



AGENDA REPORT

Department: Engineering
Prepared by: Roberto Yano, Director Public Work/City Engineer
Meeting Date: Tuesday, June 20, 2023
Approved by: Armando Vergara, Interim City Manager

SUBJECT:

Approval of Agreements with San Diego Gas and Electric Company, BNSF Railway Company, San Diego Metropolitan Transit System, and the San Diego Unified Port District for Segment 5 of the Bayshore Bikeway in National City.

RECOMMENDATION:

Adopt Resolutions Entitled:

- 1) "Resolution of the City Council of the City of National City, California, authorizing the Mayor to Execute the Agreement with San Diego Gas & Electric Company for the Purpose of Construction, Planting Mitigation, Monitoring, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,
- 2) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with BNSF Railway Company for the Purpose of Construction, Plant Mitigation, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,
- 3) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with San Diego Metropolitan Transit System for the Purpose of Construction, Planting Mitigation, Monitoring, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,
- 4) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with the San Diego Unified Port District for the Purpose of Construction, Planting Mitigation, Monitoring, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City has been working on Segment 5 of the Bayshore Bikeway (Exhibit E) that will connect the existing Class I bike path where it ends by the marina storage yard adjacent to the Paradise Marsh with a new 13'-15' wide 1.45 mile long Class I asphalt bike path, including new traffic signals; cross walks; lane striping; updated parking configuration; curbs and ramps; wayfinding signage; lighting; three retaining walls; grading; marsh protection; 4' high chain link fencing; and mitigation planting. This project is part of the Balanced Plan, a partnership with the San Diego Unified Port District and the City. In order to accomplish this project that is not only on City

property/right-of-way, but also on the property of San Diego Gas & Electric Company, BNSF Railway Company, San Diego Metropolitan Transit System, and the San Diego Unified Port District, the City needs to enter into a number of agreements. Exhibit E shows the four properties along the proposed new bike path alignment. The following is a summary of each agreement that will be required:

San Diego Gas & Electric Company (SDG&E) “License Agreement” (Exhibit A). The City is proposing to sign a License Agreement for use of approximately 10,450 square feet of existing bikeway and 1,145 square feet of proposed bikeway (comprising of a total of approximately 11,595 square feet) of real property for constructing and maintaining an extension to the existing bike path. The term of the License Agreement is for an initial five (5) years with three (3) additional and successive options terms of five (5) years (total of 20 years) upon mutual agreement. The License Fee for the term of the License and including renewals is a one-time payment of \$35,000.

BNSF Railway Company (BNSF) “Grade Crossing Construction and Maintenance Agreement” and Easement Agreements (one temporary and two permanent easements) (Exhibit B). The City is proposing to sign these agreements allowing for the installation of crossing signals/activation equipment, new crossing surfaces including, but not limited to any and all changes to communication, signal and electrical lines and appurtenances, temporary or permanent track work, fencing, grading, alterations to or new construction of drainage facilities of the “at grade crossing” at Harbor Drive and Bay Marina Drive. The term of the Construction License is twelve (12) months following the effective date. The term of the permanent easements for the equipment and improvements on BNSF property is perpetual and the temporary is during construction only. Fees for the easements are approximately \$56,000. Note: As of the submittal of the staff reports, City staff are still working out minor details with BNSF. Staff is requesting the City Council to approve the draft agreement and give the Mayor authority to execute the agreement, once finalized, subject to City Attorney approval.

San Diego Metropolitan Transit System (MTS) “Construction and Maintenance Agreement for the Bayshore Bikeway Project” and a “Railroad Right-Of-Way License” (Exhibit C). The City is proposing to sign this Construction and Maintenance (C&M) agreement and the License for the exclusive purpose for construction, use, operation, maintenance, repair and ownership of the bikeway and bikeway appurtenances that crosses within the Licensors’ right-of-way. The term of the license is an open condition that allows either party to terminate with 90 day written notice.

San Diego Unified Port District “Easement and Maintenance Agreement” (Exhibit D). The City is proposing to sign this agreement for the purposes of construction, monitoring, operation, inspection, maintenance, repair, and replacement of improvements that consist of a bicycle path, retaining wall fence and other related improvements and appurtenances and performing habitat and biological mitigation on Port property. The term is for sixty six (66) years.

This long awaited project is nearing the construction phase. Once these agreements are approved, the next steps include acquiring a CALTRANS encroachment permit, CPUC approval on the work associated with the BNSF property/at grade crossing, approval from Sweetwater Water Authority to relocate a waterline, and Construction Funding Allocation from the Federal Highway Administration (FHWA).

Staff recommends the adoption of the attached resolutions approving the agreements and easements with San Diego Gas & Electric Company, BNSF Railway Company, San Diego Metropolitan Transit System, and the San Diego Unified Port District.

FINANCIAL STATEMENT:

The project’s estimated total cost is approximately \$9 million dollars to be funded by FHWA, the Port of San Diego and the City. Appropriations to pay for the \$91,000 in fees associated with the

SDG&E and BNSF agreements are available in account 296-409-500-598-6611 AHSC - BAYSHORE BIKEWAY SEGMENT 5.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Transportation Choices and Infrastructure

ENVIRONMENTAL REVIEW:

This project is part of the Approved EIR for the Balanced Plan

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – License Agreement with SDG&E

Exhibit B – Grade Crossing Construction and Maintenance Agreement with BNSF Railway Company

Exhibit C – Construction and Maintenance Agreement for the Bayshore Bikeway Project and Railroad Right-of-Way with San Diego Metropolitan System

Exhibit D – Easement and Maintenance Agreement with the San Diego Unified Port District

Exhibit E – Bayshore Bikeway ROW Map

Exhibit F – Resolution – SDG&E

Exhibit G – Resolution – BNSF

Exhibit H – Resolution – MTS

Exhibit I – Resolution – Port