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**Attachments:** 1. Staff Report, 2. Staff Report with Attachments, 3. PRESENTATION - MCKINLEY PEER REVIEW TEAM REPORT (03-20-19)

Date	Ver.	Action By	Action	Result
3/20/2019	1	City Council	accepted	Pass

**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 3/20/2019

**TO:** Honorable Mayor and City Council Members

**FROM:** McKinley Grade Separation Peer Review Ad Hoc Committee

**SUBJECT:**  
McKinley Grade Separation Peer Review Team Report.

**RECOMMENDED ACTION:**

That the City Council:

1. Receive and file the Independent Review and Assessment Report prepared by the City's McKinley Grade Separation Peer Review Team ("Peer Report").
2. Consideration and possible action regarding recommendations from the McKinley Grade Separation Peer Review Ad Hoc Committee based upon the Peer Report.

**ANALYSIS:**

Background

On January 16, 2019, the City Council consented to the creation of the McKinley Grade Separation Peer Review Ad Hoc Committee ("Ad Hoc Committee"), a temporary advisory council committee consisting of Council Member Jacque Casillas and Council Member Wes Speake. The purpose for

the Ad Hoc Committee was to establish a McKinley Grade Separation Peer Review Team (“Peer Review Team”) whose overall goal was to take an independent look at the proposed McKinley Grade Separation Project. In particular, to take a look at the “Rail Over Road” alternative and its financial, technical and schedule feasibility, as well as the options thus far studied by staff and its consultants for the “Road Over Rail” alternative to determine whether a reasonable range of feasible alternatives has been studied.

### Peer Review Team - Members and Scope

The Ad Hoc Committee identified Mr. Juan M. Diaz and Mr. Viren Shah for the Peer Review Team. Mr. Diaz is a Principal Engineer, has an MBA, and has more than 30 years of experience, including on more than 20 grade separation projects. He is also President and CEO of JMD, Inc., a full service transportation planning and civil engineering firm covering highways, land development, traffic and rail projects for local agencies, railroads and private entities in California. The firm has 22 employees in 3 offices (LA, OC & SD). Mr. Viren Shah is an engineer with more than 40 years of experience working on public works and other transportation related projects in both the private and public sectors (including retiring from the City of Corona in 2006).

The Ad Hoc Committee approved the attached Work Plan 01-29-19 for the Peer Review Team. In addition to generally outlining the Scope of Services, Project Meetings and Coordination, and Data Research and Review expectations for the Peer Review Team, the Work Plan posed the following guiding questions for the Peer Review Team’s final work product:

### **Guiding Questions**

1. Understanding that true cost calculations in advance of design are not possible and that the City’s conditions are unique, provide the following:
  - A. Reasonable cost estimates or ranges based on comparable projects for “Road Over Rail” and “Rail Over Road” alternatives.
  - B. An assessment of whether the City has appropriately considered all tangible and intangible cost variables.
2. Assuming that the “best” design for the City is the one which meets the City’s time and money restrictions while also taking into account safety, aesthetics, and impact to businesses, answer the following:
  - A. Is the City’s current “Road Over Rail” preferred alternative the best design?
  - B. If the City had more time and the same amount of money, would it still be our best option?
  - C. If the City had more money and the same amount of time, would it still be our best option?

### Peer Review Team - Work and Report

The Peer Review Team met and worked with the Ad Hoc Committee throughout the process, and staff and the design team were consulted to obtain necessary information and documentation. The

staff and design team were very cooperative and quickly provided the Peer Review Team with requested information and documentation. You will see in the Peer Report, for instance, that they provided the Peer Review Team with their most recently prepared 35% budget estimate that they had planned to disclose and discuss at the upcoming Study Session, which has unfortunately increased to \$111.9M or 32.5% over the available \$84.45M SB 132 funds. While a modest amount of other funds are currently identified as available (such as the approximately \$5M from other sources mentioned at the November 2018 Study Session) and while other funds may be pursued, the Ad Hoc Committee believes that this most recent budget estimate highlights the importance of its recommendations discussed below.

The Peer Review Team presented the Ad Hoc Committee with its draft report, and the Ad Hoc Committee provided feedback with respect to ways in which to present the information in the most appropriate, thorough and understandable fashion. Essentially, the Ad Hoc Committee attempted to ensure that the report would cover all potential alternatives, include the basis for its findings, conclusions and recommendations, and be understandable to people who do not possess an engineering degree. At no time did staff, other than the City Attorney working directly with and at the direction of the Ad Hoc Committee, obtain, see or have an opportunity to comment upon a draft of the report.

#### Peer Report - Ad Hoc Committee Recommendations

The final Peer Report is attached for your review and consideration. Oral presentations will be made on behalf of the Ad Hoc Committee and the Peer Review Team at the Council meeting. Therefore, the details of the Peer Report will be discussed extensively that evening and we will not summarize them here.

The Ad Hoc Committee would like to highlight, however, that we are making the following recommendations to the City Council based upon the Peer Report:

1. Value Engineering (VE) Workshop: Direct staff within thirty (30) calendar days to conduct a VE Workshop which focuses on identifying cost reduction measures and affordable innovation and which:
  - A. Participants: Includes a VE facilitator and staff from other public agencies experienced with grade separation projects (e.g. ACE, OCTA, RCTC and City of Riverside).
  - B. Alternative Screening: Uses proper screening techniques to consider at least the following alternatives: (1) underpass (as directed further below); and (2) trench.
  - C. Underpass: Carefully evaluates the underpass alternative with plan, profile and estimate to formally establish whether this alternative is feasible. Fully evaluate at least the following: (1) whether the City's 7% grade standard can be met with no modifications to the Arlington Channel; (2) whether the City's 7% grade standard can be met with modifications to the Arlington Channel, such as with a flume structure; and (3) whether a higher grade can be justified and accommodated with other design, speed or engineering adjustments.

- D. Lane Configuration: Consider providing a 4-lane bridge in lieu of a 6-lane bridge and add a reversible 5th lane, if necessary, to meet the desired traffic level of service.
  - E. Frontage Roads: Consider adding frontage roads on each side of the proposed grade separation, with emphasis on the south side.
2. Recommendations from VE Workshop: Direct BCA to address the recommendations from the VE Workshop.
  3. Other Design Requirements: Direct staff to consider the following additional design elements, either during the VE Workshop if appropriate or otherwise:
    - A. Ramp Grades: Establish the maximum grade for ramps into private property and determine whether they should be less than the 15% currently proposed.
    - B. Sidewalks: Consider providing ADA compliant sidewalks on both sides of McKinley Street.
    - C. Queue Cutter Signal: Consider whether a temporary queue cutter signal may be needed during construction in the northbound direction.
  4. BNSF Design Exceptions: If the underpass is not viable, direct staff to seek a design exception from BNSF for column supports. The City Council should also select one or two of its members to participate in higher level discussions regarding the design exception request.
  5. Conventional Bridge Design: Direct staff to return to a conventional bridge design to lower construction costs (e.g. Tustin Avenue-Rose Drive).
  6. Process: Direct staff to implement the following:
    - A. Project Manager RFP: Expedite an RFP to identify and hire a high level project manager experienced on grade separation projects who shall be primarily focused on this project to ensure that critical elements of the project are handled properly and in a timely manner.
    - B. Emphasize Value & Cost Control: All staff and consultants shall emphasize value and cost control, not just innovation, thus focusing only on value added cost reduction measures.
    - C. BNSF Agreements: Negotiation of important agreements with BNSF must be led by the City with BCA support. The Construction and Maintenance (C&M) Agreement process with BNSF must be started promptly.
    - D. Project Controls: Implement all necessary project controls (cost and

schedule) to build the project on time and within budget.

- E. Design/ROW Team: Take steps to assist Paragon and BCA/Kimley Horn to work closely during regular meetings, via two-way communication, to optimize the design and attempt to reduce costly right of way impacts.

Next Steps - Study Session on March 27, 2019

At the upcoming Study Session, staff will be expected to review, consider and respond to the Peer Review Team's final report, as well as address a schedule for compliance with those Ad Hoc Committee recommendations adopted by the City Council.

**COMMITTEE ACTION:**

This item is recommended for approval by the McKinley Grade Separation Peer Review Ad Hoc Committee (CM Casillas and CM Speake).

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

Any fiscal impacts directly resulting from the Ad Hoc Committee recommendations would be paid from the McKinley Grade Separation Capital Improvement Project (6937) in the Gas Tax Fund 222. As stipulated by Section 3.2.2 in the SB 132 Funding Agreement with the Riverside County Transportation Commission, such costs are ineligible for SB 132 funding and shall be borne solely by the City without reimbursement. Any fiscal impacts associated with the ultimate design and construction of the McKinley Grade Separation Project could be eligible for SB 132 funding.

**ENVIRONMENTAL ANALYSIS:**

This action is categorically exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely involves possible recommendations related to considering design alternatives and will not result in any significant effect on the environment.

The proposed McKinley Grade Separation Project is also statutorily exempt from CEQA pursuant to Section 21080.13 of the California Public Resources Code, which states that CEQA does not apply to any railroad grade separation project that eliminates an existing grade crossing. If the City determines to carry out the proposed McKinley Grade Separation Project, it would eliminate the existing grade crossing at McKinley Street, south of Sampson Avenue. Therefore, no environmental analysis is required at this time.

**PREPARED BY:** DEAN DERLETH, CITY ATTORNEY/LRM DIRECTOR

**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

**SUBMITTED BY:** MICHELE NISSEN, ACTING CITY MANAGER

**Attachments:**

1. Work Plan (01-29-19)
2. Peer Report (03-14-19)