



Agenda # 13
Commission Meeting Date:
October 4, 2016

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Project Funding and Maintenance Agreement – Park Drive/4th Avenue North Pedestrian Crossing – O.F. 1711

From: Planning & Community Development

Initiated By: Montana Department of Transportation

Presented By: Craig Raymond, Planning & Community Development Director

Action Requested: Approve Agreement

Suggested Motion:

1. Commissioner _____ moves:

“I move the City Commission (approve/not approve) an agreement with the Montana Department of Transportation for funding and maintenance of a pedestrian improvement project and authorize the City Manager to execute same.”

2. Mayor Kelly requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Approve agreement.

Summary:

In 2015, a \$223,000 project to improve pedestrian safety at the entrance to Gibson Park was approved by the Montana Department of Transportation for funding and development under the federal-aid Transportation Alternatives (TA) Program.

Projects developed under the TA Program require an agreement between the State and local government to define funding contributions and maintenance responsibilities.

Background:

Local Plans

The safety of pedestrians crossing Park Drive at the entrance to Gibson Park has long been identified as a concern. It was identified in the following plans:

- 1) The 2011 Downtown Master Plan calls for the City to “...Improve connectivity to the Missouri River, River’s Edge Trail and Gibson Park for bicycle and pedestrians.”
- 2) The 2014 Great Falls Long Range Transportation Plan identifies a “...problematic link with Gibson Park and River’s Edge Trail on the western terminus of (the 4th Avenue North) bike route.” It further goes on to identify a project for “Crosswalks and signals” at 4th Avenue North and Park Drive.

- 3) The 2013 *Great Falls Growth Policy* recommends the City “Evaluate and pursue, as appropriate, key intersection improvements to improve pedestrian access to Gibson Park.”
- 4) The 2013 *Downtown Access, Circulation and Access Study* recommends this project specifically. It recommends narrowing the entrance to Gibson Park and providing reduced crossing distances at this location.

State Warrant Analysis

In 2010, the Montana Department of Transportation performed a “warrant study” to determine the need for crossing improvements at this location. The study confirmed the need and recommended improvements be made.

Application and Selection

The Planning & Community Development Department submitted a request for this project to the Montana Department of Transportation in 2015. The full application (which includes the warrant analysis, project location, project description, plan references, site photographs and letters of support) is attached to this agenda report as “Exhibit A.”

This project was selected by the State as one of only 12 projects statewide.

Workload Impacts

The project will be designed, administered and built by the Montana Department of Transportation or its consultants/contractors. The City Park & Recreation, Public Works and Planning & Community Development Departments will work with the State to ensure the design fits into the context of the neighborhood and that the portion of improvements in Gibson Park are appropriate.

Purpose / Project Work Scope

The project is a safety and traffic calming project, as well as a project to improve connectivity of the bike network. Island bulb-outs at the intersection of Park Drive, 4th Avenue North, 2nd Street North and the main entrance to Gibson Park will reduce crossing distances; crosswalk striping will define and improve the safety of the crossing; re-alignment of the intersections will provide better driver visibility; reduction in the width of the entrance to Gibson Park will reduce driver confusion and make entering and exiting more predictable; and, a direct connection between Park Drive and the trail to the railroad underpass will provide continuous connection for pedestrians and bicyclists.

A Concept Drawing of the improvements is provided as Attachment 4 of the Application (Exhibit A to this Report).

Fiscal Impact:

The State requires all improvements that are not within the State Right-of-way of Park Drive (considered “on-system”) to be matched with local funds. In this instance, estimates of the “on/off system” portions of the project are reflected in the Agreement, with the match (13.42%) to be provided by the City Street Department, Park Trust Fund, and the River’s Edge Trail Foundation. The Foundation will provide the match for the trail improvements and the City Departments will provide the remaining match on a 50/50 split. The actual breakdowns will be determined after the project construction contract is awarded and actual costs are known. However, the City portion is expected to be less than \$9,800.

Conclusion and Staff Recommendation:

City funding for larger projects is always difficult, and staff continually looks for other sources of funding to build projects that have been identified in its various Planning documents. With this project, the City can leverage a small financial outlay into a large project that would otherwise not be able to be constructed. Therefore, City staff recommends approving this Agreement.

Alternatives:

The City Commission could vote to not approve the Project Funding and Maintenance Agreement, and the project would not be constructed.

Attachments/Exhibits:

1. Exhibit A – Montana Department of Transportation Transportation Alternatives Program Application 2015
2. Exhibit B – Project Funding and Maintenance Agreement

CC:

Jim Rearden, Public Works Director

Joe Petrella, Park & Recreation Director



P. O. Box 5021, 59403-5021

Planning & Community Development

July 30, 2015

To: Transportation Alternatives Evaluation Committee

Subject: Park Dr/4th Ave N Bike/Ped Improvements Transportation Alternatives Program Application

Dear Evaluation Committee Members:

On behalf of the City of Great Falls, I am pleased to submit this application for MDT's 2015 Transportation Alternatives Program granting cycle. The subject project, a pedestrian crossing improvement project, is the only project application that Great Falls will be submitting this year, and we have selected a high-priority project for consideration.

For this grant cycle, we have concentrated on moving a project forward from our recently adopted (2014) Long Range Transportation Plan. This project is also reflected in three other local planning documents – the 2011 Downtown Master Plan; 2013 Growth Policy Update; and, the 2013 Downtown Access, Circulation & Streetscape Plan. Through inclusion in numerous plans, it's clear this is a project that the community has identified as important.

This bicycle and pedestrian project focuses on safety, combined with improved connectivity between Downtown neighborhoods and important park and river destinations, as well as "filling the gaps" in our bicycle network. We've also selected a project that is on the State's Urban System, as the system is comprised of the most important roads in our community. These roads, in turn, are those where it makes sense to spend Federal Aid Transportation dollars, if the needs are there.

This is a needed project, to improve **bicycle and pedestrian safety** and **ADA compliance**, and to **fill important gaps** in the system. We encourage your careful consideration of the benefits of this project, and thank you for the opportunity to apply.

If you have questions on the application information or wish to receive additional information, please contact Andrew Finch, Senior Transportation Planner, at afinch@greatfallsmt.net, or 406-455-8434.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Raymond", written over a horizontal line.

Craig Raymond
Director
Planning & Community Development Department

**Montana Transportation Alternatives (TA) Program
2015 Application For
Park Dr/4th Ave. N. Bike/Ped Improvements**

Required Contents of Application

1. Project Name

Park Dr/4th Ave N Bike/Ped Crossing Improvements

2. Local Entity Sponsor and Population

City of Great Falls, population over 5,000.

3. Project Contact

Andrew Finch, Senior Planner

Address:

City of Great Falls
Planning & Community Dev. Dept.
PO Box 5021
Great Falls, MT 59403

Phone Number:
(406) 455-8434

Email Address:
afinch@greatfallsmt.net

4. Estimated Total Project Cost

The following project cost summary is based on the planning-level construction plans contained in this application. Unit pricing is based on recent bid tabulations for similar work in the City of Great Falls.

TAP Grant Cost Summary

Construction Estimate	\$165,347.00
PE Cost (10%)	\$16,535.00
CA Cost (12%)	\$19,842.00
Total	\$201,724.00

Detailed planning-level construction cost estimates are provided as Attachment 3.

5. Project Eligibility

(5.a) Federal TAP Eligibility Criteria

The project will construct a safe bicycle and pedestrian crossing at an important crossing point of Urban Route U-5208 (Park Drive) at its intersection with 4th Avenue North and the entrance to Gibson Park. It will include bulb-outs (traffic calming), signage, pavement markings, PROWAG compliant ramps, sidewalk and trail re-alignments and width reduction and re-alignment of skewed intersection approaches.

Under 23 U.S.C. 213(b), the project is eligible for funding under the TA Program in the following categories, as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103) (**bold emphasis added for clarification**):

A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.).

(5.b) TranPlan 21 Consistency and Support of Policy Goals

This project is consistent with the following policy goals of TranPlan 21, Montana's statewide long-range transportation plan:

Traveler Safety

“Policy Goal A: Reduce the number and severity of traffic crashes on Montana's Roadways.” This project is a safety project at heart. It will: provide for a safe bicycle and pedestrian crossing, with associated pavement markings and signage; provide traffic calming along a long, straight stretch of road; re-align two intersections for better visibility for entering traffic; and, reduce the width of an approach for more predictable traffic movements. All of these improvements are safety-related, and will reduce the potential for crashes at this 5-way intersection by reducing the complexity of movements and increasing the predictability of driver actions to ensure a safe bike and ped crossing.

Bicycle and Pedestrian Transportation

“Policy Goal B. Target bicycle and pedestrian improvements to account for differences in current and future use.” Installing this crossing and associated improvements will accommodate current bicyclists and pedestrians using the unmarked crossing, and encourage more use to major community destinations. Connecting the River's Edge Trail with two intersecting bike routes helps to “fill the gap” between the on-street routes and the River's Edge Trail, a linear separated path running the length of the Missouri River (both sides) through the City – which connects to further bike routes, pedestrian facilities, neighborhoods and community destinations.

This project specifically helps to implement Action Item B.1., by targeting a project that

connects to “...the most significant bicycle routes designated throughout MPO plans... with the greatest demand or potential demand as the basis for planning and system improvement decisions.” This improvement is specifically listed as a recommended improvement in the MPO's LRTP (see Attachment 1), and connects to the River's Edge Trail, the route with the greatest demand in Great Falls.

Access Management

A reduced-width driveway access to Gibson Park and better aligned City street intersections will provide safer access onto the Urban Route, and is necessary for the provision of a safe bicycle and pedestrian crossing.

Land Use Planning

The project complements City land use planning efforts by implementing specific recommendations in the Great Falls Growth Policy Update-2013; the Great Falls Downtown Master Plan-2011; the Downtown Access, Circulation & Streetscape Plan-2013; and, the Great Falls Area Long Range Transportation Plan-2014.

Attachment 1 provides excerpts from the various local Plans specific to this project.

Consistency with Local Transportation Plan

It is important to emphasize that this project is specifically listed as an identified need and a recommended project in Great Falls' Long Range Transportation Plan, and helps to implement numerous goals contained therein.

It is important to note that the LRTP specifically suggests pursuing TA Grants to help fund this and similar improvements (Pg. 197).

6. Project Statements

6.a) Project Narrative/Abstract

Location and Context

The project is located at a skew intersection of Urban Route U-5208 (Park Drive) with two local roadways (4th Avenue North and 2nd Street North), as well as the entrance to a major local and regional trip destination, Gibson Park (See Attachment 5).

Additionally, the project is located at the intersection of two designated on-street bicycle routes: 4th Avenue North, which has been signed as a route for decades, and 2nd Street, a route that is identified in the Long Range Transportation Plan (LRTP) and will be striped as such in 2015 (see attached “Non-motorized Network Vision” from 2014 LRTP). Connecting to this intersection on the west is a direct and important pedestrian and bicycle underpass of the BNSF railroad, providing connectivity to the riverside parks, horseshoe pits, skate park and River’s Edge Trail. Finally, immediately to the west, is a concentration of major attractions - the duck pond, Gibson Park walking path, historic Vinegar Jones Cabin, flower garden, and one of the largest playgrounds in the City. The west approach provides the main vehicular access to the Park and parking lot, but no pedestrian or bicycle access (see Photos, Attachment 2).

Project Description and Major Work Items

Generally, the project will include crossing signage, pavement markings, PROWAG compliant ramps, sidewalk and trail re-alignments and width reduction/re-alignment of skewed intersection approaches.

This project incorporates numerous safety improvements, all designed to provide a safe crossing of an Urban Route between the neighborhood and Gibson Park. It proposes to construct a PROWAG compliant

connection between neighborhoods and the Park and Riverfront. An initial drawing of the proposed work is shown in on the attached drawing (Attachment 4). Also attached is a detailed cost estimate of the proposed work (Attachment 3) for planning and programming purposes and to provide MDT with an understanding of the major anticipated work items and quantities.

To provide a safe pedestrian and bicycle crossing, the following related improvements will also be made:

- 1) Realign approaches of 2nd Street, 4th Avenue North and the Gibson Park entrance to reduce points of conflict and improve the safety of turning movements at the crossing location.
- 2) Extend the trail connection (currently, it terminates in the Gibson Park parking lot) eastward to the new crossing location.
- 3) Install truncated domes and ADA ramps at crossings, including new ramps on the west side. It is important to note that this project will rectify ADA deficiencies at the project location, freeing MDT from this responsibility when it comes time for roadway rehabilitation projects.
- 4) Construct new wide sidewalk connection from Park Drive to the Gibson Park Trail.
- 5) Install crossing pavement markings and advance warning signage.
- 6) With re-aligned crossing points, install decorative concrete and sod or low maintenance landscaping, where appropriate.

6.b) Project Benefits

Safety

See “Traveler Safety” narrative in 5.b above.

Accessibility

A non-accessible crossing will be made ADA and PROWAG compliant, allowing full and complete access by all users to

major destinations. Gibson Park and River's Edge Trail is used by all users – ranging from citizens with mobility limitations to young children in strollers to advanced bikers and runners. Connecting Gibson Park and the Trail to the neighborhoods is a primary goal of the community, and this project will advance this goal.

Connectivity

Connectivity is vital to the function of a City's transportation network. As stated elsewhere in this application, this is an identified "gap" in the bicycle and pedestrian network. Specifically, it will connect neighborhood users to the facilities on the west, and provide connectivity to River's Edge Trail bike path.

6.c) Project Risk Analysis

Budget

The project has been investigated by a professional engineering firm for cost estimates, quantities, and a preliminary suggested layout.

The project design engineer has prepared a reliable cost estimate from recent projects with similar scopes. Detailed design work is complete so construction quantities and challenges are well quantified. The engineer's estimate accompanies this application (see Attachment 3).

As this is "on system", no local match is required.

Public Involvement

This project has been vetted through numerous public involvement opportunities with the City of Great Falls, Great Falls MPO, and Great Falls Planning Board. The Great Falls LRTP was the most recent document with explicit and lengthy public involvement.

In addition, this project was discussed at the June 2015 Technical Advisory Committee Meeting, and noticed on its agenda via the MPO webpage.

TAC has provided a recommendation of support for the project (see Attachment 7), and the MPO can quickly amend the TIP to add the project and funding source. As it comes directly from the LRTP, there would be no delay in needing to amend that document.

MDT Coordination

A meeting was held on July 14, 2015 with the MDT District staff to discuss the project and review the conceptual drawing. MDT indicated support for the project. Also attached is a 2010 letter (See Attachment 8), further supporting District awareness of and support for an improved crossing at this location.

Project Independence

The completed work will not rely upon any further funding or projects to function as intended. No further work is necessary, and it will fully fulfill its intended purpose and have "independent utility."

Right-of-Way, Ownership and Maintenance

No additional Right-of-Way is needed for this project. All work will be in the MDT ROW or City property.

All improvements (with the exception of future pavement marking maintenance, which is a standard component of road maintenance by the Great Falls District) will be maintained by the City of Great Falls. The City has street sweepers and trail sweepers to ensure the project will be kept clear of debris, and has a traffic division that maintains traffic control features. Further, the City keeps trail features clear of snow in

the winter, and will do so in this new segment.

Utility Impacts

Initial design has identified one stormwater inlet and one water meter that would need to be relocated. No above-ground utility lines, power poles, or underground utilities are known to be affected by the proposed project.

ATTACHMENT 1

EXERPTS FROM LOCAL PLANS



Bicyclist riding on the 4th Ave N bike route.

4th Ave N Bike Route

The bike route on 4th Avenue North was the first of Great Falls' signed shared roadways. It is an east-west route north of Downtown between River Drive on the west and 38th St N on the east.

This is a quiet neighborhood street (25 mph speed limit), close to homes and parks. Many of the intersections on 4th Avenue North are uncontrolled (no stop signs or signals) and bicyclists must be vigilant at each intersection and check for cross traffic from perpendicular streets. There is also a problematic link with Gibson Park and the River's Edge Trail on the western terminus of the bike route. Crossing Park Drive North after the bike route ends requires navigating

another uncontrolled intersection of 4th Avenue North and a much busier road. MDT was initially hesitant to this improvement because of the lack of receiving infrastructure on the opposite side of the road (e.g. sidewalks, paths, etc.). The signs along 4th Avenue North indicating that it is a bike route are standard D11-1 signs (MUTCD).

2014 LRTP - 4th Ave N Bike Route narrative, pg. 53

Objective 4: Improve connectivity to the Missouri River, River's Edge Trail, and Gibson Park for bicycles and pedestrians.

Strategies

- a. Improve the attractiveness and enhance the visibility of railroad crossings and underpass tunnels that connect Downtown to the Missouri River, River's Edge Trail and Gibson Park.
- b. Identify locations and create design options for an additional separated grade bike and pedestrian crossing of railroad tracks.
- c. Utilize signage, pathways and striping to provide pedestrians and bicyclists with safe and efficient connections between Downtown and the surrounding neighborhoods.

2011 Downtown Master Plan – pg. 34 (and continued on pg. 37)

Crosswalks and Intersections

Crosswalks and intersection improvements are a type of spot improvement, or a recommendation to improve the non-motorized transportation system by simultaneously improving the roadway network for all users. Crosswalks allow pedestrians and other non-motorized users to cross streets in predictable and designated places. Table 9.7 shows recommended crosswalk and intersection treatment locations along the major street network, pending more detailed traffic and engineering investigations at each location.

Table 9.7: Recommended Crosswalks and Intersections

Intersection	Type	Notes
NW Bypass & 3 rd St NW	Crosswalks	"T" intersection (i.e. three-legs). Crosswalks are faded on the west and north leg of intersection and non-existing on the south leg. Because of high traffic volumes, ladder crossings (high-visibility) are recommended in order to maintain appearance of crosswalks and designated pedestrian space. Consider adding 'pork chop' islands on both directions on the NW Bypass legs to reduce pedestrian crossing distance.
4 th Ave N & Park Dr	Crosswalks and Signals	As recommended in the Downtown Plan.
Ave B NW & 9 th St NW	Crosswalks	Near school.
23 rd Ave NE & Jaycee Park	Crosswalks	Access to/from playground and pool. Some parking spaces may need to be removed in order to accommodate a safe crosswalk.
23 rd Ave NE & 4 th St NE	Crosswalks	Add crosswalks on all sides of intersection.
2 nd Ave N & 7 th St N	Crosswalks	Crosswalks, traffic calming, and increased speed limit enforcement will benefit high pedestrian traffic (especially during school year) that is produced by Whittier and the Community Rec Center.
2 nd Ave N & 8 th St N	Crosswalks	Crosswalks, traffic calming, and increased speed limit enforcement will benefit high pedestrian traffic (especially during school year) that is produced by Whittier and the Community Rec Center.
3 rd Ave S & 46 th St S	Crosswalks and Sidewalks	Provide crosswalks on northern and eastern legs of intersection; provide sidewalk along 46 th Street South to curb line.
10 th Ave S & 18 th St S	New Ped Signal or Hybrid Beacon	There are no pedestrian crossings between 15 th and 20 th Streets (5 pedestrian crashes have been reported in this section).
10 th Ave S & 29 th St S	New Ped Signal or Hybrid Beacon	There are no pedestrian crossings between 15 th and 20 th Streets (5 pedestrian crashes have been reported in this section).
4 th Ave S & 9 th St S	Crosswalks	Near recorded pedestrian crashes on 9 th St; mark crossings with yield signs and lines.
5 th Ave S & 9 th St S	Crosswalks	Near recorded pedestrian crashes on 9 th St; mark crossings with yield signs and lines.
8 th Ave S & 9 th St S	Crosswalks	Near recorded pedestrian crashes on 9 th St; mark crossings with yield signs and lines.

2014 LRTP - Recommended Pedestrian Facilities, pg. 199

Soc1.2.8 Evaluate and pursue, as appropriate, key intersection improvements to improve pedestrian access to Gibson Park.

2013 Growth Policy Update – pg. 132

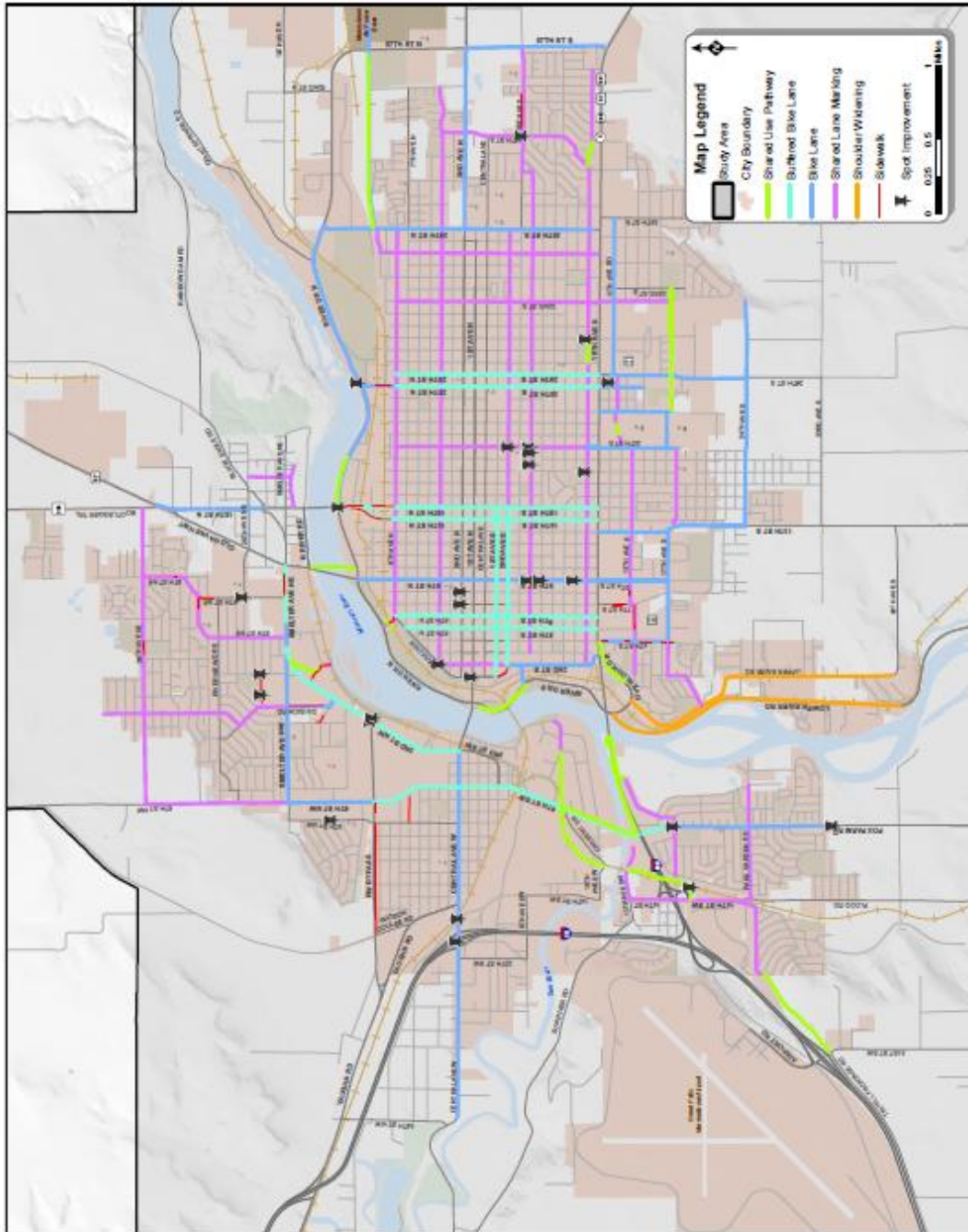
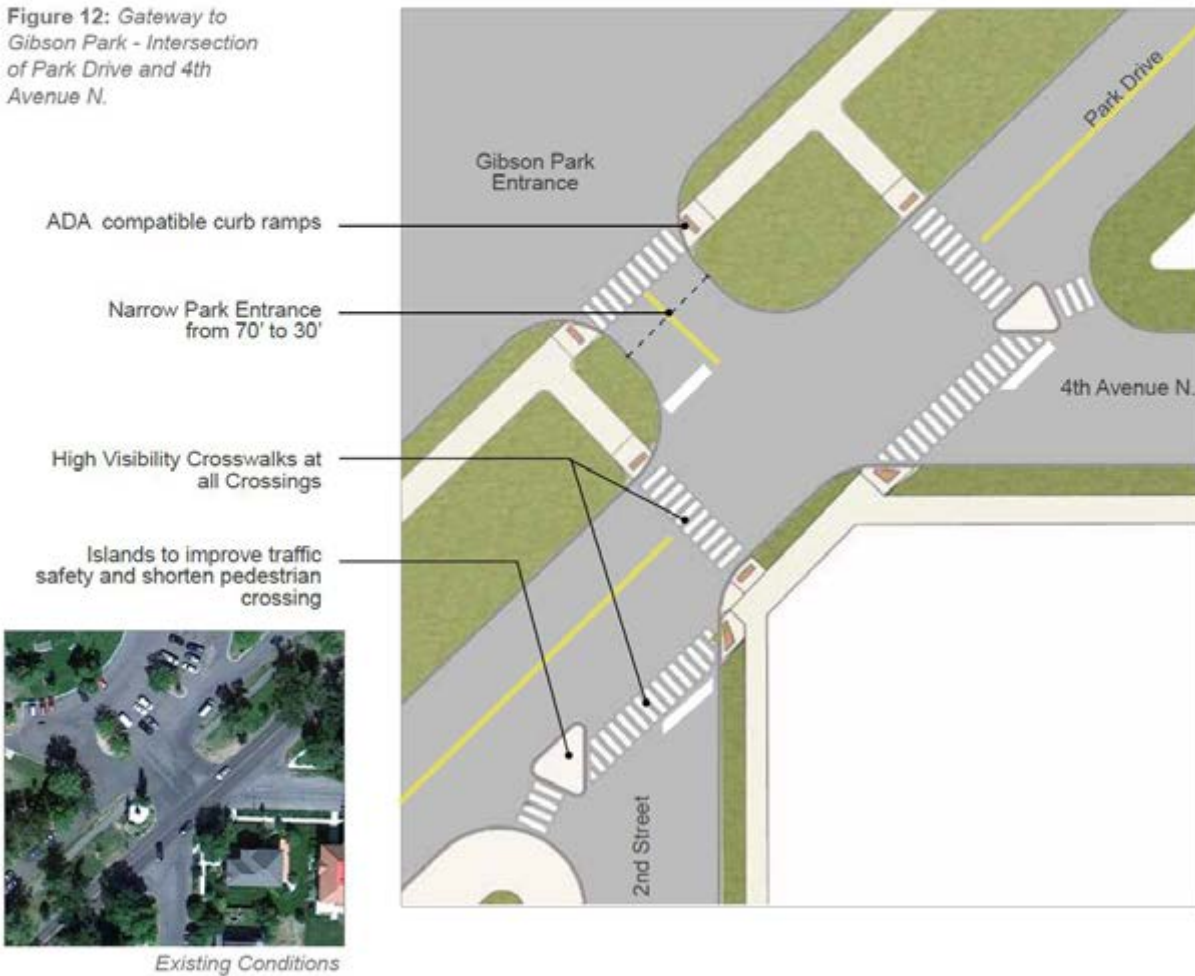


Figure 9.6: Non-Motorized Network Vision (Detail)

Park Drive / 4th Avenue N. / 2nd Street N./ Gibson Park Access

At present, the 70-foot-wide access into Gibson Park opposite both 4th Avenue N. and 2nd Street N. results in exiting drivers lining up at odd angles and high traffic speeds entering the park. Pedestrian crossing conditions are also poor. Reducing the Gibson Park access to approximately 30 feet in width and providing islands in the sharp corners between Park Drive and 2nd Street N. as well as between Park Drive and 4th Avenue N. would improve traffic safety in the park and shorten pedestrian crossing distances, as shown in Figure 12.

Figure 12: Gateway to Gibson Park - Intersection of Park Drive and 4th Avenue N.



ATTACHMENT 2 EXISTING CONDITIONS AND SITE PHOTOGRAPHS





ATTACHMENT 3 PRELIMINARY COST ESTIMATE

CONSTRUCTION COST ESTIMATE

Park Drive/4th Ave N Bike/Ped Crossing Improvements

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	ESTIMATED TOTAL PRICE
101	Mobilization	1	LS	8,000.00	8,000.00
102	Traffic Control	1	LS	2,400.00	2,400.00
103	Concrete Curb and Gutter	802	LF	26.00	20,852.00
104	10' Concrete Sidewalk	3080	SF	7.00	21,560.00
105	Patterned Concrete Bulb-Outs	1160	SF	9.00	10,440.00
106	5' Concrete Sidewalk	785	SF	7.00	5,495.00
107	Asphalt Pavement	210	SY	40.00	8,400.00
108	Pavement Markings	500	SF	1.00	500.00
109	Landscaping (sprinklers, turf, shrub beds)	4900	SF	6.00	29,400.00
110	ADA Ramps	12	EA	450.00	5,400.00
111	Remove and Relocate Storm Inlet	1	LS	17,000.00	17,000.00
112	Water Meter Relocation	1	LS	8,500.00	8,500.00
113	Signs	6	EA	400.00	2,400.00
114	Miscellaneous Work (Contingency)	1	LS	25,000.00	25,000.00

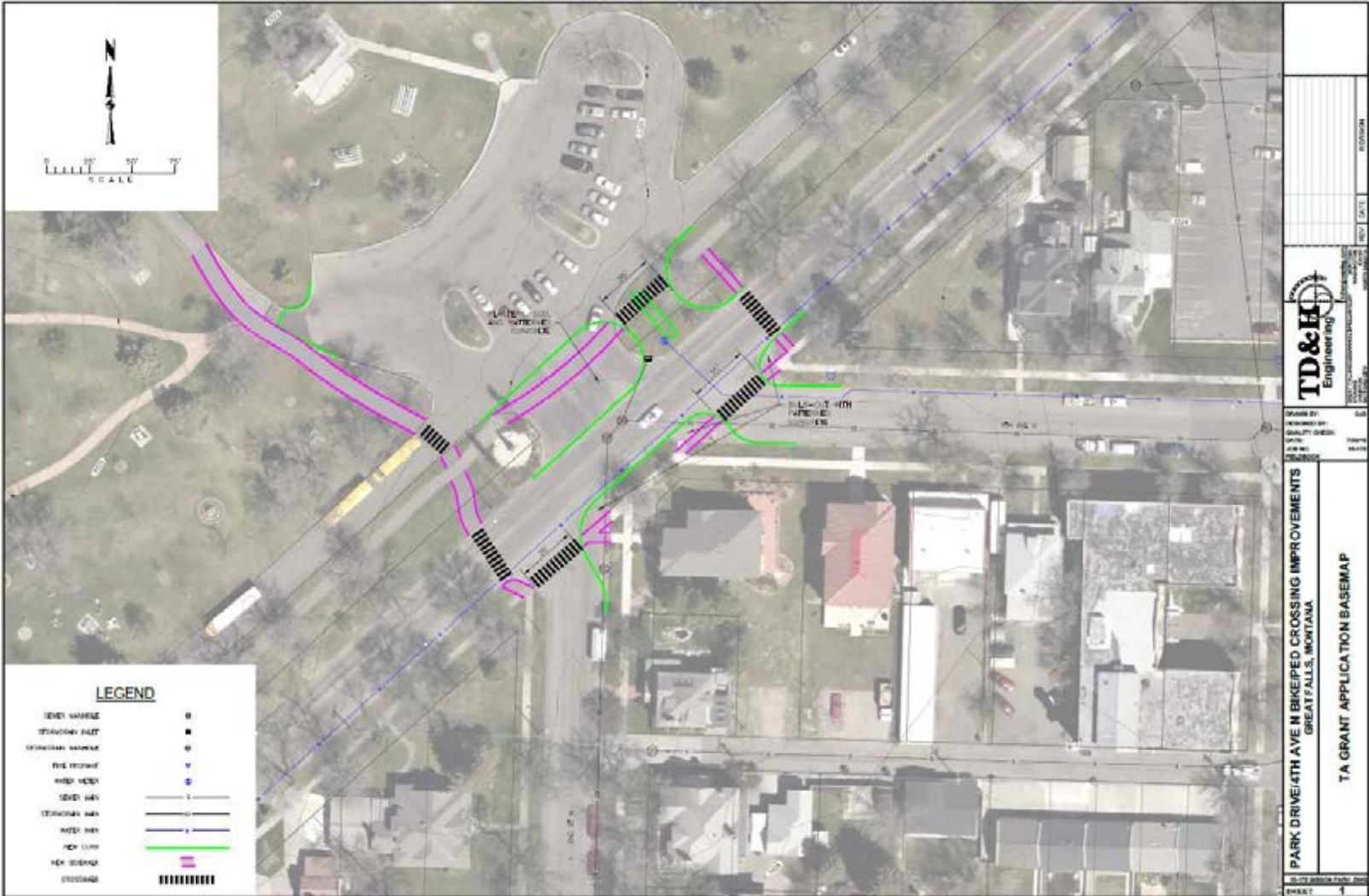
Total Estimated Construction Cost **\$165,347.00**

TAP Grant Cost Summary

Construction Estimate	\$165,347.00
PE Cost (10%)	\$16,535.00
CA Cost (12%)	\$19,842.00
Total	\$201,724.00

On-System No Local Match Required

ATTACHMENT 4 CONCEPT DRAWING



ATTACHMENT 5 PROJECT LOCATION MAP



ATTACHMENT 6 LETTERS OF SUPPORT



July 27, 2015

Mike Wherley, P.E.
Transportation Alternatives Program
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Dear Mr. Wherley:

As president and CEO of the Great Falls Development Authority (GFDA), a public/private partnership designed to promote economic growth and diversification in our area, I would like to express GFDA's full and enthusiastic support of the City of Great Falls application to improve bicycle and pedestrian safety at the intersection of 4th Avenue North and Park Drive.

As we work with partners to make competitive improvements to our Downtown, connectivity is of the utmost importance. This safe and attractive connection including crosswalk, sidewalks, ADA ramps, bulb-outs, and intersection re-alignments will allow access to not only Gibson Park but also the 57+ miles of River's Edge Trail. A trail system that enhances the quality of life for our residents and for the workforce we as economic developers seek to grow. Improvements such as this also aid in the competitiveness of our community as we look to attracting business expansions.

As stated above, GFDA is a true public/private partnership that includes Board representation from the City of Great Falls, Cascade County, the Great Falls Chamber of Commerce, Great Falls Public Schools, Great Falls College MSU, the Great Falls International Airport Authority, Little Shell Tribe of Chippewa, several trade unions, and more than 200 private investors representing all sizes of business in our community.

We are all enthusiastically supportive this grant proposal. We strongly urge you approve the request by the City of Great Falls and bring this initiative to fruition.

Thank you,

A handwritten signature in blue ink, appearing to read 'Brett Doney'.

Brett Doney
President/CEO

406.771.9020 | PO Box 949, Great Falls, MT 59403
GFdevelopment.org



A coalition promoting healthy lifestyles
in Cascade County

Facebook.com/GetFitGreatFalls
www.GetFitGreatFalls.org

May 13, 2015

TO: Andrew Finch
City of Great Falls Community Planning and Development
PO Box 5021
Great Falls, MT 59403

FROM: Get Fit Great Falls
115 4th Street South
Great Falls, MT 59401

RE: Support to Alleviate Safety Issues at Gibson Park Entry

Dear Andrew,

Get Fit Great Falls was recently informed that the City is addressing the safety issues at the entrance to Gibson Park, the intersections of 4th Avenue North, 2nd Street Avenue North and Park Drive. As you may recall, *Get Fit Great Falls* identified the safety concerns with this intersection during the 2013 Transportation Planning sessions when our members participated on the Active Living Committee. The convergence of multiple streets and the entry to this city park poses a safety issue for pedestrians, bicyclists, skateboarders and vehicle drivers. Because Gibson Park is the most popular city park, it is utilized by many neighborhood children and their families. Since *Get Fit Great Falls* promotes activity in the outdoors, we wish to support the city's efforts to improve the safety at the Gibson Park entry. If there is anything we can do to assist, please advise us. Thank you for your consideration of our support.

Sincerely,

A handwritten signature in blue ink that reads "Jane Weber".

Jane Weber
President,
Get Fit Great Falls

A handwritten signature in blue ink that reads "Barbara Bessette".

Barbara Bessette
Committee Chair,
City Transportation Planning Effort

cc: John Juras, Recreation Trails Inc.

July 23, 2015

Doug Wicks
Recreational Trails, Inc.

Andrew Finch
Transportation Planner
City of Great Falls, Montana



RE: 4th Ave. N /Park Drive Intersection Improvements Project

Andrew,

The RTI Board is very excited about the improvements to bike and pedestrian circulation and safety that will occur upon completion of this elegantly designed solution to the current unsafe conditions at this busy and confusing intersection.

In addition to serving as the only connection to River's Edge Trail from North side neighborhoods and Bike Routes, this entrance to Gibson Park is the site of many public gatherings - band night in the summers, church congregation gatherings on Sunday mornings, free concerts, weddings, large picnics, various walks, runs and fundraisers.

This project is a long time coming and we thank you for your efforts to obtain funding to proceed. This project will orient and welcome both motorized and non-motorized visitors to the park and provide non-motorized users with clear, safe routes and crossings. This will be a very significant improvement for all park and trail users.

Sincerely,

ATTACHMENT 7

June 11, 2015 TAC Minutes Excerpt

5B. TA Grant Application

Mr. Finch explained the process and eligibility requirements of the Transportation Alternatives (TA) program. He said projects are submitted to MDT for consideration rather than applying for and receiving funds. If approved, MDT builds the projects. He said MDT likes projects that fill in connective gaps, provide ADA compliance and improve access to major destinations. In reviewing the Transportation Plan, he looked for projects that we have been hearing about from the public, that are in current planning documents, and also fulfill the intent of the TA.

He said they have been hearing a lot from the public about the intersection of 4th Avenue North and Park Drive for pedestrian access to Gibson Park. Regarding the list of Key Intersection Improvement projects provided, Mr. Finch said he would like MDT, the City and TAC to comment. The Downtown Development Partnership is in support of a TA application for this. He said there are three intersections to look at shortening crossing distances and possible on-street pedestrian markings: 4th Avenue North and Park Drive, 1st Avenue South and Park Drive, and 1st Avenue North and Park Drive. The City works to connect the downtown area with its parks, and Park Drive is a major barrier. Mr. Finch said there is a possibility of a flashing light warning if warranted at 4th Avenue North and Park Drive.

Mr. Finch reviewed other eligible projects. There was discussion about the area along Park Drive and possible solutions, such as ways to slow traffic in that area. Mr. Finch said if improvements are made on 4th Avenue North, it would include reconfiguration of the entrance to the parking lot to better focus pedestrian access. Mr. McKinley said that two of these intersections have no pedestrian facilities. Park Drive and 1st

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Technical Advisory Committee Meeting
Page 3

Avenue North is signalized. Mr. Lyerly said the 4th Avenue North intersection is important because it includes connection from River Drive through the railway underpass, is used by bicyclists and could use a bike facility. Mr. Finch said that is a good point as two bike routes will converge at this point in the future and a bike crossing would be good at that location. It was noted there is no legal pedestrian crossing at that location, and Mr. Finch said that would make a good project. Mr. Finch said he will submit these three as one project with separate costs estimates. If the State chooses to fund a portion, we would prioritize as follows:

1. 4th Avenue North
2. 1st Avenue South
3. 1st Avenue North

Mr. Finch said there is no pedestrian crossing at 1st Avenue South because there is a yield right, and there would still need to be adequate turning movement. There was discussion about that intersection and different ideas on how to improve it.

MOTION: That the TAC recommend the City move forward with the TA application as proposed.

Made by: Mr. Lyerly
Second: Mr. Helgeson

VOTE: All being in favor, the motion passed.

ATTACHMENT 8

MDT Comment Letter



Great Falls District Office
200 Smelter Avenue NE
PO Box 1359
Great Falls, MT 59403-1359

September 16, 2010

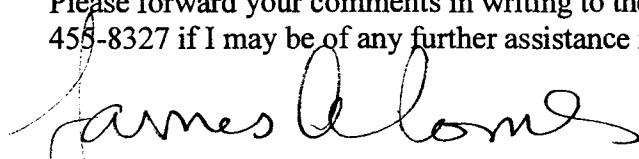
Greg Doyon
City Manager
City of Great Falls
P.O. Box 5021
Great Falls, MT 59403

Subject: Park Drive Traffic Study

Please see the attached report regarding the Speed Limit and Pedestrian Crossing traffic study on Park Drive. We are recommending no change to the existing speed limit in the study area.

The District feels a crosswalk could be installed at this location if adequate pedestrian facilities were installed adjacent to Park Drive on the Gibson Park side of the road. A curb cut sufficient for a wheelchair and a paved pedestrian path connecting the crosswalk to the Gibson Park walk path would need to be installed by others before a crosswalk could be installed. We do not feel it is appropriate to install a designated crosswalk where adequate pedestrian facilities are not present at the ends of the crosswalk. As stated in the report, another alternative is to install amber flashing beacons on the existing pedestrian warning signs. The District recommends the City of Great Falls contact the nearby residents to get feedback from them before considering amber flashers.

Please forward your comments in writing to the District Office. I can be reached at 455-8327 if I may be of any further assistance regarding this matter.



James A. Combs, P.E.
District Traffic Engineer

copies: Mick Johnson, District Administrator – Great Falls
Steve Prinzing, P.E, District Engineering Services Engineer – Great Falls
Danielle Bolan, P.E., State Traffic Engineer – Helena
Doug Bailey, Traffic Investigations Supervisor – Helena
Jim Rearden, Director of Public Works
File

Memorandum

To: Michael P. Johnson– Administrator
Great Falls District

From: *DCB* Danielle C. Bolan, P.E.
Traffic Engineer

Date: September 10, 2010

Subject: Speed Limit & Pedestrian Crossing Investigation
Park Drive (U-5208) – Great Falls

Please present the following information to local officials for review and comment. Inform them that we would prefer to receive all comments in writing within the next sixty days. Their comments along with the Department's final recommendation may be presented to the Montana Transportation Commission for action.

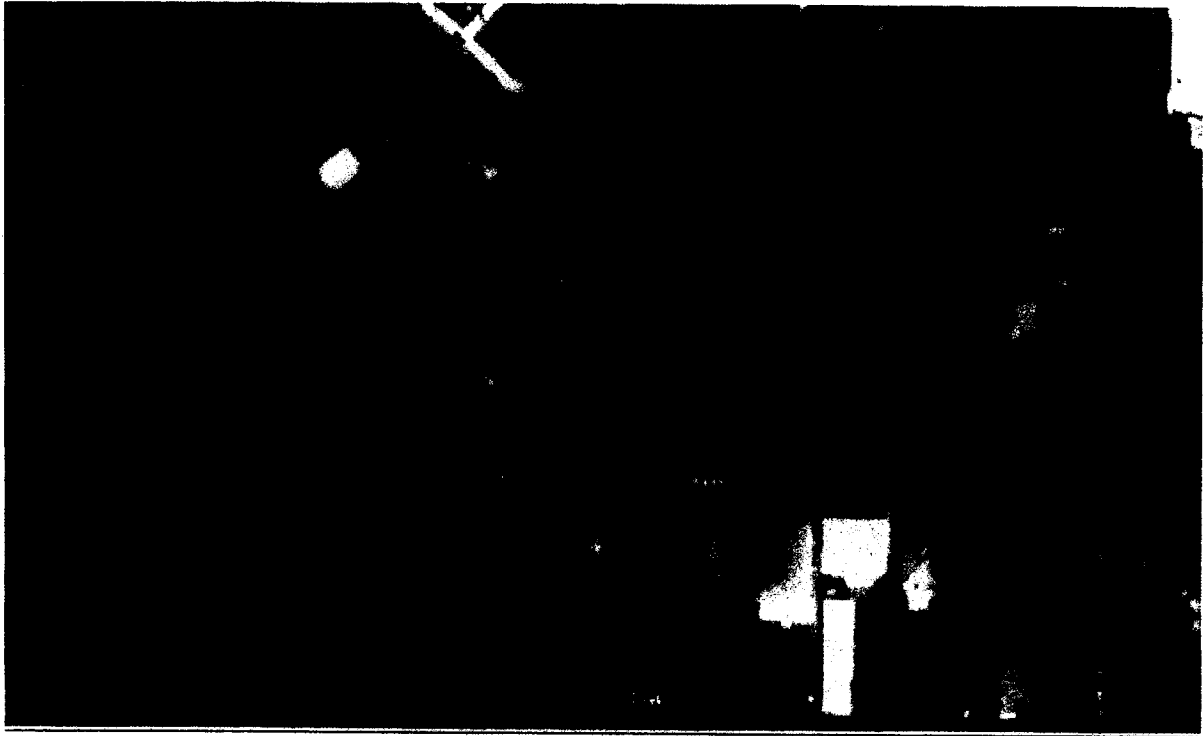
This investigation was prompted by the concerns of a local neighborhood council. In response the city of Great Falls submitted a request for a speed limit and pedestrian crossing investigation on Park Drive. Within their request they specified their desire to reduce the 30 mph speed limit and re-locate the existing pedestrian crosswalk from the intersection with 5th Avenue North to 4th Avenue North.

This portion of Park Drive was constructed by local forces in 1945 and is now maintained by the Department. It consists of two 12-foot travel lanes with 10-foot shoulder along the east side of the roadway. The adjacent roadside culture consists of residences along the east side of the roadway and Gibson Park along the west side. As previously mention there is a signed and striped pedestrian crosswalk at the intersection with 5th Avenue north.

Pedestrian Volumes

Pedestrian counts were collected at both the intersection with 4th Avenue North and 5th Avenue North between the hours of 8:00 AM – 10:00 AM and from 11:00 AM – 1:00 PM on June 23rd. The weather was clear and calm with temperatures in the 70's. During the morning observation 15 adults, two children and four bicyclists crossed Park Avenue at the intersection with 4th Avenue North. While, at the 5th Avenue crosswalk one adult with two children and one bicyclist used the crosswalk. During the noon time crossing period 19 adults, 17 children and 18 bicyclists crossed Park Drive at the intersection with 4th Avenue North. Nine adults and five children used the pedestrian crosswalk at 5th Avenue during the same time period. The pedestrian activity at 4th Avenue North occurred regularly during each 15 minute interval.

The intersection with 4th Avenue distinguishes itself as being a focal point for pedestrian crossings. Other features include 2nd Street North intersecting from south and the Gibson Park access and parking lot to the west. There is also a monument – statute located within the boulevard on the south side of the intersection. Below is a photo of the 4th Avenue intersection.



Crash History

The crash history was reviewed for a three-year period from January 1, 2007 to December 31, 2009. During this period there were 12 crashes reported within the study area. Crash rate is 4.88 crashes per million vehicle miles traveled.

	Angle	Rearend	Single Vehicle	Other
Intersection	2	2	3	1
Non-intersection			2	2

Seven of the 12 crashes occurred at the intersection with 2nd Avenue North. Park Drive is under stop sign control at this intersection. The remaining five crashes are distributed along the remainder of the study area. One of those crashes occurred at the 5th Avenue pedestrian crosswalk and involved a bicyclist crossing the roadway.

Travel Speeds

Vehicular travel speeds were sampled directionally at four locations with automated traffic counters.

Location	85 th Percentile Speed	Pace of Traffic Stream
At the int. w/ 4 th Avenue North – 30 mph Zone	31 mph Northbound 30 mph Southbound	(24 mph – 34 mph) 77% (21 mph – 31 mph) 81%
At the 5 th Avenue North Crosswalk - 30 mph Zone	31 mph Northbound 30 mph Southbound	(24 mph – 34 mph) 83% (21 mph – 31 mph) 81%
At the int. w/ 6 th Avenue North – 30 mph Zone	33 mph Northbound 32 mph Southbound	(24 mph – 34 mph) 84% (21 mph – 31 mph) 84%
At the int. w/ 7 th Avenue North – 30 mph Zone	31 mph Northbound 29 mph Southbound	(24 mph – 34 mph) 83% (21 mph – 31 mph) 87%

Conclusions and Recommendations

The information gathered supports local desires for an additional crosswalk on Park Drive. However, the geometrics of this intersection and the existing monument complicate the issue of improving the site for pedestrian access. The multi-legged intersection does not lend itself that well to a simple crosswalk installation. It would be preferable to provide an opening in the boulevard as opposed to directing pedestrians, particularly children into the parking lot access road, or explore other options to link into the sidewalk and path network of Gibson Park. This would most likely involve a multi-agency effort.

We feel it would be beneficial to gather input from both the City of Great Falls and the District office prior to moving forward with a specific long term solution. In the short term there are advance “Pedestrian” warning signs in place on Park Drive in advance of this intersection. Increasing motorist awareness for pedestrian activity at this location could also be attained through the use of a single amber flashing beacon on each advance warning sign. Residents would also want to take into account that the beacons potentially could be in operation during periods of darkness. For some residents in the immediate area, the beacons could be viewed as an annoyance.

In response to the request for a reduction in the speed limit both the 85th percentile speeds and the upper limit of the pace of the traffic stream firmly support the 30 mph speed limit at each of the four locations sampled. Based on nationally accepted engineering practices and guidance of the Manual on Uniform Traffic Control Devices we recommend no change in the 30 mph speed limit.

DCB:DRB:TRF:parkdrgfalls_rpt

attachments

copies: Duane E. Williams, P.E. – Traffic & Safety Bureau
 James Combs – Great Falls District
 Doug Bailey – Traffic Section

PARK DR/4TH AVE N PED XING-GTF
UPN 9148

MONTANA TRANSPORTATION ALTERNATIVES PROGRAM
PROJECT FUNDING AND MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Montana, acting by and through its Department of Transportation, hereinafter called the "State", and the City of Great Falls, hereinafter called the "City".

WHEREAS, the City was successful in obtaining Montana Transportation Alternative (TA) funds to develop and construct revised bicycle and pedestrian crossings and the realignment of skewed intersection approaches at and near the entrance to Gibson Park at Park Drive/4th Avenue North/2nd Street North in Great Falls through TA project UPN 9148, titled PARK DR/4TH AVE N PED XING-GTF (hereinafter the "Project"); and,

WHEREAS, the estimated cost of the project's development as noted in Table 1 of this agreement will be financed by the State using TA funds, and matching funds provided by the City and State; and,

NOW, THEREFORE, in consideration of the covenants herein contained, the parties agree that:

1. The State will design, advertise for bid and let and award a project to construct bicycle and pedestrian crossings, realignment of skewed intersection approaches, curb and gutter, bulbouts, signage, pavement markings, sidewalk and trail realignments. The project will be located in Great Falls at the intersections of Park Drive/4th Avenue North/2nd Street North and the Gibson Park access.

2. The City contact for project related questions shall be:

Andrew Finch
City of Great Falls
Planning & Community Development
PO Box 5021
Great Falls, MT 59403
406-455-8434
afinch@greatfallsmt.net

3. The State contact for project related questions shall be:

Dave Holien
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001
406-444-6118
dholien@mt.gov

4. It is understood and agreed between the parties that: Section 17-1-106. MCA requires any state agency, including MDT that receives non-general funds to identify and recover its indirect costs. These costs are in addition to direct project costs. MDT's indirect cost rate is determined annually as a percentage of the project's direct costs to cover the projects share of MDT's indirect costs as defined by 2 CFR Part 200, Appendix VII. MDT's current indirect cost rate is 10.97% for fiscal year 2017 (July 1, 2016 to June 30, 2017).

For this project, MDT billings to the City will include a charge for the indirect costs at the current fiscal year indirect cost rate, which amount will be applied toward the total project contribution of the City. If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rates may change during the life of the project.

5. The City will be billed in advance for its local matching funds and associated indirect costs. Separate billings will be made for the project's preliminary engineering phase and the subsequent construction/construction engineering phase. The billing for the PE phase will be sent within 30 days of this Agreement being signed. The billing for the CN/CE phase will be sent no more than sixty (60) days prior to the project bid opening. The billing amount for CN/CE will be updated with the most current cost estimates at time of billing.

6. If, after initial payment is made for the CN/CE phases, bid opening or contract award by the State is delayed or postponed by 30 days or more, or canceled for any reason, the State agrees to refund the City's initial payment within 30 days upon the City's request.

7. The City will submit payment to the State within thirty (30) days of billing. Payments to this project will be provided to the State in the form of a check to be credited to this project. The payment(s) should be sent to MDT's Administration Division at:

Montana Department of Transportation
Attention: Collections
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

8. The parties understand that it is possible that the estimated cost of the project may be exceeded once the project has begun. For the PE and CE phases, the State agrees to cover cost overruns using TA funds provided the City agrees to pay the 13.42% local matching share and associated indirect costs for the overruns on the off-system portion of the project. For the CN phase, the State and City agree to award the project using TA funds provided the lowest responsive bid does not exceed the allowable overrun percentage listed in Table 2. The City agrees to pay the requisite 13.42% local matching share and associated indirect costs up to the allowable overrun percentage on the off-system portion of the project.

The State will contact the City if the lowest responsive bid exceeds the allowable overrun percentage listed in Table 2 to determine a funding solution agreeable to both parties. If both parties agree to recommend awarding the contract, MDT will fund the overrun using TA funds and the City agrees to pay the additional 13.42% local matching funds and the associated indirect costs for the overruns on the off-system portion of the project.

If both parties don't agree to fund the overrun, the State will recommend the Commission not award the project. The State will work with the City to identify scope changes to bring the project into a fundable level and re-advertised for letting. If scope changes cannot be agreed to by both parties, then the project may either be re-advertised and both parties agree to fully fund it in accordance with this agreement or the project may be withdrawn and the City agrees to reimburse the State for all TA funds expended to date.

The State's Project Manager will inform the City's point of contact beforehand, and as early as possible, of anything that appears will result in a cost increase, and will discuss the need for any possible additional costs, alternative designs, or a reduction in the project's scope with the City and will consider the City's comments and concerns for that additional cost or alteration in scope or design. None of this will prevent, delay, or excuse the City from paying for any additional costs deemed necessary by State.

9. If payment is not made within that thirty (30) day period, interest on the unpaid amount will accrue at the rate of 10% per year, and continue to accrue until paid in full. If the City is billed for additional funds, MDT will not participate in any future funding agreement with the City until full payment, including interest, is received from the City.

10. Upon completion of the project by the State and its contractor, the City agrees that it will service, maintain, and pay the cost of operating the project described in this agreement.

If the City fails to service, maintain, and pay the cost of operating this project as described in this agreement, the State, in its sole discretion, may service, maintain and operate the project and bill the City for such service, maintenance and operation.

11. The City agrees that it will defend, protect and indemnify the State for any claim or loss arising out of, due to or allegedly due to the failure of the City to service, maintain or operate the project. The State agrees that it will protect, defend and indemnify the City for any claim or loss arising out of, due to or allegedly due to the design or construction of the project under the State's control.

12. Access and Retention of Records – The City agrees to provide the State, Legislative Auditor or their authorized agents access to any records necessary to determine compliance with the Agreement.

The City agrees to create and retain records supporting this Agreement for a period of three years after the completion date of the Agreement or the conclusion of any claim, litigation or exception relating to the Agreement taken by the State of Montana or a third party.

13. Choice of Law and Venue – In the event of litigation concerning this Agreement, venue will only be in District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark. This Agreement will be interpreted according to Montana law.

14. Agreement Modification – Any change to this Agreement will only be by written agreement between parties.

15. Severability and Integration – If any single part or parts of this Agreement are determined to be void, the remaining parts will remain valid and operative. This Agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision, expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communications shall be a provision of this Agreement unless specifically provided within the written terms herein.

16. Termination – The parties may mutually terminate this Agreement in writing at any time. MDT, at its sole discretion, may terminate or reduce the scope of this Agreement if available funding is reduced for any reason. Should the City decide to terminate the project, the City will be responsible for the reimbursement of the TA funds expended to date. MDT may terminate this Agreement in whole or in part at any time if the City fails to perform the Agreement as set forth. If MDT terminates this Agreement due to the City's failure to perform, the City will be responsible for the reimbursement of the TA funds expended to date.

17. Compliance with Laws - The City shall, at all times during the performance of its obligations of this Contract strictly adhere to all applicable local, state and federal laws and regulations, including but not limited to: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1972, the Education Amendments of 1972, the Age Discrimination Act of 1975, the Americans With Disabilities Act, including Title II, Subtitle A, 24 U.S.C. Sec. 12101, et seq., all rules and regulations applicable to these laws prohibiting discrimination based upon actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or expression and handicap and with Exhibit A, attached hereto and incorporated by reference.

TABLE 1
TRANSPORTATION ALTERNATIVES PROJECT COST ESTIMATE
UPN 9148 PARK DR/4TH AVE N PED XING-GTF
August 2016

Project Phases	Total Project Cost	TA Funds 86.58%	STATE MATCHING FUNDS	CITY MATCHING FUNDS
Preliminary Engineering (PE)	\$ 16,535	\$ 14,316	\$ 1,287	\$ 932
Utility Relocations (IC)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Right-of-Way (ROW)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Construction (CN)	\$ 165,347	\$ 143,158	\$ 12,870	\$ 9,319
Construction Engineering (CE)	\$ 19,842	\$ 17,179	\$ 1,545	\$ 1,118
Other (OT)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Subtotal	\$ 201,724	\$ 174,653	\$ 15,702	\$ 11,369
IDC	\$22,129	\$19,159	\$1,723	\$ 1,247
Grand Total	\$223,853	\$193,812	\$17,425	\$ 12,616

The above costs are estimates. Additional project costs will be covered in the same manner as above.
 The IDC rate for FY 2017 (July 1, 2016 - June 30, 2017) is 10.97%.

TABLE 2
MDT GUIDELINES FOR AWARDING CONSTRUCTION CONTRACTS

(Used to determine allowable overrun cost participation based on construction bid award amount)

LOWEST RESPONSIVE BID	ALLOWABLE OVERRUN %
UNDER \$50,000	30%
\$50,000 - \$200,000	25%
\$200,000 - \$500,000	20%
\$500,000 - \$2,000,000	15%
OVER \$2,000,000	10%

PARK DR/4TH AVE N PED XING-GTF
UPN 9148

IN WITNESS WHEREOF, the Department's authorized representative has signed on behalf of the State of Montana, and the City Manager of Great Falls has signed and affixed hereto the seal of the City.

STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION

BY _____, 2016

APPROVED FOR LEGAL CONTENT



MDT Legal Counsel

GREAT FALLS CITY COMMISSION

Date approved by the Great Falls City Commission: _____

CITY OF GREAT FALLS

Gregory T. Doyon, City Manager

ATTEST:

[OFFICIAL SEAL]

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT

Sara Sexe, City Attorney

**EXHIBIT A
NON-DISCRIMINATION NOTICE**

During the performance of this Agreement, the City (hereafter in this Section “the Party”), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The

Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**

All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate