

SPECIAL MEETING OF THE OAK RIDGE CITY COUNCIL

Municipal Building Courtroom
Oak Ridge, Tennessee

July 13, 2009 – 6:00 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Adoption of Resolution

A resolution authorizing the City Manager to transmit written communication to the Tennessee Department of Transportation (TDOT) informing TDOT of the City's commitment to roadway project plan changes Options Two and Three associated with the State Route 95 improvement project from State Route 58 to Westover Drive, as outlined in the June 17, 2009 letter from Commissioner Gerald F. Nicely to the City Manager, providing that the City shall be responsible for compensating TDOT for any additional costs above regular bid prices that result from the successful negotiation by the City and TDOT of the supplement plan changes for Option Two after the project is let to bid, and authorizing the City Manager to pay TDOT for the additional costs.

3. Adjournment

R E C E S S

7:15 p.m. WORK SESSION FOR REVIEW OF 7/20/09 COUNCIL MEETING AGENDA

PUBLIC WORKS MEMORANDUM
09-27

DATE: July 7, 2009

TO: James R. O'Connor, City Manager

THROUGH: Gary M. Cinder, P.E., Director of Public Works 

FROM: Steven R. Byrd, P.E., City Engineer

SUBJECT: **State Route 95 (Oak Ridge Turnpike) Proposed Roadway Improvements from State Route 58 to Westover Drive**

The accompanying Resolution authorizes the Mayor to formally respond to the Tennessee Department of Transportation (TDOT) on the City's position to proposed State Route 95 construction plan changes and bid letting schedule as identified in a June 17, 2009, letter from TDOT Commissioner Gerald F. Nicely.

The availability of recent federal funds has allowed the long pending SR 95 project from SR 58 to Westover Drive, 2.95 miles, to continue on a quick construction schedule. Final construction plans for the project were submitted to the City in March 2009. Upon knowledge of the proposed project moving forward, some residents of the Southwood subdivision have voiced concerns on the proposed project design relating to noise, safety, property values and quality of life. Based on the concerns, the City Manager wrote a May 14, 2009, letter to Commissioner Nicely requesting consideration of plan changes to address the concerns. On June 23, 2009, staff received TDOT's proposed plan changes to mitigate possible adverse impacts to the subdivision as expressed by the residents. These changes are further described in Option Three below.

On June 17, 2009, the City received a letter from Commissioner Nicely stating that TDOT continues to receive numerous contacts from citizens about possible adverse impacts to the Southwood subdivision. The letter further provides three options available to the City to continue with the project. As a result of the citizen concerns and TDOT's available options, the City conducted two four-hour public walk-in sessions and one City Council Work Session in an effort to provide as much information as possible on the available roadway design options and its impact to the Southwood subdivision.

Option One is a redesign involving the evaluation of an alignment change, which would provide the largest clearance between the roadway and the subdivision. This option would result in an indefinite delay of the project due to the need to restart the environmental investigation, make extensive modifications to the plans, acquire additional right-of-way and apply for permits.

Option Two involves the change of the typical section from a 48-foot depressed grass median to a 12-foot paved median to increase the clearance from the roadway to the subdivision as much as 36-feet along some portions of the subdivision. This option would allow more of the existing vegetation buffer to remain. It is noted that this option does not impact the Sweetgum Lane residents since the proposed roadway is already designed as a five-lane roadway along this subdivision section. The project changes for this option would require a minimum of 12 weeks to accomplish and cannot be completed prior to the project's scheduled advertisement for construction. However, TDOT has advised that the project can remain on schedule with negotiation of a plan change with the awarded contractor after the project is let. This course of action would require a commitment by the City to compensate the State for any additional costs above regular bid prices that result from the successful negotiation by the City and State of the plan change. Although no detailed revised plan changes are available for a complete evaluation by staff, it is felt that Option Two changes would result in minimal additional costs to the City. The

City would have to absorb approximately \$15,000 for the redesign of a proposed water line that now lies within portions of the protected vegetated buffers.

Option Three involves the mitigation measures as received in the June 23rd revised plans. These project modification features include steepening of slopes, modification of drainage, lowering of proposed posted speed limit, delineating existing vegetative buffers to remain with supplementary additional tree plantings (538 trees) and adding guardrail.

Due to the proposed time frame of letting this project to bid, TDOT has requested written confirmation of the City's commitment to a preferred course of action by July 15, 2009. Based on public comments, meetings with TDOT and evaluation of the available options, staff recommends that written confirmation be provided to TDOT to continue with revisions to the plans that include Option Two and Option Three with the provision that possible additional costs as the result of Option Two changes be absorbed by the City. It is staff's understanding that selection of both Option Two and Three is acceptable with TDOT.

Approval of the enclosed Resolution is recommended.



Steven R. Byrd

cf

Enclosure

City Manager's Comments:

I have reviewed the above issue and recommend council action as outlined in this document.



James R. O'Connor

7/7/09
Date



RECEIVED

2009 JUN 22 AM 8:02

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

OFFICE OF THE CITY CLERK

SUITE 700, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
(615) 741-2848

GERALD F. NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

June 17, 2009

Mr. James R. O'Conner
City Manager
City of Oak Ridge
P. O. Box 1
Oak Ridge, TN 37831-0001

Dear Mr. O'Conner:

We continue to receive numerous contacts from citizens concerned about possible adverse impacts to their subdivisions resulting from the proposed improvements to State Route 95 from State Route 58 to near Westover Drive in Oak Ridge. We have no desire to make a unilateral decision to proceed with this project as currently designed if our local government partners prefer otherwise. It appears that the viable and prudent options available are to 1) redesign involving the evaluation of an alignment shift, 2) redesign involving a change in the typical section from a depressed median to a paved median, and 3) continue with the extensive efforts to make modifications to project features with emphasis between the proposed pavement edge and existing right-of-way.

A redesign involving the evaluation of an alignment shift would provide the largest clearance between the roadway and the subdivisions. However, this would result in an indefinite delay of the project due to the need to restart the environmental investigation, make extensive modifications to project plans, acquire additional right-of-way, and apply for permits. With this course of action we would shift presently allocated funds to another project and this project would receive consideration in the future as funds become available.

A redesign involving the change of the typical section from a 48' depressed grass median to a 12' paved median with ditches outside of the shoulder would increase the proposed clearance between the roadway and the subdivisions approximately 36'. This would permit the construction of the roadway and allow more of the existing vegetative buffer to remain. This change would require a minimum of 12 weeks to accomplish and cannot be completed prior to the project's currently scheduled advertisement for construction. However, we believe that the project could remain in the proposed September 2009 advertisement with a notice to prospective bidders that this change will be made subsequent to award through the process of a negotiated supplement. This course of action would require a commitment by the City of Oak Ridge to compensate the department for any

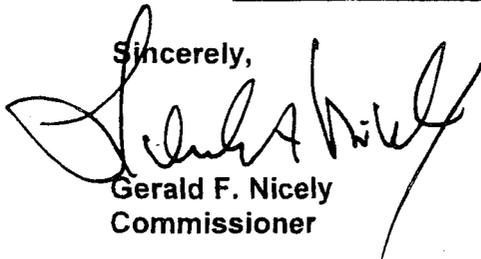
Mr. James R. O'Conner
June 17, 2009
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additional costs above regular bid prices that result from the successful negotiation of the supplement. We would, of course, welcome your participation in any such negotiation.

Our staff is currently working with the City of Oak Ridge's Public Works Department staff to make modifications to project features with emphasis between the proposed pavement edge and existing right-of-way. These include the steepening of slopes, modification of ditch drainage, lowering of proposed posted speed limit, delineating existing vegetative buffers to remain with supplementary additional tree plantings and adding guardrails all in an attempt to continue with the proposed design for a September 2009 advertisement; while mitigating possible adverse impacts to the subdivisions as expressed by the residents.

Due to the large amount of expressed citizen concern being received on this project, we are presenting the three options outlined above for the City's consideration. Given the time frame and the need to finalize our construction program for the coming fiscal year, it is imperative that the department receive written confirmation of the City of Oak Ridge's commitment to a preferred course of action. Time is of the essence and we need to receive your response by July 15, 2009. If you have additional questions regarding these options or need other assistance, please contact Mr. Paul Degges, Chief Engineer, at 615-741-0791 or by email at Paul.Degges@tn.gov.

Sincerely,



Gerald F. Nicely
Commissioner

GFN/PDD/jc

Cc: ✓ Honorable Thomas L. Beehan, City of Oak Ridge
Honorable Mike Farmer, Roane County
Mr. Gary M. Cinder, Public Works Director
Mr. Steven R. Byrd, City Engineer
Mr. Paul Degges, Chief Engineer
Mr. Fred Corum, Region One Director
Mr. Steve Borden, Assistant Region One Director

RESOLUTION

WHEREAS, in effort to address citizen concerns pertaining to the proposed Tennessee Department of Transportation (TDOT) State Route 95 improvement project from State Route 58 to Westover Drive, TDOT has provided the City with three revised design options along the roadway section that fronts the Southwood subdivision; and

WHEREAS, TDOT's three design options are detailed in a June 17, 2009 letter from Commissioner Gerald F. Nicely to the City Manager in an effort to continue the project on a timely bid-letting schedule; and

WHEREAS, TDOT has requested written confirmation of the City's commitment to a preferred course of action by July 15, 2009 in order for TDOT to finalize their construction program for the fiscal year; and

WHEREAS, the City has conducted public walk-in sessions and a City Council Work Session to inform citizens of the proposed changes for each of the three revised design options; and

WHEREAS, as outlined in the Commissioner's letter, choosing Option Two may result in additional costs above the regular bid prices resulting from the successful negotiation of the supplement plan changes after the project is let for bid, and TDOT has requested the City's commitment to compensate TDOT for any additional costs should this option be chosen; and

WHEREAS, based upon public comments, meetings with TDOT, and evaluation of the available options, the City Manager recommends Options Two and Three as outlined in the Commissioner's letter as the best course of action to continue the project in a timely manner and alleviate citizen concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City Manager is hereby authorized to transmit written communication to the Tennessee Department of Transportation (TDOT) informing TDOT of the City's commitment to roadway project plan changes Options Two and Three associated with the State Route 95 improvement project from State Route 58 to Westover Drive, as outlined in the June 17, 2009 letter from Commissioner Gerald F. Nicely to the City Manager.

BE IT FURTHER RESOLVED that the City shall be responsible for compensating TDOT for any additional costs above regular bid prices that result from the successful negotiation by the City and TDOT of the supplement plan changes for Option Two after the project is let to bid, and the City Manager is hereby authorized to pay TDOT for said additional costs.

This the 13th day of July 2009.

APPROVED AS TO FORM AND LEGALITY:



 City Attorney

 Mayor

 City Clerk