

Date: February 12, 2008

Committee Meeting Date: February 21, 2008

Board Meeting Date: March 6, 2008

ACTION ITEM

## BOARD MEMORANDUM

**TO:** Transit Planning & Operations Committee  
Santa Clara Valley Transportation Authority  
Board of Directors

**THROUGH:** Michael T. Burns  
General Manager

**FROM:** Mark S. Robinson  
Acting Chief Engineering & Construction Officer

**SUBJECT:** Freight Rail Relocation Project  
Santa Clara Valley Water District Cooperative Agreement

---

**Policy-Related Action:** No                      **Government Code Section 84308 Applies:** No

### **RECOMMENDATION:**

Authorize the General Manager to execute a Cooperative Agreement with the Santa Clara Valley Water District for the combined construction of the Lower Berryessa Creek Flood Protection and Freight Rail Relocation Project improvements in an amount of \$17,000,000.

### **BACKGROUND:**

In December 2002, VTA purchased a freight rail corridor from Union Pacific Railroad (UPRR), extending from Fremont to San Jose, a distance of approximately 15 miles. The land was purchased for future transportation-related improvements. Under the terms of the VTA and UPRR Purchase and Sale Agreement, VTA is obligated to relocate existing freight railroad facilities from VTA's corridor onto the adjacent UPRR property. Relocation of the existing railroad facilities is identified as the Freight Rail Relocation (FRR) Project.

The Santa Clara Valley Water District (SCVWD) has established its Lower Berryessa Creek (LBC) Flood Protection Plan which identifies flood protection improvements to Berryessa Creek. The existing and planned FRR alignments for the UPRR rail line cross Berryessa Creek near Abel Street in the City of Milpitas. In November 2006, the VTA Board authorized execution of a Cooperative Agreement with SCVWD for the combined design of the Lower Berryessa Creek Flood Protection and Freight Rail Relocation improvements in an amount not to exceed \$2,000,000, with the maximum financial contribution of each party not to exceed \$1,000,000. Since that time, VTA has completed 65% design on the combined improvements and will complete bid-ready construction documents in March 2008.

VTA plans to relocate utilities and the freight rail line across Berryessa Creek beginning in 2008. SCVWD's overall Lower Berryessa Creek Project will begin later in 2008. This recommended Cooperative Agreement would authorize VTA to build a portion of the LBC Project for SCVWD as part of the FRR Project, and have SCVWD pay for the associated construction costs.

**DISCUSSION:**

The recommended agreement identifies the work scope that will be performed by VTA and paid for by SCVWD. The work will replace two existing railroad bridges with a box culvert across VTA, UPRR and SCVWD right-of-way at Berryessa Creek. The new box culvert will allow freight railroad operations to continue across the creek and also provide for future construction along VTA's corridor. Work associated with this agreement includes utility relocations, modifications to the Abel Street bridge, providing temporary freight railroad tracks, and widening of the creek. VTA will be the administrative lead for construction and construction administration activities, and take a lead role in coordination with UPRR and various private utility companies. SCVWD will provide general oversight.

The estimated construction cost of the total combined project is \$36,500,000. The maximum financial contribution by SCVWD toward the project is \$17,000,000. SCVWD will reimburse VTA for its share of actual costs to perform the combined project. The SCVWD Board of Directors will act on the Cooperative Agreement at its meeting on March 25, 2008.

The FRR Project scope and budget will be re-examined in consideration of this action and Final Design cost estimates to be completed this Spring. Proposed scope and budget modifications will be brought to the Board in June 2008 for consideration.

**ALTERNATIVES:**

VTA and SCVWD could proceed with construction of their project improvements independently. This alternative is not recommended because proceeding separately would result in additional construction costs for both VTA and SCVWD that could be avoided by a combined project.

**FISCAL IMPACT:**

The Freight Rail Relocation Project is funded by Measure A. There is no fiscal impact to VTA or the Measure A Program with the execution of this agreement.