



Date: May 1, 2023

To: Wanda S. Page, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Sean C. Egan, Director of Transportation
Subject: Municipal Construction Agreement with NCDOT for Cornwallis Road and NCRR Grade Separation TIP # P-5717

Executive Summary

The City of Durham (City) is currently working with the North Carolina Department of Transportation (NCDOT) on the federally funded and approved Transportation Improvement Project (TIP) P-5717. While the main goal of this project is to construct a new grade separation for rail and improve various roadways, the City has identified the need for the construction of multimodal infrastructure (sidewalk and shared use path on Miami Blvd) within the project limits.

Due to this project's recommendations not being included as part of the Durham Chapel Hill Carrboro Metropolitan Planning Organization's (DCHC MPO) Comprehensive Transportation Plan (CTP) at the time the project was scoped, it is exempt from NCDOT's Complete Streets Policy fully paying for the facilities. However, the improvements that were identified in the project scoping process qualify for a cost share. The cost share for the sidewalk and shared use path would be in the form of an 80/20 match, with NCDOT paying for 80% of the associated costs and the City paying for 20% of the associated costs. NCDOT has also asked the City about an alternative fence in which the City has agreed to at a cost of 100% to the City. Upon completion of the project, NCDOT will invoice the City 20% of the actual cost of the work performed for the cost share items and 100% of the actual cost of 'betterment' items. The total amount the City would be responsible for is \$56,473.03

Motion

To authorize the City Manager to execute a municipal construction agreement with the North Carolina Department of Transportation for 'betterments' to be included in NCDOT Project P-5717 for an estimated cost of \$56,473.03.

Background

In July of 2018, The NCDOT Rail Division studied options for a proposed grade separation at Cornwallis Road (SR 1121) and the North Carolina Railroad (Norfolk Southern-H Line). They proceeded to develop two alternative design concepts for this project and presented them to staff members from the City of Durham, Durham County, and the DCHC MPO. The two options were also presented to the public around the same time.

After public comment and local government input, the Rail division selected one of the alternatives to move forward with. The chosen alternative was selected because it was anticipated to have the least amount of impact on adjacent properties and expected to provide better opportunities for maintaining existing traffic and property access during construction. In December of 2018, a second public meeting was held to present the chosen alternative.

Comments were provided by the City of Durham and the Bicycle & Pedestrian Advisory Committee (BPAC) in January / February of 2019. In March of 2019, there was another meeting between local officials to discuss all the consolidated comments. Plans were updated and a revised set of plans was completed in November / December of 2019. Construction was estimated to begin in 2020 and last 24-36 months, however, the project was put on hold in May of 2020.

At the time the project was put on hold, the NCDOT design team was working on 90% plans and Right of Way (ROW) Acquisition was in progress. The Division restarted the project in January of 2021 and ROW acquisition resumed in October of 2022. NCDOT has been actively pursuing right of way since and is nearing completion. The expected let date is December of 2023.

Issues and Analysis

While none of the requested improvements from the City are required as part of the NCDOT TIP project, the 'betterments' would be a significant benefit to the community. The shared use path and sidewalk would greatly improve multimodal transportation and connectivity in the area by giving those who use the network better choices for walking or bicycling, and the black vinyl fencing would improve the aesthetics along the corridor. The shared use path and sidewalk were first identified in a priority project from the 2017 *Bike + Walks Implementation Plan*. This particular project would build a substantial piece of that *Bike + Walks Plan* project at a majorly discounted rate. The grand total estimate for the betterments is \$293,461.98 according to the draft NCDOT Municipal Construction Agreement.

If authorized, the City would enter into a cost share agreement with NCDOT and would be responsible for 20% of the total costs of the shared use path and sidewalk, and 100% of the costs of the alternative fencing material for a total amount of \$56,473.03. This full cost would be paid by the City to NCDOT following the project's completion.

The City would be responsible for the long-term maintenance of the shared use path, sidewalk, and fencing, but the benefit provided by the project significantly outweighs the costs with regard to multi-modal utility; the financial benefit is even greater since this is a project that the City had already planned to construct in the future, and now, the cost can be split between the City and NCDOT.

While the expected let date is December of 2023, NCDOT anticipates that date being pushed back a few months as they have not started relocating utilities yet. However, they are just waiting on an environmental permit and expect to begin that process in the next two months. They are also waiting on 'wet utility plan approval' from the City. One more potential impact to the schedule could be due to the availability of materials. One of the materials needed for the project is currently on a 52-week delay.

Alternatives

City Council could decline to authorize the City Manager to execute the agreement. In that case, NCDOT would proceed with the project without including any of the City's recommended improvements.

Financial Impact

Funding for this project is available in the following account:

Fund	Organization Code	Object Code	Project Code	Amount
Construction in Progress	3000L000	731000	LC194	\$56,473.03

Equal Business Opportunity Summary

P-5717 is a federally funded project that must follow NCDOT procedures. The Finance Department did not review this item for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Contractor Workforce Diversity & Hiring Practices

Due to the nature of this agenda item, obtaining Contractor Workforce Diversity & Hiring Practices information is not applicable.

Attachments

Durham Municipal Construction Agreement TIP Project P-5717