

Memo



To: Board of Trustees
From: Tracy Sanders-Project Manager
Date: April 17, 2023
Re: Direction on St. Vrain Regional Trail Extension

Update:

The Town has been awarded funding from CDOT to extend the St. Vrain Trail from McConnell Road to the US36/SH66 junction to support the safety of pedestrians and cyclists. Staff is providing an update to the Board of Trustees (BOT) on the project, specifically the challenges with trial alignment, funding, environmental concerns, timelines, and funding deadlines.

Alignment Conflicts: The Town acquired a design and ROW consultant in April 2022. The consultant has been able to complete 30% design and some initial environmental. However, there is a still an alignment conflict with approximately 300 ft of the trail, crossing on area of Town property that is leased by a business owner.

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Funding Shortfall: Town is at a funding shortfall of approximately \$600-800k. Town staff is continuing to pursue other funding opportunities to supplement this shortfall. Boulder County is in support of this project and has been assisting the Town in exploring additional funding options.

The consultant is also requesting additional fees and scope for additional required environmental assessments. If after the environmental review is completed by CDOT and other State agencies, and if it is determined that there are adverse impacts, then additional scope and fee will be required for mitigation. This is an unknown expense at this time or it may not be an expense if no adverse effects are determined. Potential adverse effects could be found related to:

*Wetlands

*Preble's Meadow Jumping Mouse

*Ditch impacts from box culvert crossings and/or rip rap placement on banks

Funding Deadlines: It is also important to note that we have a funding deadline from the Denver Regional Council of Governments (DRCOG) to have this fully designed and out to bid by July 1, 2023. If we do not, we could lose all the funding and what has been expended to date would have to be paid back. The time to design is not the concern; it is the review by other agencies that can take time. The environmental review by CPW, CDOT, and possibly others can take 6-9 months to complete. In addition, CDOT must review 30% and 90% plans and approve the bid package before advertisement.

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The plan reviews can take from several weeks to 3 months, generally, the design team is on hold until these reviews are complete. 30% plans have been submitted to CDOT for review and we will receive comments back on the design from CDOT approximately in Mid-May. Town staff is working closely with DRCOG on the progress of the project and they are also aware of the challenges with this project. Staff will be requesting an extension from the DRCOG Board when they determine it is time to request.

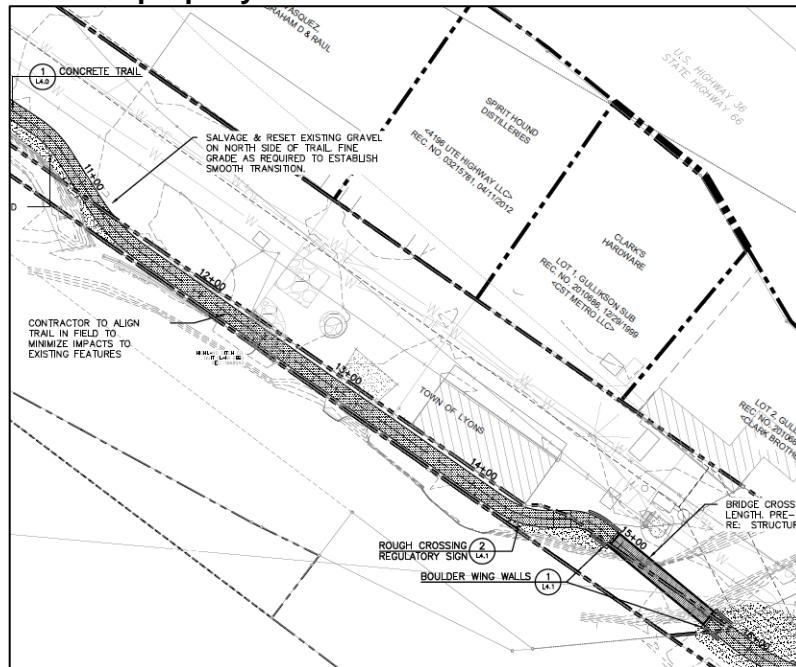
*The funding from this project comes from Federal Highway Administration (FHWA). DRCOG is a regional council for Colorado that receives and reviews applications from local governments requesting funding for projects. DRCOG then awards the FHWA funding to qualifying projects. CDOT then oversees the funding for the local governments.

Value Engineering: The staff is working with the design consultant to consider changing the pedestrian crossing over the three ditches from bridge crossings to box culvert crossings. This could significant cost savings for materials and construction. This also alleviates potential utility conflicts.

Alignment Options

Option A

Trail alignment on the Highland Ditch-owned property adjacent to and south of the Town property:



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Pros

- Reduced impact on businesses, specifically Spirit Hound and Clarks Hardware

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- Potential for reduction of the design complexity and cost by avoiding potential impacts to utilities with the trail alignment.
- Both Clarks Hardware and Spirit Hounds are in support of this alignment.

Cons

- The Town would need to acquire or complete an agreement for use of the property with Highland Ditch. There are three potential impacts:
 - Increased risk of project cancellation, or delay.
 - While Highland is open to working with the Town to allow the trail alignment on their property, there is a risk that the acquisition could be denied or negotiations fail.
 - Long-term costs
 - The Town is not sure of what type of long-term agreement Highland will require for use of their property and if there will be a fee associated with this use.
 - Increased project costs:
 - Highland Ditch requested that the Town mitigate the impact of the trail to ensure safety and business continuity. Mitigation is anticipated to include a vehicle bridge to get to the south side of the ditch to access the pump house, fencing, and signage. The current added cost for these measures ranges from \$400k to \$500k (additional design, construction, survey, Geotech, etc.)
 - While property acquisition and use agreements are eligible for reimbursement through the grant, the funding may require the Uniform Relocation Assistance and Real Property Acquisition Act to be followed, which is intended to ensure fair compensation and assistance for those whose property is acquired for public use. The fair market value of the property would be determined for compensation, this process can take quite a bit of time to complete. There may be an option to complete this without utilizing the grant funding and we may be able to avoid the Uniform Relocation Act process with CDOT. Town staff will need to investigate further. However, if we must go through this process it can take 6-12 months to go through the CDOT review process.

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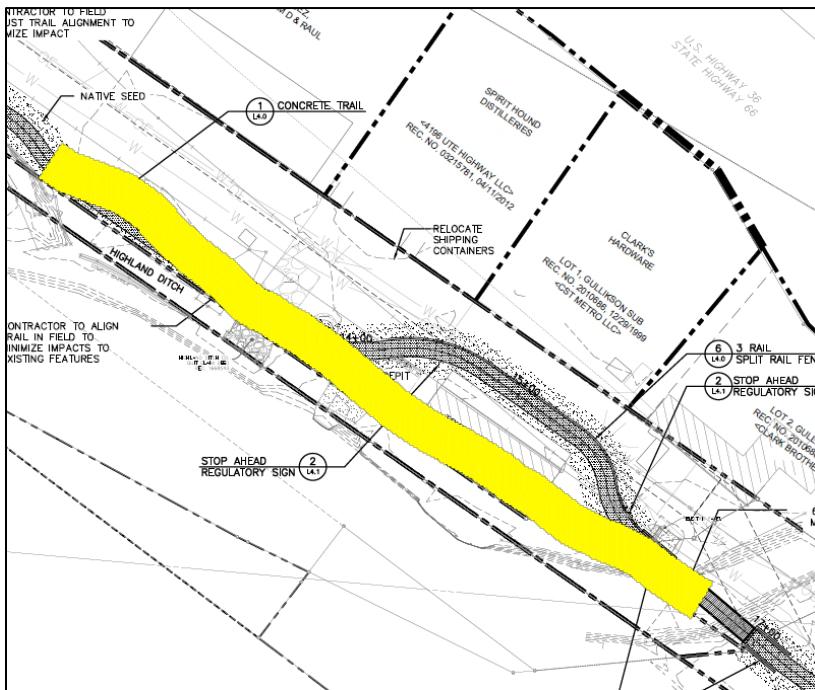
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Option B

Trail alignment on the most southern portion of Town-owned property:



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Pros

- Reduced cost associated with utilization of Highland property use, access, and safety.
- Trail would be located on Town property due to eliminating the need for property acquisition or potential accommodation of Highland Ditch operation.
- Reduced schedule by eliminating negotiations of agreements that would be required to obtain use of non-Town owned property.

Cons

- A lease amendment negotiation would need to be completed with Clark's Hardware. Any fees related to negotiations and agreements to negotiations would come out of the Town budget and would not be covered through the available grant funding. (Staff did pursue a lease buyout and Clarks Hardware declined)
- Clark Hardware storage building will need to be reduced in size either by cutting it in half or demolishing the current building and building a smaller storage building.
- Relocating or shifting the building to the north is not an option because of utility conflicts.

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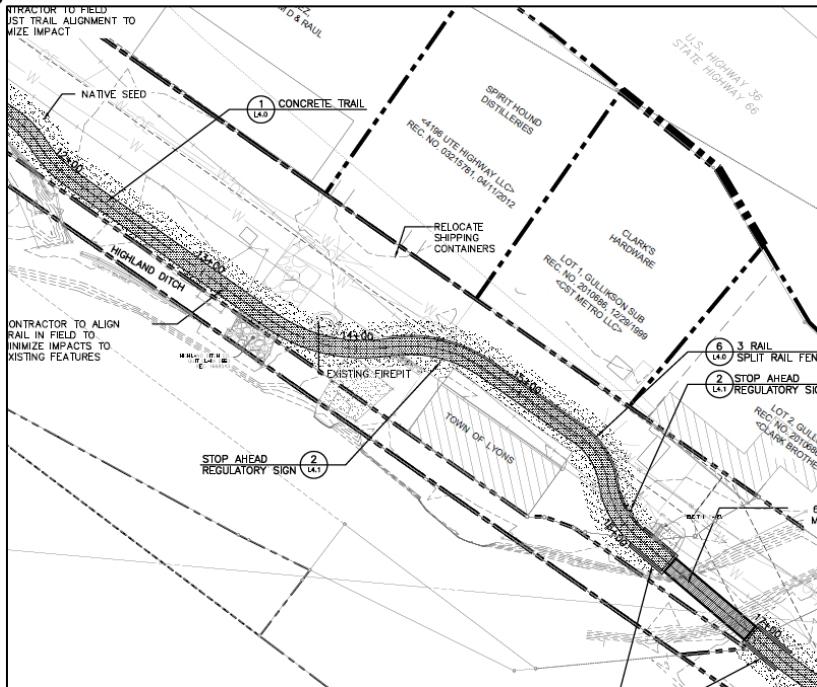
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- Spirit Hounds would prefer this option over Option C, however, they would still lose 10' of patio area which they feel would not be ideal for their business model.

Option C

Trail alignment between Clarks Hardware main building and Clarks Storage Building:



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Pros

- Potentially reduced cost because the trail would be on Town property due to eliminating the need for property acquisition or potential accommodation of Highland Ditch or long-term fees for a land lease or easement.
- Reduced schedule and fee by eliminating negotiations of agreements that would be required to obtain use of non-Town owned property.

Cons

- A lease amendment negotiation or buyout would need to be completed with Clark's Hardware to allow the trail to cross in this area between the Storage Building and Clarks Store. The staff has attempted a lease buyout with Clarks Hardware owners and the buyout option was not successful.
- Possible increased complexity of project design and cost to align the trail around the utilities related to the lift station infrastructure that may conflict with the trail alignment.
- Possible increased costs for security measures that may be required by adjacent property owners such as fencing, lighting, gates, etc.

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- Spirit Hound Distillery and Clarks Hardware are not in support of the alignment and prefer no, or a reduced, impact on their leased property area. Note the Spirit Hound lease with the Town includes a term that allows the construction of the trail on the back 10' of the property (see map). However, Clarks Hardware does not have the same clause
 - Spirit Hounds feels this alignment impacts their business plan for the use of the back patio and they would be losing a portion of the patio with this alignment. They are very much opposed to this alignment option.
 - Clarks is also opposed to this alignment because of concerns of potential theft and vandalism of inventory they keep in the storage building in the ROW. They are also concerned with the safety of pedestrians as they access their inventory with a forklift and would be crossing

Project Costs and Deadlines

Project Estimate for Option A Shortfall	\$1,901,849 (includes contingency) \$ 853,849 (does not include known costs)	DOUBLE GATEWAY TO THE ROCKIES
Project Estimate for Option B Shortfall	\$1,674,485 (includes contingency) \$ 626,485 (does not include known costs) *very rough estimate	
Project Cost Estimate for Option C Shortfall	\$1,548,485 (includes contingency) \$ 500,485 (does not include known costs)	
Costs incurred to date	\$ 75,849	
DRCOG Deadline to Advertise	October 1, 2022-Missed Deadline July 1, 2023-Second Deadline will be missed May be able to request extension, waiting to hear if this would be possible	
Known Costs		TELEPHONE
Possible environmental mitigation/redesign	\$TBD	303.823.6622
Highland Agreement and Fee	\$TBD	FACSIMILE
Ditch Plan Review Fees	\$TBD	303.823.8257

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Staff is looking is working closely with Boulder County to see if they can assist with funding for the trail. The staff continues to look for options.

Conclusion

There are several challenges with this project and the staff needs direction on whether to move forward. Additional documentation has been supplied with this memo. In summary, we are at a funding shortfall, and at a standstill with alignment options. Town staff needs direction on how to move forward with project.

Other documents included:

Alignment maps

Cost estimates compared to available funding

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