



**PUBLIC WORKS DEPARTMENT**

CITY HALL

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**CITY COUNCIL STAFF REPORT**

Meeting: September 17, 2019

**Subject**

Receive information report and presentation on Regnart Creek Trail 65% design and revised estimated costs; consideration of various trail improvement options (some of which also include on-street bicycle improvements) and alternative trail alignments to the proposed trail (on-street Alternatives 4 and 5); and, if design of the proposed trail continues, consider an increase to the design and environmental budget.

**Recommended Actions**

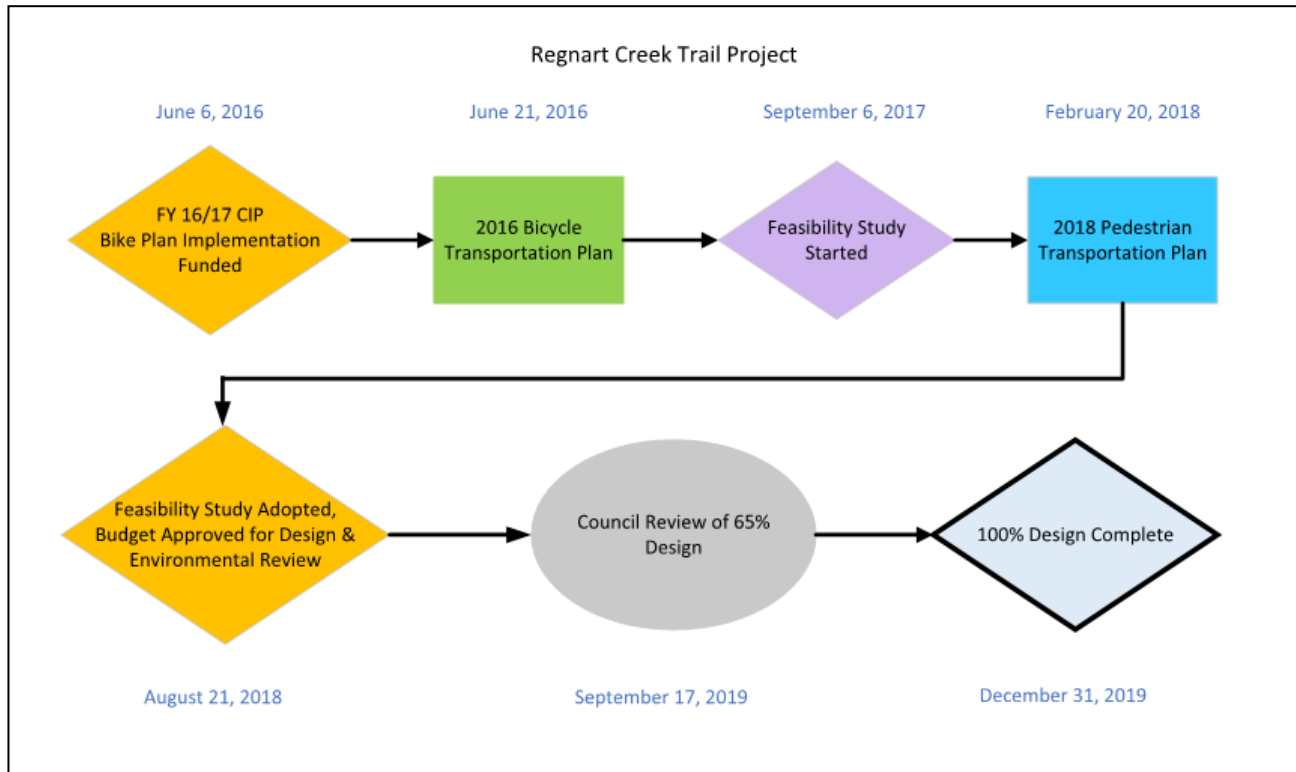
Receive information report and presentation on Regnart Creek Trail 65% design and revised estimated costs; trail improvement options, and Alternatives 4 and 5 to the proposed trail; and if Council continues to move forward with design of the proposed trail:

1. Provide direction to staff regarding completion of design with a preferred trail improvement option A, B, C, D, E, or F; and
2. Adopt draft Resolution 19-XXX amending the FY 2019/20 Capital Improvement Program budget to increase the budget to perform design and environmental clearance services from \$538,000 to \$813,000.

**Background**

The Cupertino Bicycle Transportation Plan (Bike Plan) was adopted by the City Council in 2016. Similarly, the Cupertino Pedestrian Transportation Plan (Ped Plan) was adopted by City Council in 2018. Within these Plans the Regnart Creek Trail (Project), which is ranked as a Tier 2 priority project in the Bike Plan and a Tier 1 project in the Ped Plan, was identified as a vital connector of the neighborhood to local destinations in the vicinity of the creek, including the Cupertino Library and Civic Center, Wilson Park, and Creekside Park. The Project was also recognized in the Plans as a critical link for schoolchildren on their route to school and to access the above destinations. The City Council authorized the funding of the Regnart Creek Trail feasibility study during the FY16/17 budget process with the feasibility study commencing in September 2017 and adopted by City Council in August 2018. Included in the action of the City Council in August 2018 was the authorization to proceed with design and environmental clearance. The below flowchart illustrates the timeline for the Project.

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### Current Status of Project

As the Project has progressed through the design phase, additional information has been collected from resident input, the Santa Clara Valley Water District (Valley Water), and physical inspections at the site. As a result, City staff's understanding of Project attributes and constraints has grown. During this process, it has remained feasible to build the Project as a multi-use path. Attachment A is letter from Valley Water dated September 6, 2019 indicating that the Project meets their standards. Attachment I documents the items that remain in progress with Valley Water. Estimated costs have also increased, and the reasons are described in detail within the *Discussion* section, below.

City staff, with the assistance of the consulting engineer (HMH Engineers) have reached an approximate 65% design level for the Project. Reaching this 65% design milestone has been the result of a focused effort of working through design challenges, as well as ongoing community and stakeholder engagement. Reporting to the City Council the status of a project at 65% is not typical, as design normally proceeds to 100% prior to reporting to Council. The purpose in bringing forward a 65% project design is to detail:

- Proposed trail improvements with additional specificity in order to provide more information for residents concerned with the Project.

- How Valley Water requirements are being incorporated into the Project.
- How resident requests for privacy considerations are being incorporated into the Project.

The City has offered to meet individually with all 84 affected property owners and has conducted 42 such meetings to date. Many property owners have declined to meet with staff to discuss how the City may mediate and incorporate privacy concerns into the Project. Instead, some property owners have demonstrated interest in stopping the Project in lieu of discussion with the City. This has prevented the City staff from being able to detail how privacy considerations are being incorporated into the Project for all adjacent properties.

In April 2019, the Bicycle Pedestrian Commission (BPC) passed a motion to oppose the on-street improvement Alternate 4. The context of this action was that the Regnart Creek Trail Alignment was preferred over Alternate 4 in the feasibility study. The BPC did not separately consider Alternative 5. Alternate 4 proposes to use Pacifica Drive, Blaney Avenue, and La Mar Drive as a bikeway connection between the Civic Center area and Creekside Park. In June 2019, the BPC passed a motion that the BPC wanted to see the 65% design before it went to City Council. Staff did attempt to call a special meeting of the BPC last week for this purpose. Neither the chair nor a majority of the BPC Commissioners wanted a special meeting. Consequently, the BPC has not reviewed or made any additional recommendations regarding the design options being considered in this report.

### **Community Outreach and Engagement**

The City has engaged in a robust community outreach and engagement during the initial design phase of the Project. This included community meetings on:

- December 20, 2018
- April 24, 2019
- March 30, 2019. (“Walkshop” along the trail and along Alternative 4)

In order to reach as many residents and community members as possible, outreach events were announced through several channels online and through postcard mailings. Information about the events was shared through social media on NextDoor, Twitter, and Facebook. Additional outreach included emails to subscribers of the City’s “Regnart Creek Trail” e-notifications, emails to participants from previous outreach events, flyer postings, notifications from Cupertino Safe Routes to Schools group, and the posting of door hangers on residences adjacent to the proposed trail. Staff maintained an active online presence by posting outreach materials, meeting presentations, and outreach summaries following each event on the City’s Project website.

As described above, the City attempted to meet with all households adjacent to the trail alignment and was successful in meeting with half of these households between March 18 and April 12, 2019. During these meetings, residents were able to express their individual concerns, and to ask questions about the Project. Feedback received at the meetings was documented and used to inform many design decisions made to date. This feedback is included as Attachment B.

### **Discussion**

If constructed, the Project would follow the existing creek alignment between Pacifica Drive and E. Estates Drive, where it would connect to the existing Creekside Trail into Creekside Park. See Attachment C for trail alignment. Near Pacifica Drive, a separate and fully-funded McClellan Road Separated Bike Lane project terminates near Torre Avenue on the east and Monta Vista High School to the west. This McClellan Road Separated Bike Lane project is currently under construction and is scheduled for completion by the summer of 2022.

The Project would include two roadway crossings, at S. Blaney Avenue and at E. Estates Drive. The alignment is primarily within the Valley Water right-of-way and would use the existing Valley Water maintenance/access road along most of its length. The 65% design plans are included as Attachment C.

The feasibility study and community outreach efforts identified many key issues and concerns to be further worked out during completion of Project design. These issues include:

- Concerns from adjacent property owners regarding privacy, security and noise
- Maintaining Valley Water access requirements for creek maintenance and erosion control
- Trail user safety, both along the trail and at the street crossings
- Construction and ongoing maintenance costs
- Liability, for the City and for adjacent property owners
- Adherence to published guidelines and standards for trail design

Each of these issues will be discussed further in turn, below.

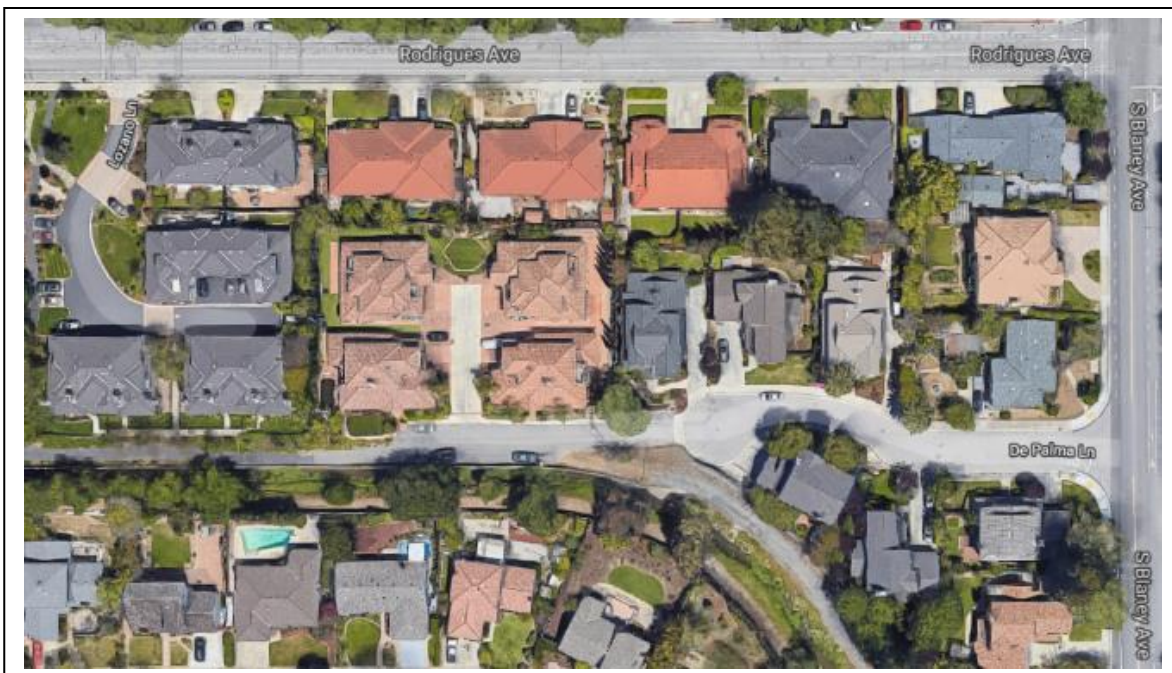
#### *Privacy, Security and Noise*

The City has been working closely with the property owners adjacent to the creek in order to understand and attempt to address concerns regarding privacy, security and noise. The concerns primarily include vandalism, burglary, disturbing of peace, personal safety, and damage to property (fencing). While experience countywide with properties adjacent to trails indicates that these properties are no more susceptible to these problems than properties not adjacent to trails, City staff acknowledges the concerns and have proposed measures to help address them. These include replacement of backyard fencing with more robust or taller wooden fencing, replacement of

backyard fencing with a concrete block wall, installation of security cameras, sheriff monitoring, and closure of the trail at night.

In discussions with property owners, the reactions to these measures have varied. While several property owners have expressed interest in new fencing, many have not and would prefer no changes to their backyard setting. To accommodate these differences, staff recommends that existing wood fences be replaced when requested by the property owner. The cost to replace fencing is approximately \$50/linear foot for wooden fencing and \$500/linear foot for a concrete block wall. It is staff's opinion that wooden fencing is sufficient and provides for a more context-sensitive solution than a concrete block wall; additionally, a concrete block wall would likely encroach further into private property due to its increased thickness. However, either solution is feasible. An approximate upper limit to the cost to replace fencing is \$130,000 for wooden fencing and \$1,300,000 for a concrete block wall, if all fencing abutting the trail is replaced. These costs would be substantially higher if all fences along both sides of the creek are replaced. For the construction cost estimate accompanying the 65% design, it was assumed that 2,600 linear feet of wood fence would be replaced at a cost of \$130,000. All options presented in Attachment G assume that 2,600 linear feet of fencing will be replaced.

The 400-foot-long segment of existing public-use trail fronting properties along Lozano Lane and De Palma Lane within Valley Water property presents a unique situation (see below photo). Along this segment, the trail runs in very close proximity to the front yards and front doors of several private residences, with no screening currently separating the two.



Options for screening along this segment are limited due to Valley Water requirements that no permanent structures, trees, or other plantings be placed within their property.

City staff has attempted to work closely with the residents along this segment to address concerns of privacy and security, and has a goal in having solutions identified prior to 100% design completion. Some solutions for the Lozano Lane properties potentially include removal and replacement of existing fencing with fencing that provides more privacy and/or removable privacy fencing, street furniture or planter boxes on Valley Water property. For the trail segment fronting properties along De Palma Lane, where there is the additional consideration of the shared space between the trail and the private driveway, potential solutions include separating the trail from the private driveway with raised pavement markers, and/or reconstructing the driveway and replacing it with a textured pavement shared space area (similar to the “Woonerf” concept in Europe) where bicyclists and vehicles are encouraged to proceed cautiously. All options presented in Attachment G provide up to \$40,000 for these potential improvements.

With respect to security along the trail, experience countywide with trails has not shown the need for security cameras. However, cameras could be wired closed-circuit to an archived recording system that could be accessed in the event of an incident. With the installation of security cameras, signs indicating the presence of cameras would also be placed at trail entrances. The cost to install a network of security cameras depends heavily upon many factors, including the source of power, ability or desirability to transmit wirelessly, and number of cameras. A very approximate cost estimate for installation of a complete system is \$300,000. Installation of cameras is not recommended and no costs for cameras has been included in the cost of any options shown in Attachment G. The Sheriff’s Department has indicated that they would patrol the trail regularly, including during the night hours. They also have bicycle patrols that would be used for this purpose.

Public trails in the region are typically closed from dusk to dawn, through signage and monitoring. Gates at trail entrances are generally **not** closed and locked nightly. Doing so is resource-intensive, as the trail would need to be surveyed each evening prior to closure to ensure that no trail users would be inadvertently trapped behind the closure. In the event Council desires to have trail gates locked at night, the ongoing operational cost to lock gates at the trail entrances each evening is approximately \$54,000 annually. Closure of gates at trail entrances is not recommended due to the additional operational cost.

Installation of security cameras and the addition of an activity to close gates could be implemented following opening of the trail if the need or desire surfaces, however, some disruption to trail use would occur due to the need to install conduits for video cable.

#### *Valley Water Access and Maintenance*

City staff has had several meetings with Valley Water staff in order to understand their requirements for creek access for the purposes of regular maintenance and erosion control. Valley Water’s general requirements are:

- Maintain 12-foot clear width everywhere for maintenance vehicle access;
- Any railing must be removable in order to allow easy access to creek banks;
- Maintenance vehicles must be able to access the creek bed throughout;
- Valley Water reserves the right to close the trail at any time for maintenance or other needs; and
- A Joint Use Agreement must be executed between Valley Water and the City in order to clearly delineate respective responsibilities.

The 65% design includes a design for a removable railing between the creek and the trail at the top of bank that maintains the required 12-foot clearance throughout the trail. The railing is proposed to consist of wooden split rails supported by steel posts which are inserted into steel sleeves imbedded in the ground near the top of bank. In addition, the proposed bridge between the trail and Wilson Park will be removable, so that Valley Water trucks will be able to drive unimpeded along the creek bed during the infrequent times that this is necessary. The bridge will consist of prefabricated steel and have a 12-foot clear width. The Joint Use Agreement that will be negotiated with Valley Water and considered for authorization by the City Council will clearly delineate the City's and Valley Water's responsibilities relating to trail closures, and a detour plan would be worked out in advance to ensure trail users have sufficient notice (unless the trail is closed for emergency purposes) and alternate routes available to them.

Given that Valley Water's requirements have been met, they have no opposition to the Project and will enter into a Joint Use Agreement with the City, to be executed at a later date prior to construction.

#### *Trail User Safety*

Creekside trails throughout the region are varied with respect to the inclusion of railing separating the trail from the creek bank. While Valley Water would generally prefer that railing not be installed due to the potential impact on maintenance operations, as stated previously they will accept railing if it can be removed and if it does not restrict access. During community outreach events, there was nearly unanimous support for railing in order to enhance trail user safety. As a result, options A-E design (as shown in Attachment G) includes the provision for removable railing, meeting Valley Water's requirements, throughout the extent of the trail. Option F, which is not recommended by staff, only provides railings at trail head locations.

The trail street crossings at Blaney Avenue and E. Estates Drive are being designed for pedestrian crossing safety using best current design practices. At Blaney Avenue, the crossing will consist of three-foot-wide bulb-outs on each side of the street, reducing the total crossing distance to 30 feet, along with pedestrian-actuated rectangular rapid flashing beacons (RRFB's) to warn drivers. Where trail users exit onto Blaney Avenue, a mild chicane treatment will be included in order to discourage bicyclists from riding directly into the street. The trail crossing at E. Estates Drive will also consist of bulb-outs and RRFB's; and since E. Estates Drive is a lower-volume residential street, a raised

crosswalk will also be provided. All options presented in Attachment G provide these street crossing treatments. Attachment D provides a drawing of a proposed intersection crossing.

For option A & B, the multi-use trail will be, at a minimum, eight-foot paved with two-foot earth shoulders on each side. For options C-F, the trail footpath will be, at a minimum, eight-foot decomposed granite with two-foot earth shoulders on each side. Where width allows, most notably along the reach between Pacifica Drive and Rodrigues Avenue, a 10-foot paved width will be provided with two-foot earth shoulders on each side (option A & B) or a 10-foot decomposed granite path with two-foot earth shoulders (option C-F). Some members of the community have expressed concern about the perceived narrowness of the trail. However, although not required, the trail meets Caltrans Class I standards, and it is consistent with (and even wider than some) successful and popular shared-use trails countywide. Exhibit F highlights the widths of several existing popular bicycle/pedestrian trails throughout the County. The exception to this is the segment fronting properties along De Palma Lane and Lozano Lane, where a utility pole creates a pinch point, reducing the width to 10.5 feet. This area will be highlighted with warning signs and striping. Emergency vehicles will be able to access all points along the trail.

#### *Construction and Ongoing Maintenance Costs*

The current construction estimate for the trail including contingencies is:

- Option A - \$5,000,000
- Option B - \$3,400,000
- Option C - \$2,800,000
- Option D - \$2,200,000
- Option E - \$2,000,000
- Option F - \$1,600,000

See Attachment G for options A-F construction cost estimates. The cost increase of \$2.9M or 138% from the previous estimate of \$2.1M for option A are as a result of several factors:

- Trench drain and drainage items ( $\Delta$ =\$250,000): A trench drain was added along the entirety of the creekside portions of the corridor to address Valley Water's concerns of capturing additional runoff in the event the porous pavement becomes clogged.
- Removable split rail fence with steel posts ( $\Delta$ =\$300,000): With the results of the geotechnical report, detailed topographic survey, and clear guidance regarding maintenance widths, it has been determined that in order to meet various requirements and achieve a sufficient soil passive pressure for horizontal railing loading, a narrow and deep foundation concept is necessary. This feature is more costly than traditional railing foundations. Additionally, a greater length of railings has been assumed for the 65% plans



- Water pollution control ( $\Delta=\$150,000$ ): This is an additional item in anticipation of additional requirements from Valley Water regarding protection of the creek during construction.
- Valley Water ramp relocation ( $\Delta=\$370,000$ ): Relocation of Valley Water maintenance ramps to the north side of the creek, and associated environmental permitting, to avoid Wilson Park baseball field impacts resulting from the originally proposed western bridge location.
- Additional required detailing of bridge abutments due to constrained condition ( $\Delta=\$120,000$ )
- Roadway improvement additional required detailing ( $\Delta=\$100,000$ )
- General escalation of costs over the past couple years ( $\Delta=\$1,610,000$ )

Opportunities to value engineer the project between 65% design and 100% design to reduce costs include:

- Reduction in width of bridge from 12' to 10'. Estimated savings \$20,000
- Elimination of trench drain. Estimated savings: \$250,000
- Conversion of trench drain to valley gutter. Estimated savings: \$100,000
- Reduction in extent of top-of-bank railing. Estimated savings: \$100/linear foot
- Reduction in privacy fence replacement. Estimated savings: \$50/linear foot

Additionally, staff considered several reduced-scope options. A summary table of these alternative options is shown in Exhibit G and summarized below:

- Option A: This is a highest-cost scenario and consists of full grading and drainage improvements along with an aggregate base and asphalt pavement for the entire trail surface. Railings would be provided along the top-of-bank throughout. 2,600 linear feet of concrete block wall privacy fencing replacement is assumed.
- Option B: This is similar to Option A, except 2,600 linear feet of wooden fencing, rather than concrete block wall fencing, is assumed.
- Option C: This option would construct full grading and drainage improvements along with an aggregate base for the trail surface to allow for possible future asphalt improvements. The final surface would be decomposed granite. Railings would be provided along the top-of-bank at trailheads and along the segment between Blaney Avenue and E. Estates Drive. 2,600 linear feet of wooden privacy fencing replacement is assumed. "Alternate 4" on-street bikeway improvements would also be constructed.
- Option D: This option would consist of only minor grading and drainage improvements, along with an aggregate base for the trail surface to allow for possible future asphalt improvements. The final surface would be decomposed granite. Railings would be provided along the top-of-bank at trailheads and along the segment between Blaney Avenue and E. Estates Drive. 2,600 linear feet of wooden privacy fencing replacement is assumed. "Alternate 4" on-street bikeway improvements would also be constructed.

- Option E: This option would consist of only minor grading and drainage improvements, along with an aggregate base for the trail surface to allow for possible future asphalt improvements. The final surface would be decomposed granite. Railings would be provided along the top-of-bank at trailheads and along the segment between Blaney Avenue and E. Estates Drive. 2,600 linear feet of wooden privacy fencing replacement is assumed. "Alternate 4" on-street bikeway improvements would also be constructed.
- Option F: This option would consist of only minor grading and drainage improvements, along with an aggregate base for the trail surface to allow for possible future asphalt improvements. The final surface would be decomposed granite. Railings would be provided only at trailheads. 2,600 linear feet of wooden privacy fencing replacement is assumed. "Alternate 4" on-street bikeway improvements would not be constructed. This option is not recommended by staff.

All options include full pedestrian crossing safety improvements at Blaney Avenue and E. Estates Drive and assume that Valley Water access ramps across from Wilson Park will be relocated to the north side of the creek.

No new staff is required, however ongoing maintenance is expected to cost approximately \$15,000 to \$20,000 annually for a decomposed granite trail surface, \$10,000 to \$15,000 for an asphalt trail surface, and \$20,000 every three years for railing removal and re-installation to accommodate Valley Water maintenance activities if railing is provided along the entire trail.

### *Liability*

Government Code § 831.4 provides that public entities are not responsible for injuries caused by a condition of any unpaved road which provides access to fishing, hunting, camping, hiking, riding (animal and vehicular), watersports, recreational or scenic areas or any trail (paved or unpaved) used for these purposes. The law also protects private property owners who deed public easements (access rights) to municipalities for those same recreational purposes. California courts interpret the immunity provided by Section 831.4 broadly, encompassing paved and unpaved trails and roads, even sidewalks and paths that are used for a recreational purpose, including hiking, biking, skating, etc., or used for providing access to another recreational area. The immunity applies to negligent maintenance, design or the location of trails.

A policy will be written by Public Works to document the responsibilities of the City regarding the preservation of private fences immediately adjacent to public trails. In this policy it will state that the City will be responsible for the timely abatement of graffiti and that the City will make timely repairs to private fencing if the fencing is damaged by the public or the City. The City will only make repairs if it receives property owner permission. Homeowners will be responsible to replace their fences when they reach end of life.

### *Adherence to Published Standards and Guidelines*

Standards and guidelines covering trail design are addressed in a wide variety of documents, including the Caltrans Highway Design Manual (HDM), the AASHTO Guide for the Development of Bicycle Facilities, and the Uniform Interjurisdictional Trail Design, Use and Management Guidelines (UD) prepared by the Santa Clara County Parks and Recreation Commission. These documents differ somewhat in their recommendations, and ultimately it is the project engineer's discretion to design a safe and functional facility based upon these recommendations, the current state of the practice, and the site-specific conditions.

The two most important design considerations relate to the provision of railing along the top of the creek bank and the width of the trail. Railing is being proposed along the entire length of the trail (options A-E) conforming to or exceeding requirements of all standards and guidelines. A minimum eight-foot paved trail with two-foot earth shoulders (options A & B) or a minimum eight-foot de-composed granite trail with two-foot earth shoulders (options C-E) is being provided everywhere, and more where space is available. Although some guidelines, such as the UD, recommend an optimum width of 12 feet with two-foot shoulders, the HDM requires a minimum paved width of eight feet with two-foot earth shoulders, with which the Regnart Creek Trail would conform. Additionally, shared-use trails across the County frequently have widths that do not meet one or more of these standards, including the Saratoga Creek Trail, San Tomas Aquino Creek Trail, and the Los Gatos Creek Trail, and all function satisfactorily.

### Bridges and Impacts to Wilson Park Baseball Field

The current 65% design plans for the trail includes two bridges between the trail and Wilson Park. The purpose of the bridges is to provide trailhead access from Wilson Park and to provide access around an existing concrete Valley Water maintenance access ramp on the south side of the creek immediately adjacent to Wilson Park. Staff is now proposing that the existing ramp be moved to the north side of the creek. Relocation of the ramp does require environmental regulatory permits. The estimated additional cost in relocating the ramp, engineering, and the additional environmental compliance is \$370,000, with a 12-18-month project delay. The bridge will be removable in order to allow Valley Water access to the creek bed with their maintenance vehicles.

There are several long-term advantages to this approach, which include eliminating the cost and impacts of a second bridge, facilitating Valley Water creek access and maintenance, maintaining a trail alignment along the creek without the need to detour through Wilson Park, reducing the frequency of bridge removal for Valley Water maintenance, and eliminating the need to close the trail when the bridge is removed. Cost estimates for all options (as shown in Attachment G) being currently considered by Council assume this approach is taken. Moving forward to 100% design plans, the 65% design will be modified to incorporate this change.

### **Alternatives to the Proposed Regnart Creek Trail**

The Regnart Creek Trail Feasibility Study identified four alternatives to the creekside trail alignment. The most popular of these among residents adjacent to the Project, identified as “Alternative 4”, is an exclusively on-street alternative that proposes to use Pacifica Drive, Blaney Avenue, and La Mar Drive as a bikeway connection between the Civic Center area and Creekside Park. These streets were chosen as an alternate to the trail without regard to whether they had been identified for improvement within the Bicycle Transportation Plan, rather they were chosen for their roughly parallel alignment to the trail and their ability to provide a similar connection. Other alternatives include a mix of on- and off-street alignments which use portions of Wilson Park and the creek maintenance road.

Alternative 4 proposes a Class III bikeway (bicycle boulevard) along La Mar Drive, and a Class III or Class II (striped bike lane) treatment along Pacifica Drive, subject to further analysis. There would also be an enhanced crossing of Blaney Avenue at Pacifica Drive (for eastbound bicyclists) and at La Mar Drive (for westbound bicyclists). There would be no direct access to Wilson Park.

As the most popular of the non-creekside trail alternatives, staff reviewed the advantages and disadvantages of Alternative 4. The advantages include (1) lower cost; (2) potentially lower impact to adjacent residences; and (3) quicker implementation. The disadvantages include (1) decreased level of safety and encouragement for bicyclists; (2) little advantage for pedestrians; (3) one additional crossing of Blaney Avenue; and (4) inconsistency with goals of the Bicycle Transportation Plan. It should be noted that this inconsistency exists only if Alternative 4 is improved in lieu of the creekside trail, since Policy 2.A.2 of the Bicycle Transportation Plan states, *“Identify opportunities to reduce bicyclist exposure by ...providing dedicated and separated facilities where feasible,”* and a creekside trail is feasible in this case. Improvements to the streets identified with Alternative 4, if done in conjunction with a creekside trail, would not violate Bicycle Transportation Plan goals. Based on an initial concept design, the estimated cost to design and construct Alternative 4 is \$530,000, including contingencies. This could be constructed for significantly less cost if pop-up-type bollards are used to delineate the bulb-outs, rather than reconstructing the curb with permanent concrete improvements. In this case, the work could be completed for an estimated \$175,000.

Similarly, there was some interest expressed for “Alternative 5” from the feasibility study. Alternative 5 proposes to use the existing Class II bike lanes on Rodrigues Avenue, and on-street bike route along Parkside Lane and Vicksburg Drive, and a path through Wilson Park to connect Parkside Lane with Vicksburg Drive. Similar to Alternative 4, these streets were also chosen for their ability to provide a similar connection as the trail and without regard to their inclusion within the Bicycle Transportation Plan. The advantages of Alternative 5 include (1) lower cost; (2) potentially lower impact to adjacent residences; and (3) faster implementation. The disadvantages include (1) decreased level of safety and encouragement for bicyclists; (2)

no advantage for pedestrians; (3) inconsistency with the goals of the Bicycle Transportation Plan (if improved without creekside trail improvements, similar to the Alternative 4 discussion above); and (4) difficulty safely navigating bicyclists through the often-crowded Wilson Park parking lot and along the Wilson Park trails. Of these disadvantages, the first and fourth are of particularly significant concern. Rodrigues Avenue is a curving, two-lane roadway with high-turnover on-street parking, many high-use driveways and only part-time bike lanes along the eastern segment on the south side. Additionally, the Wilson Park parking lot and Parkside Lane area become very congested during scheduled sporting events at the park, making navigating the area on bike very challenging. For these reasons, staff does not recommend any further consideration of Alternative 5. The estimated cost to design and construct Alternative 5 is \$50,000-\$250,000. The wide range in costs is due largely to the uncertainty regarding whether the existing paths through Wilson Park will be widened to Class I standards in order to accommodate the increased shared bicycle-pedestrian use. The existing path is approximately 7.5' wide with no shoulders and is likely inadequate for this increased usage.

Attachment E shows the potential alignment for both Alternates 4 & 5. Staff recommends that, if the City Council recommends moving forward with Option C-E, that the improvements associated with Alternative 4 be constructed in addition to the trail improvements. Because Options C-E would construct a decomposed granite rather than asphalt trail, it is not intended for regular bicycle use and a complimentary on-street facility should be provided for that purpose. Similarly, as the proposed trail is closed during night hours, there are merits to including Alternate 4 improvements to any of the options.

### **Next Steps**

As staff has previous City Council authority to proceed to 100% design, it is staff's intention to take input received by the City Council at this meeting to progress towards a 100% design of the desired option A, B, C, D, E, or F selected. Although moving the design to the 100% level could be accomplished within a few months, the regulatory agency review, approval and mitigation process will likely take anywhere between 9 and 15 months in order to receive final permits. As a result, a return to Council for approval of 100% design will likely occur Summer or Fall 2020. During this time, staff will continue to work closely with residents regarding their ongoing concerns and with Valley Water to draft a Joint Use Agreement, which will be presented to the Valley Water Board and to the City Council with the 100% design. When the 100% plans are complete, staff will agendize the item with Council for authority to advertise for a construction contract and to review required CEQA documents. At this time, staff will provide an update of estimated costs.

### **Sustainability Impact**

Construction of the Regnart Creek Trail will encourage bicycling and reduce reliance on the single-occupancy vehicle and will therefore have a positive impact on sustainability. The trail is consistent with *General Plan: Community Vision 2015-2040* Policy M-1.3:

Regional Trail Development, Policy M-2.3: Connectivity, and Policy M-5.3: Connections to Trails.

An Initial Study/Mitigated Negative Declaration, conforming to the requirements of the California Environmental Quality Act (CEQA), will be completed. Staff anticipates commencing the 30-day public review period after the Initial Study/Mitigated Negative Declaration is filed with the County Recorder's Office.

### **Fiscal Impact**

Total budget for Regnart Creek Trail is \$538,000 and is included as part of the 2016 Bike Plan Implementation Project. Staff is requesting a \$275,000 increase in the budget to \$813,000 to complete the design and environmental review of the project. These additional dollars are due to many unforeseen complications to this project related to existing conditions, Valley Water requirements and preparation of engineering materials to support this 65% design check-in. To date, \$357,790 has been expended on this project for feasibility and design (excluding staff time). The authorized budget for feasibility and design was \$158,000 and \$380,000, respectively. Previously approved but unspent budget have been carried forward to FY 2019-20. No new dollars have been allocated for this project in the FY19/20 Capital Improvement Budget. If a budget adjustment is approved it will be funded from the Capital Reserve projected fund balance for the reserve. As of FY 2018-19 the Capital Reserve is estimated to begin the year with \$13.6M in fund balance. In FY 2019-20 it is estimated based on the amended budget the reserve will end the year with \$12.9M. The \$12.9M also includes an estimated \$15M transfer in from the General fund excess unassigned fund balance. It is anticipated this transfer would occur as part of the Mid-Year Financial Report in March of 2020. With this adjustment the estimated year end fund balance for the Capital Reserve would be \$12.24M.

If Council approves continuing with the design of any of the options for this Project, \$1,600,000 to \$5,000,000 in additional dollars will be requested and required in the future to complete construction. This request may be made as early as mid-year 19/20 or for FY20/21. This request would further deplete the Capital Reserve to between \$10.64M and \$7.24M.

Grant funding opportunities are available for this project, including through Santa Clara County's 2016 Measure B program which allocates \$250 million in funding for bicycle and pedestrian projects through a competitive program countywide. Staff is also researching other potential grant funding programs.

If the project does not proceed beyond the 65% design, no additional funding is needed.

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Prepared by: David Stillman, Transportation Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Valley Water letter dated September 6, 2019

B – Community Outreach & Engagement

C – 65% Plans

D – Drawing of a proposed intersection crossing.

E – Alternate 4 and 5 Alignments

F – Popular Trail Widths

G – Alternative Options Cost Comparison

H – Resolution

I – Items that Remain in Progress with Valley Water