Construct New								
Median	100	LF	\$300	\$400	\$30,000	\$40,000		
Curb		LF	\$50	\$60	\$0	\$0		
Curb and gutter	70	LF	\$50	\$60	\$3,500	\$4,200		
Curb ramp		EA	\$4,000	\$5,000	\$0	\$0		
Driveway	2850	SF	\$50	\$60	\$142,500	\$171,000		
Sidewalk	700	SF	\$40	\$50	\$28,000	\$35,000		
Landscaped Area	1000	SF	\$30	\$40	\$30,000	\$40,000		
Fencing	300	LF	\$20	\$120	\$6,000	\$36,000		
Pedestrian railing		LF	\$100	\$120	\$0	\$0		
Detectable warning strip	24	LF	\$100	\$150	\$2,400	\$3,600		
Pedestrian swing gate		EA	\$1,000	\$2,000	\$0	\$0		
Asphalt Paving - 4"	1500	SF	\$20	\$30	\$30,000	\$45,000		
Crossing Panel	10	TF	\$400	\$1,200	\$4,000	\$12,000		
Signing and Striping	1000	Lane Feet	\$15	\$20	\$15,000	\$20,000		
Queue-Cutter Traffic Signal (HIGH Range Only)		EA	\$0	\$200,000	\$0	\$0		
SUBTOTAL - Construct New							\$291,400	\$406,800
TOTAL							\$329,850	\$478,900

Project: **Oceanside Quiet Zone - Surf rider Way and Mission Ave Only**

Estimate:	Grade Crossing - Conceptual Design
Location:	Mission Avenue
By:	RailPros, Inc.
Date:	July 2, 2009

Description	Quantity	Unit	Unit Cost (Low)	Unit Cost (High)	Cost (Low)	Cost (High)	Total (Low)	Total (High)
Demolish and Remove								
Median		LF	\$100	\$150	\$0	\$0		
Curb	400	LF	\$20	\$30	\$8,000	\$12,000		
Curb and gutter		LF	\$20	\$30	\$0	\$0		
Curb ramp		EA	\$800	\$1,000	\$0	\$0		
Driveway	500	SF	\$5	\$10	\$2,500	\$5,000		
Sidewalk	500	SF	\$5	\$10	\$2,500	\$5,000		
Landscaped Area		SF	\$2	\$5	\$0	\$0		
Chain-link fence		LF	\$5	\$7	\$0	\$0		
Tubular steel fence		LF	\$15	\$20	\$0	\$0		
Pedestrian railing		LF	\$20	\$25	\$0	\$0		
Asphalt Paving - 4"		SF	\$5	\$10	\$0	\$0		
Crossing Panel		TF	\$40	\$50	\$0	\$0		
Signing and Striping	1600	Lane Foot	\$5	\$10	\$8,000	\$16,000		
SUBTOTAL - Demolish and Remove							\$21,000	\$38,000
Construct New								
Median		LF	\$300	\$400	\$0	\$0		
Curb	400	LF	\$50	\$60	\$20,000	\$24,000		
Curb and gutter		LF	\$50	\$60	\$0	\$0		
Curb ramp		EA	\$4,000	\$5,000	\$0	\$0		
Driveway	500	SF	\$50	\$60	\$25,000	\$30,000		
Sidewalk	500	SF	\$40	\$50	\$20,000	\$25,000		
Landscaped Area		SF	\$30	\$40	\$0	\$0		
Fencing	400	LF	\$20	\$120	\$8,000	\$48,000		
Pedestrian railing	400	LF	\$100	\$120	\$40,000	\$48,000		
Detectable warning strip	64	LF	\$100	\$150	\$6,400	\$9,600		
Pedestrian swing gate	4	EA	\$1,000	\$2,000	\$4,000	\$8,000		
Asphalt Paving - 4"		SF	\$20	\$30	\$0	\$0		
Crossing Panel		TF	\$400	\$1,200	\$0	\$0		
Signing and Striping	1600	Lane Feet	\$15	\$20	\$24,000	\$32,000		
Queue-Cutter Traffic Signal (HIGH Range Only)	1	EA	\$0	\$200,000	\$0	\$200,000		
SUBTOTAL - Construct New							\$147,400	\$424,600
TOTAL							\$168,400	\$462,600

NOTE: A queue-cutter traffic signal is the potential solution to address vehicle queuing across the tracks that may be associated with future signalization of adjacent intersections.