



Memorandum

DATE: April 2, 2015

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: SMAs for 10/441 Interchanges at Midway Road and Oneida Street

The Wisconsin Department of Transportation (WisDOT) is seeking approval of the State Municipal Agreements (SMAs) for the USH 10/STH 441 interchange projects at Midway Road and Oneida Street. During our review of the SMAs, we felt there needed to be further clarification regarding how the street lighting would be installed and what the share portions would be for the Town of Menasha and the City of Menasha.

Therefore, WisDOT is requesting the approval of the agreement excluding the street light components at this time to prevent any delays in project development. There was not enough time to provide the revised agreements for the packets, but copies of the revised agreements should be available at the meeting Monday night.

Without the street lighting component, there is no cost to the City of Menasha for any of the proposed work at the interchanges. Future agreements will address the street lighting and level of Community Sensitive Solutions desired at each interchange. At this time, I recommend the approval of the two revised SMAs for USH 10/STH 441 interchanges at Midway Road and Oneida Street.

Enclosure

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**[#] REVISION
STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT**

[This agreement supersedes the agreement signed by the Municipality on 20 and signed by DOT on 20]

Revised Date: N/A

Date: March 16, 2015

ID: 1517-75-77

Road Name: CTH AP/Midway Road Interchange

Limits: CTH P/Racine Road to Mission Street

County: Winnebago

Roadway Length: 0.5 Miles

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: County AP/Racine Road is a four lane Urban Collector with 12' lanes, concrete pavement, and curb and gutter. The existing interchange ramp terminal is stop controlled. There is also stop control at the Racine Road intersection. The 441 corridor expansion project influences the major side roads and interchanges. Midway Road and the adjacent intersections will be reconstructed to accommodate the corridor improvements. There is also a railroad crossing within the project limits.

Proposed Improvement - Nature of work: Construct a four lane urban section from Racine Road to Mission Street as well as reconstruction of Racine Road from Olde Midway Road to 500' north of Midway Road. The proposed roadway consists of two 12' lanes in each direction with integral curb and gutter. Work includes construction of a new railroad crossing. Bicycle and pedestrian accommodations are incorporated into the design. Lighting will be installed along Racine Road. Ramp terminals will remain stop controlled.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: The Municipality is responsible for costs and labor associated with the adjustment of sanitary manholes and water valves. If any of this work is completed by the State, the Municipality will be responsible for 10% of the costs of these items.

PHASE Construction (Participating):	Total Estimated Cost	ESTIMATED COST			
		Federal / State Funds	%	Municipal Funds	%
Project ID 1517-75-76					
Category 1000 – Roadway Items	\$3,500,000	\$3,500,000	100	\$0	0
Category 1100 – Lighting	\$125,000	\$125,000	100	\$0	0
Category 1110 – Municipal Lighting	\$100,000	\$50,000	50	-\$50,000	50
25% city of Menasha				-\$25,000	25
25% town of Menasha				-\$25,000	25
Category 1400 - Community Sensitive Solutions – Landscaping Priority 1 capped at \$250,000	\$200,000	\$200,000	100	\$0	0
Priority 2	\$0	\$0	0	\$0	100
50% city of Menasha					50%
50% town of Menasha					50%
Category 1700 – Sanitary & Water Valve Adjustments– town of Menasha	\$2,700	\$2,430	90	\$270	10
TOTAL COST DISTRIBUTION (without Delivery)	\$3,827,700 \$3,927,700	\$3,827,430 \$3,877,430		\$270 \$50,270	
Construction Delivery (15% of Total)	-\$589,155 \$574,155	-\$581,615 \$574,115		\$40 \$7,540	
TOTAL COST DISTRIBUTION (includes Delivery)	-\$4,516,855 \$4,401,855	-\$4,459,045 \$4,401,545		\$310 \$57,810*	

This request is subject to the terms and conditions that follow (pages 3 – 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the City of Menasha (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State (please sign in blue ink)		
Name	Title	Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains (not including additional upsizing of storm sewer main requested by Municipality or needed to carry additional municipal storm water), culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Conditioning, if required, and maintenance of detour routes.
 - (i) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk within the project limits at the time of construction. Sidewalk is considered to be new if it’s constructed in a location where it has not existed before.

- (j) Replacement of existing driveways, in kind, necessitated by the project.
 - (k) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
- (a) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (b) Roadway and bridge width in excess of standards.
 - (c) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (d) Parking lane costs.
 - (e) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (f) Coordinate, clean up, and fund any hazardous materials encountered outside of State right of way.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for federal/state participation.
8. The Municipality shall at its own cost and expense:
- (a) Prohibit angle parking.
 - (b) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
 - (c) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - (d) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
 - (e) Coordinate with the responsible party regarding remediation, including locating a suitable local site for storage of contaminated soils from the sanitary sewer and water main excavation which cannot be replaced in the project trenches or roadway excavations and coordinate with the responsible party regarding the disposal of such soils.
 - (f) Coordinate with the Wisconsin Department of Natural Resources regarding the discharge into sanitary sewers of contaminated groundwater originating from dewatering of trench excavations for sanitary sewer and water main.
 - (g) Coordinate with the State on changes to highway access within the project limits.
 - (h) In cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

9. The Municipality agrees to waive any noise ordinances/restrictions pertaining to the construction of the WIS 441 Project, for the duration of the WIS 441 Project.
10. All costs contained in this agreement are estimated costs and include 15% for delivery. Actual construction costs will be based upon as-let bid prices and the final contract quantities required to complete the work.
11. Once the maintenance responsibility of the project has been transferred to the Municipality, the State is released from any and all costs associated with the future maintenance and/or removals of improvements included in the project on right-of-way under local jurisdiction.

Project Specific Terms and Conditions

The Municipality shall at its own cost and expense:

1. General

- a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
- b) Maintain all features outside or under the traveled way within the project limits, to include but not limited to parking lanes, curb and gutter, drainage facilities (including all storm sewers, inlets, related manholes and structures, local lighting, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, medians, and landscaping features and amenities funded by Community Sensitive Solutions (CSS).
- c) Maintain all sidewalks and multi-use paths constructed with the project. Maintenance includes, but is not limited to, sidewalk repair, snow removal, ice control, repainting/staining of the colored portions and future replacement (other than future highway projects) of the sidewalk, mowing of the grass in the terrace between any roadway and the sidewalk, and between the sidewalk and right-of-way. Maintenance will include all sidewalks around the intersections and on the approaches. Snow removal and ice control will be completed based on municipal policies.

2. Signing and Pavement Marking

- a) Maintain the pavement markings associated with the crosswalks within the project limits, which includes, but is not limited to, any necessary repainting or replacement except those caused by future highway projects. If the crosswalks are to be delineated, the Municipality is responsible for obtaining any required pedestrian crosswalk marking permits for each crosswalk.
- b) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).
- c) Maintain all local road designation (local road name) signs.
- d) Overhead sign structures at ramp terminals will be maintained by the Department.

4. Lighting

- a) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the municipal lighting system.
 - i. Department will install and the town of Menasha and city of Menasha will share responsibility to maintain the lighting on Midway from Racine to Mission Street. Those municipalities are responsible for obtaining a separate agreement between themselves and with Menasha Utilities. Lighting for this section will be funded 50% State/Fed, 25% city of Menasha, and 25% town of Menasha.

5. Municipal Utilities

- i. Work necessary to complete improvements required by freeway reconstruction to be financed by 90% Federal/State, 10% Municipality cost share per State Statute 84.295 include the following items:
 - i. New installations of, or alteration of, municipal facilities including sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - ii. Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - i. Municipality has sanitary and water facilities within the project limits and have requested that WisDOT's contractor make sanitary manhole and water valve adjustments.

6. Community Sensitive Solutions

- a) Maintain all Community Sensitive Solutions and/or enhancement funded items including but not limited to:
 - i. Landscaping within the project limits, including trees along the sidewalk, as well as median plantings.
 - ii. Bus Shelters, supporting concrete pads, and other locally-owned facilities such as lighting for the bus shelters.
 - iii. Trash receptacles at bus shelters
 - iv. Bike racks at bus shelters
- b) The Municipality will be responsible for all non-structural repairs resulting from graffiti, surface deformation, and/or other cosmetic imperfections. The Department will be responsible for all structural repairs. The Department will provide five (5) gallons of each color of stain and two (2) formliner panels for each architectural pattern to the Municipality to facilitate participation in maintaining aesthetic treatments for any repairs on decorative facades within project limits. Decorative facades include bridge abutments, piers, retaining walls, noisewalls, and other structures with aesthetic treatments.

7. Work outside project limits

- a) None requested

Public Convenience and Safety

While performing any maintenance activities associated with this agreement, the Municipality shall comply with the following conditions.

- (a) Maintain the safety of the traveling public and control traffic using warnings signs, cones, drums and flaggers consistent with the Manual on Uniform Traffic Control Devices.
- (b) Materials and equipment cannot be stored on the right-of-way.
- (c) The Department shall be notified 7 days prior to erecting any lane closures or lane restrictions.
- (d) Avoid maintenance or lane closures during the peak hours of 6:00-9:00am or 3:00-6:00pm.

12. Basis for local participation:

Town of Menasha

- Adjust 2 Sanitary Manholes: 2 Sanitary MH Adjustments @ \$325/Each = \$650
- Replace 2 Sanitary Manhole Seals: 2 Sanitary MH Seals @ \$350/Each= \$700
- Adjust 3 Water Valves: 3 Water Valve Adjustments @ \$300/Each= \$900
- Adjust 3 Water Curb Stops: 3 Water Curb Stop Adjustments @ \$150/Each= \$450

○ Total Cost = \$2,700 * 0.10 (City of Appleton Cost Share) = \$270

Town of Menasha total cost share = $\$270 + \overset{\$270}{\cancel{\$25,000}}(\text{lighting}) = \cancel{\$25,270} * 1.15 = \cancel{\$29,060} + \$310$

City of Menasha total cost share = $\cancel{\$25,000 * 1.15} = \cancel{28,750} + \0

[END]