



Meeting Date: 02/14/12

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Lou Balderrama, City Engineer

Agenda Item No. I-7

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Public Works

DATE: February 2, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director
Public Works

SUBJECT: Agreement with Ventura County Railroad for Grade Crossing Improvements
(Agreement No. A-7471)

RECOMMENDATION

That City Council approve and authorize the Mayor to execute an agreement with Ventura County Railroad (VCRR) in the amount of \$594,000 to improve the existing grade crossings at the intersections of Wooley Road and Oxnard Boulevard, Wooley Road and Commercial Avenue, and Wooley Road and Richmond Avenue (Agreement No. A-7471).

DISCUSSION

The existing railroad crossings at the intersections of Wooley Road and Oxnard Boulevard, Wooley Road and Commercial Avenue, and Wooley Road and Richmond Avenue are deteriorated and need to be replaced with concrete panels. The railroad company performs all work within their right-of-way, and does not permit the City of Oxnard or any of its contractors to do the repairs. The City has requested that VCRR coordinate the timing of such work with the resurfacing project on Wooley Road to minimize traffic impacts.

These crossing improvements were included in the Wooley Road Arterial Resurfacing Project that was reviewed and approved by Caltrans for Surface Transportation Act (STA) Funding reimbursement. STA was established and is authorized by the Federal Government as federal aid for transportation projects that are administered by Caltrans. The estimated cost for VCRR to perform these improvements is \$594,000. The City and Caltrans will be executing a Program Supplement Agreement for Caltrans to administer the STA funds in the amount of \$3,940,849 to the City for the Wooley Road Resurfacing Project. These crossing improvements were included in the Wooley Road Arterial Resurfacing Project that was reviewed and approved by Caltrans for Surface Transportation Act (STA) Funding reimbursement. STA was established and is authorized by the Federal Government as federal aid for transportation projects that are administered by Caltrans. The estimated cost for VCRR to

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perform these improvements is \$594,000. The City and Caltrans will be executing a Program Supplement Agreement for Caltrans to administer the STA funds in the amount of \$3,940,849 to the City for the Wooley Road Resurfacing Project.

Staff is recommending a separate item on Council's agenda to reprogram \$1,590,505 available funding of State Proposition 1B monies from completed projects to the Wooley Road Resurfacing Project while the Program Supplement Agreement is being executed between the City and Caltrans. State Proposition 1B is voter approved bonds for street maintenance and repair. The Wooley Road Resurfacing Project estimated cost is \$5,500,000 and includes the improvements of the railroad grade crossings. Both STA and Proposition 1B funding are necessary to cover the cost of the entire project. Staff will return to City Council to recommend the plans and specifications and appropriate the STA funding for the Wooley Road Resurfacing Project.

FINANCIAL IMPACT

Allocation of State Prop 1B funds to this project have been submitted for Council consideration under a separate item. If approved by Council, State Proposition 1B funds will provide sufficient funding in the Wooley Road Arterial Resurfacing Project No. 081325 to cover the cost of the Railroad Grade Crossing Improvements.

Attachment #1 - Agreement No. A-7471

GRADE CROSSING IMPROVEMENTS AGREEMENT

AGREEMENT entered into this 14th day of February, 2012, by and between THE VENTURA COUNTY RAILROAD, called herein "VCRR" and THE CITY OF OXNARD, CALIFORNIA, called herein "City".

WHEREAS, the City desires to improve the existing grade crossings at the intersections of Wooley Road and Oxnard Boulevard, Wooley Road and Commercial Avenue, and Wooley Road and Richmond Avenue, as part of the Wooley Road Arterial Resurfacing Project, by installing precast concrete crossing surface with the corresponding track structure to support it; and

WHEREAS, VCRR is agreeable to completing the at grade crossing improvement work performed subject to the following terms and conditions of this Agreement;

NOW, THEREFORE, the parties agree as follows:

1. The total estimated cost for this project is \$594,000. City's obligation under this Agreement shall not exceed the estimated cost, without further approval by the City. Prior to VCRR performing any work on this project, City will deposit with VCRR the amount of \$594,000 to cover the estimated costs of the project as shown on the estimate attached hereto as Exhibit A. Should the bids for material, labor, equipment, and other expenses exceed the estimate in aggregate; the VCRR shall submit a written request to the City for an increase in the project cost. If permission cannot be obtained from the City, the VCRR shall return all funds advanced from the City and this Agreement shall be considered terminated pursuant to Section 6. Upon completion of the work VCRR will bill for actual labor, equipment, and other costs in an amount not to exceed the estimated labor, equipment, and other costs without further approval by the City. Should the actual material costs be less than estimated, then VCRR will apply the difference against the final bill for actual labor costs, with a written accounting of the final costs, and the City will reimburse VCRR for the net actual costs of the project with 45 days of receipt of the bill.
2. Work is to be done during normal working hours and will require a 48 hour closure for each street crossing. If the City requires the surface improvement work to be performed on a weekend, City agrees to pay for any additional costs incurred due to overtime pay for VCRR and/or Contractors or any other extra expenses associated with the weekend work. City will install asphalt road approaches and be responsible for any required notification of the public.
3. VCRR will cause its contractors to pay prevailing wages to all persons working on the project.

4. This Agreement shall commence upon execution of this Agreement by both parties and shall continue for 240 calendar days, subject to prior termination as hereinafter described.
5. If either party shall default in any of the agreements contained in this document the other may terminate this Agreement by serving ten (10) days notice in writing upon the defaulting party. Any waiver by the non-defaulting party of any default shall not constitute a waiver of the right to terminate this Agreement for any subsequent defaults, nor shall any such waiver in any way affect the parties' ability to enforce any sections of this Agreement. The remedy set forth in this section shall be in addition to and not in limitation of any other remedies may have at law or in equity.
6. This agreement may be terminated by either party, at any time, by serving ten (10) days written notice of termination on the other party.
7. The parties shall observe and comply with any and all federal, state, and local laws and regulations in the performance of this Agreement.
8. This Agreement is the full and complete Agreement between the parties and supersedes any and all other agreements between the parties hereto relating to the installation of the improvements at the grade crossings.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate the day and year first above written.

THE VENTURA COUNTY RAILROAD

CITY OF OXNARD

By: _____
 Randy Perry
 General Manager

By: _____
 Print: Dr. Thomas E. Holden
 Title: Mayor

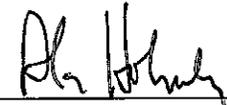
Date: _____

Date: _____

ATTEST:

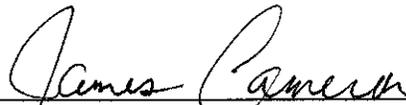
 Daniel Martinez, City Clerk

APPROVED AS TO FORM:



 Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:


James Cameron, Risk Manager

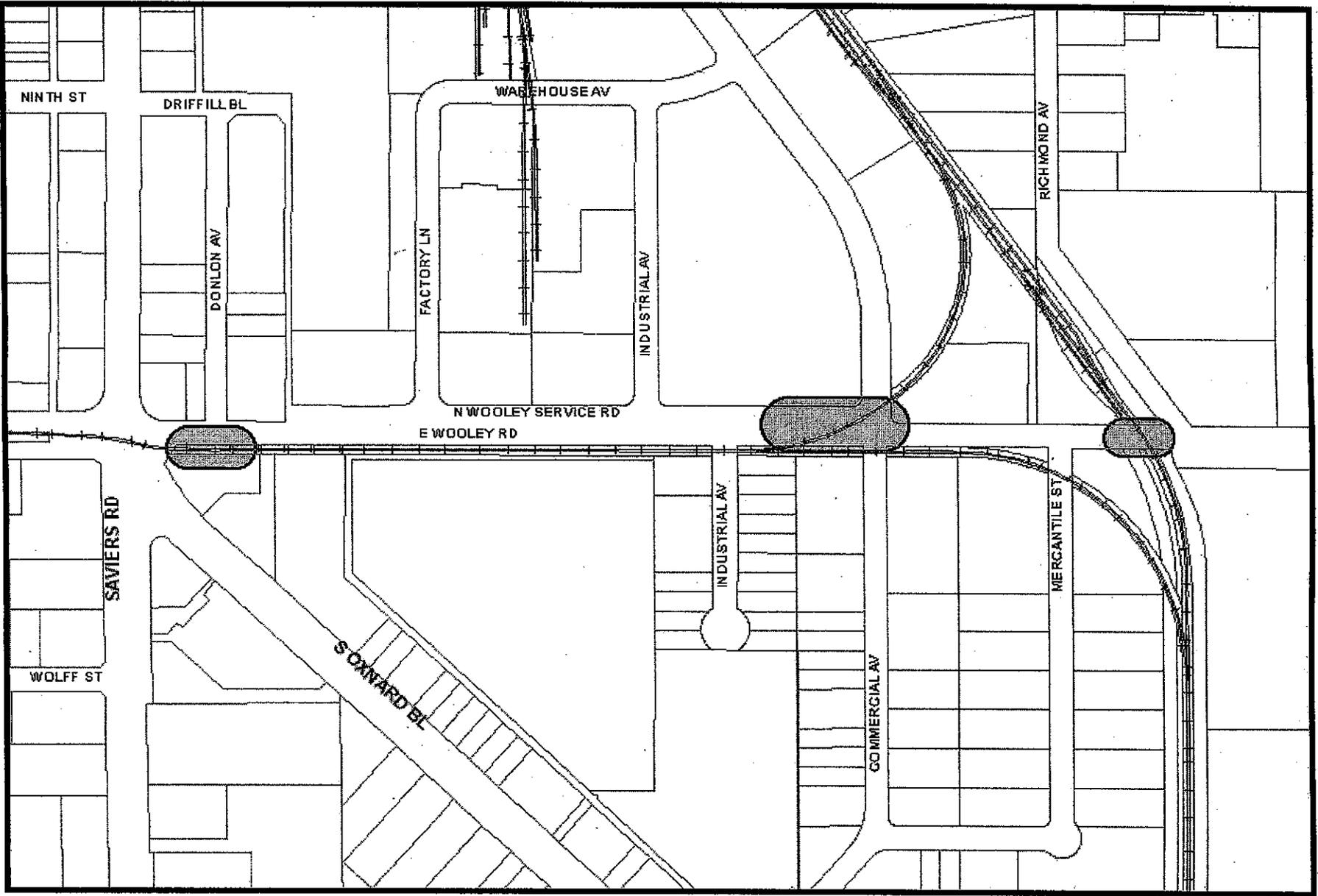
APPROVED AS TO AMOUNT:


Karen R. Burnham, Interim City Manager

APPROVED AS TO CONTENT:


Rob Roshanian,
Interim Public Works Director


Lou Balderrama, City Engineer



NOT TO SCALE

LOCATION OF RAILROAD CROSSINGS

Wooley Road Arterial Resurfacing Project - Ventura County Railroad At Grade Crossing Improvements
Item Number 69 in the Project - 495 Track Ft at \$1,200/Ft = \$594,000