



## Legislation Text

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File #: [19-0032], Version: 1

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### **Receive Signed Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project.**

**Staff:**

Ben Hitchings, Director  
Judy Johnson, Operations Manager  
Bergen Watterson, Transportation Planning Manager

**Department:**

Planning

**Overview:** GoTriangle requested a Cooperative Agreement with the Town of Chapel Hill to outline how the two organizations will work together efficiently during the remaining design and construction of the Durham-Orange Light Rail line. The final signed agreement attached completes the Council's review. The agreement describes roles, responsibilities, and procedures to minimize impacts on the Town and contribute to a timely and cost-effective project moving forward. GoTriangle is seeking similar agreements with other organizations and agencies including the City of Durham, UNC-Chapel Hill, and Duke Energy.

**Update:** Staff from GoTriangle and the Town presented drafts of the agreement on [November 28, 2018](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3760314&GUID=FA0AD990-2EC9-4335-970D-DF4B12097D02&Options=&Search=>) <<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3760314&GUID=FA0AD990-2EC9-4335-970D-DF4B12097D02&Options=&Search=>>> and [December 5, 2018](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3768115&GUID=7C109195-E303-44B2-B998-E08B68007FCD&Options=&Search=>) <<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3768115&GUID=7C109195-E303-44B2-B998-E08B68007FCD&Options=&Search=>>> for Council review and discussion. In response to Council direction, the Town and GoTriangle then revised the agreement to address the following topics, among others:

- Stormwater standards and management;
- Parking lot landscaping and lighting;
- Relocation of public utilities;
- Environmental evaluations;
- Opportunities for public input;
- Mitigation of noise impacts during construction and operation;
- Cost reimbursement to Town for staff time and consultant expenses; and
- Clarifying the termination date of the agreement.

Staff made additional revisions and executed the agreement in accordance with Council direction following the December 5, 2018 Council meeting. Key revisions included clarifying the termination date of the agreement and ensuring mitigation of potential noise impacts during construction and operation of the system.

Staff added language clarifying that in the event the Federal Transit Administration (FTA) declines to provide funding for this project application, then the agreement with GoTriangle would expire three months from that date. It is expected the FTA will rule on the funding in the late fall of 2019.

In addition, GoTriangle has committed to abide by the Town's noise ordinance during project construction and operations. The agreement includes the following provisions in the section titled Town Review Process:







- Prior to processing GoTriangle's ECP application, the Town will review the Noise and Vibration

Technical Report, which was produced in conjunction with the Draft Environmental Impact Assessment ("DEIS"), to assess consistency with decibel levels in the Town's Noise Ordinance at the time this Agreement goes into effect.

- Upon its review, the Town shall submit to GoTriangle any noise ordinance compliance concerns the Town may have related to the Noise and Vibration Technical Report.
- The Project is being designed to limit noise impact to the acceptable decibel range of the noise ordinance as currently written.
- GoTriangle will comply during construction and operation of the Light Rail System, with the applicable decibel standards of the Chapel Hill noise ordinance as codified at the time this agreement is executed.
- GoTriangle and the Town will coordinate during the remainder of the Design phase of the Project to ensure that the anticipated noise levels in Chapel Hill remain within the range allowed by the Town's noise ordinance, as applicable and in effect as of the date of this agreement.
- The Parties shall cooperate as necessary to amend the Final Design Review Reimbursement Agreement to reimburse the Town for expenses related to review of the Noise and Technical Vibration Report.

This review and revision process completes the Council's work on the agreement, and the resulting signed agreement will guide cooperation on the project moving forward.

**Council Goals:**

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



**Attachments:**

- Signed Cooperative Agreement 12-31-18

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By accepting the information, the Council acknowledges receipt of the executed Cooperative Agreement with GoTriangle.