

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO authorize the Municipal Administrator to execute a Change Order with CBC Construction, Inc. to install an AYC guardrail along the breakwater spur boardwalk and transfer \$40,000 from the Commercial Passenger Vessel Excise Tax Fund (Fund 194) to the Sea Walk Project (Project No. 90695).

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Mark Gorman, Municipal Administrator

From: Michael Harmon, P.E., Public Works Director *MH*
Dan Tadic, P.E., Municipal Engineer *DT*

cc: Mike Middleton, Deputy Finance Director *mm*
Robin Koutchak, Municipal Attorney *RK*
Mark Danielson, Human Resources Director
Gary Baugher, Maintenance & Operations Superintendent *GB*

Date: July 2, 2014

Subject: Sitka Sea Walk Breakwater Spur Boardwalk - Guardrail

Background:

Alaska National Insurance Company expressed concerns about the lack of a guardrail along the breakwater spur boardwalk trail in a letter dated March 6, 2014. In that letter, they cited several standards in support of their recommendation that the City install a guardrail to prevent injuries.

Public Works drafted a response letter dated March 26, 2014 which was signed by Jay Sweeney, Acting Administrator, in your absence. The Public Works letter stated the intent of the Sea Walk was for pedestrians, not bicycles, and pointed out that the project meets Federal Highways Administration (FHWA) design standards based on the intended use. The letter also stated the City's intent to install "Pedestrians only" signage which the Parks Department has since ordered.

On June 4, 2014 Alaska National provided a response stating that while the lack of guardrail would not impact our current coverage, they asserted that the installation of guardrails is the best practice to prevent fall accidents and to discourage the public from venturing off the breakwater structure.

On June 9, 2014 an Alaska National representative and Mike Venneburg (Venneburg Insurance) met with City representatives to discuss the issue. After a brief meeting at City Hall, a site visit was conducted. Alaska National remained steadfast that a guardrail was the best solution although they were partially responsive to the idea of additional rock fill placed along the sides of the boardwalk in conjunction with a topsoil planting area to cushion a potential fall.

Anaylsis:

The City has three options: Option 1 - do nothing, Option 2 - place additional rock & construct planting beds, or Option 3 - install guardrail. Option 1 has no upfront cost, however may expose the City to future litigation in the event of a fall injury. Option 2 cost is undefined; however there are constructability and likely permitting issues associated with it. In many areas, a substantial amount of rock would be required to support a planting bed with some rock required below the 12.7-foot US Army Corps of Engineers jurisdictional elevation. Additional permitting may be required. Seeing Options 1 and 2 as less than desirable, Public Works staff focused on Option 3.

The current guardrail (consisting of galvanized steel posts, stainless cables with Alaska Yellow Cedar (AYC) top rail and infill panels) used in other areas of the project, bid out at \$262.21 per linear foot. For the ~570 linear feet of boardwalk in question (to include both sides), the cost of this rail would be \$149,459.70 to fabricate and install. Working with the Contractor, Public Works requested cost information for an AYC rail option. This rail would consist of AYC posts, AYC top rail (similar to the AYC top rail used on other portions of the project) and one (1) stainless steel cable at mid-height. The Contractor provided a lump sum price for this option of \$57,390. Public Works feels that this option is constructible, cost effective, aesthetically pleasing, and resolves the concerns raised by Alaska National which they have confirmed via letter dated July 2, 2014 (attached).

Fiscal Note:

The Sea Walk project budget includes an unencumbered fund balance, however additional funds required to construct this option are estimated at \$40,000. The additional funds required are available within the undesignated balance of the Commercial Passenger Vessel Excise Tax Fund.

Recommendation:

Authorize the Administrator to execute a Change Order with CBC Construction, Inc. to install an AYC guardrail along the breakwater spur boardwalk as outlined above and transfer \$40,000 from the Commercial Passenger Vessel Excise Tax Fund (Fund 194) to the Sea Walk Project (Project No. 90695) to complete this work.



Anchorage
Boise
San Francisco
Seattle

SERVICE LEADER IN COMMERCIAL INSURANCE

July 2, 2014

Mark Gorman
Sitka City Administrator
City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

Dear Mr. Gorman:

We have received and reviewed the specifications provided by Dan Tadic P.E. for the proposed Sea Walk guardrail design. Installation of the proposed guard rail along with 'pedestrian use only' signage will satisfy the loss control recommendation developed as respects the Sea Walk.

We appreciate your cooperation in this matter.

Sincerely,

Kevin Korynta

Kevin S. Korynta
Senior Underwriter
Alaska National Insurance Company

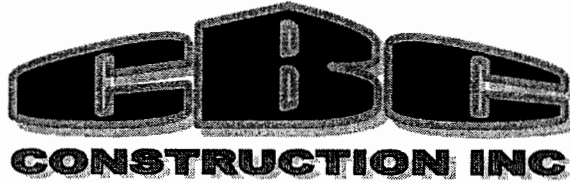
Cc: Venneberg Insurance
Steve Johnson / Senior Loss Control Consultant

Proposal

7/1/14

Chris Balovich, President

P.O. Box 6133
Sitka, AK. 99835
Tel: 907-747-9333
Fax: 907-747-9334



Proposal City of Sitka	Phone Ph- 907-747-1807
Street 100 Lincoln st	Job Name Sea Walk -(breakwater rails)
City, State, & Zip: Sitka, AK. 99835	Job Location: Sitka, AK.

Furnish labor and equipment and supplies for the following:

Install a yellow cedar guardrail per sketch.
Straighten out the boardwalk

LUMP SUM PRICE: \$57,390.00-----+tax

***EXCLUSIONS: Concrete**

We Propose hereby to finish the job in complete accordance with the above specifications, for the sum of:

Fifty Seven Thousand Three Hundred Ninety Dollars & 00/00 -----

Payment to be made as follows: Progress payments until final completion at which time the balance is to be paid in full.

All material is guaranteed to be as specified. All work to be completed in a timely workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control including but not limited to weather and shipping. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered under Workmen's Compensation Insurance.

Authorized Signature: _____ Date: 07/01/2014

This proposal may be withdrawn if not accepted within (30) days

Acceptance of Proposal~ The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: ____ / ____ / ____

Signature: _____ Signature: _____

Chris Balovich

From: Dan Tadic [dantadic@cityofsitka.com]
Sent: Tuesday, July 01, 2014 3:05 PM
To: 'Chris Balovich' (chris@cbcalaska.com)
Subject: Breakwater Boardwalk

Importance: High

Hi Chris,

I am in need of the cost to construct an AYC railing along both sides of the breakwater spur boardwalk. The rail must be 42" high (min). Per your sketch provided (see attached) the rail system will consist of 4x4 AYC posts @ ~6'-0" on center, with 3x8 AYC canted top rail (planed and/or sanded smooth) with a single 5/8" stainless steel cable at mid-height. Please provide a lump sum price for the above scope.

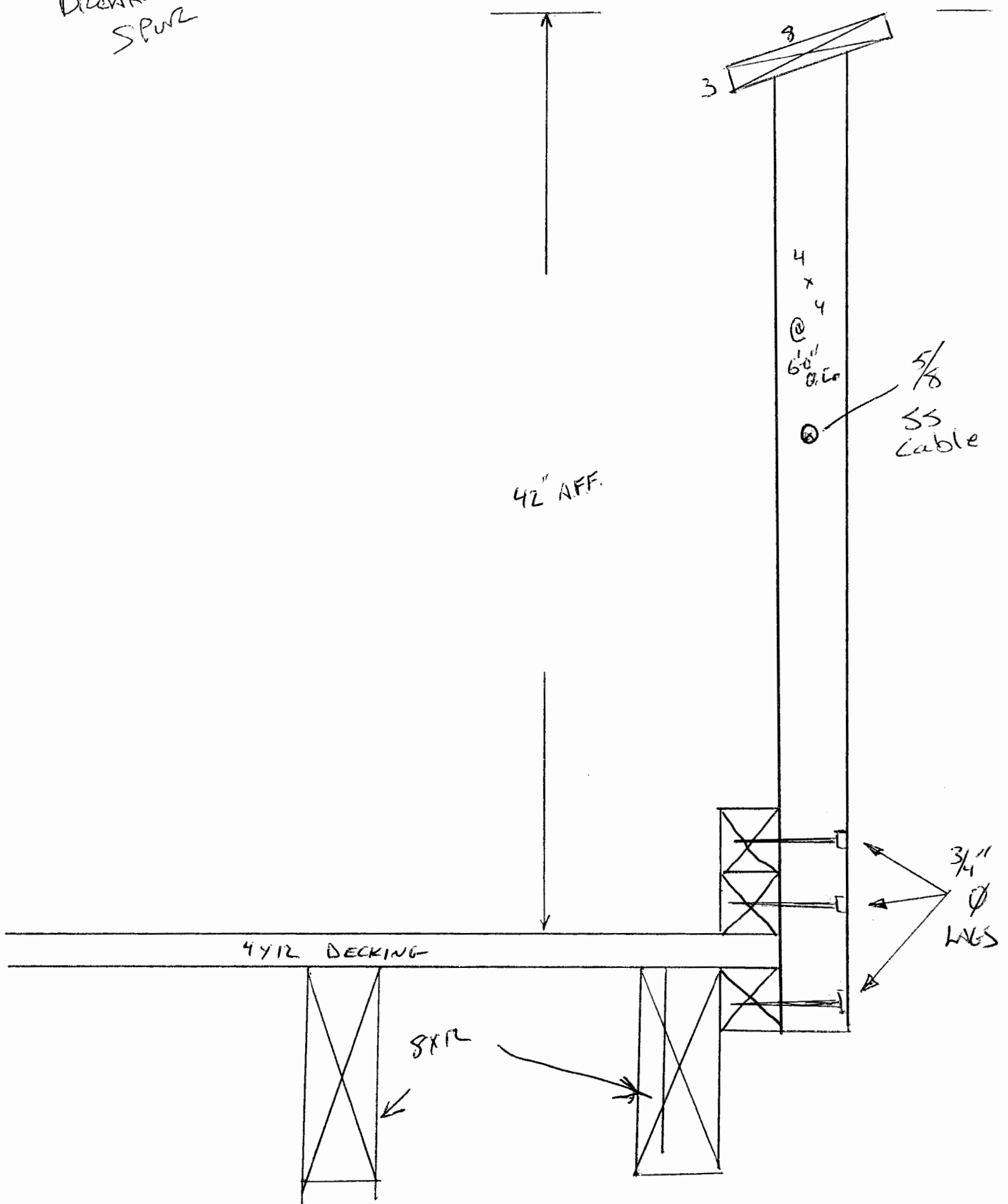
Also, there is a kink in the bw spur boardwalk as constructed. Please provide a lump sum price to remove the kink prior to constructing the new rail.

Our intent is to change order your existing contract to complete this work subject to Assembly approval.

Thanks,

Dan Tadic, P.E.
Municipal Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1807
F (907) 747-3158

BREAKWATER
SPUR





Anchorage
Boise
San Francisco
Seattle

SERVICE LEADER IN COMMERCIAL INSURANCE

June 4, 2014

John P. Sweeney, III
Chief Financial and Administrative Officer
City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

Dear Mr. Sweeney:

Thank you for your letter dated March 26, 2014. Although the lack of guard rails on the breakwater structure will not impact your current coverage, we feel that the installation of guard rails is the best practice to prevent fall accidents from the walkway and to discourage the public from venturing off of the breakwater structure.

We welcome a meeting with representatives from The City and Borough of Sitka to discuss this further. We would like to include representatives from our loss control and underwriting departments and suggest that Mike Venneberg coordinate and participate in the meeting.

We appreciate our long standing relationship and look forward to working with all involved to get this resolved in everyone's best interest.

Sincerely,

Kevin Korynta

Kevin S. Korynta
Senior Underwriter
Alaska National Insurance Company

Cc: Venneberg Insurance
Steve Johnson / Senior Loss Control Consultant



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

March 26, 2014

Mr. Steve Johnson
Senior Loss Control Consultant
Alaska National Insurance Company
1111 Third Avenue, Suite 2600
Seattle, Washington 98101-3219

Subject: Sitka Sea Walk Breakwater Spur Trail – Guardrail Concerns

Dear Mr. Johnson:

This letter is in response to your letter to Sitka Municipal Administrator Mark Gorman dated March 6, 2014 in which you expressed concern with the absence of guardrail along the newly constructed walkway on the Crescent Harbor breakwater. Your letter cites several standards in defense of the recommendation to add guardrail to the breakwater spur trail and the seating wall at the end of the trail. However, the referenced standards are applicable for facilities which are intended for both pedestrians and bicycles. The Sea Walk was planned and designed for pedestrian use and is not intended for bicycles.

We feel that the Federal Highway Administration (FHWA) *Best Practices Design Guide for Designing Sidewalks and Trails for Access* is a more applicable criterion for the Sea Walk. FHWA recommends a minimum 3" high edge protection for pedestrian use only sidewalks and trails where edge protection is required. That recommendation is intended to protect wheelchairs from rolling over the edge. The breakwater spur trail is fully compliant with this standard as it includes a 12" high bull rail along the entire length on both sides and an 18" high concrete seating wall at the end. Chapter 15, Recreation Trail Design is included as an attachment to this correspondence for your reference (see page 15-39). The entire FHWA standard can be found at the following link: http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/pdf.cfm

Understanding the motivation behind your concern, the City and Borough of Sitka proposes to add signage periodically along the Sea Walk to inform users that the Sea Walk is intended for pedestrian use only. An example of the proposed signage is attached to this correspondence. These signs will be posted on 4" x 4" posts at reasonable intervals on either side of the breakwater spur trail to help ensure that the FHWA standard is met. We will also post warning signs at the end of the breakwater regarding the potential danger of climbing on the rocks past the seating wall. Public Works will advertise public service announcements on local radio and newspaper informing the public about the prohibited uses of the Sea Walk. The City and Borough believes firmly that these measures meet the goals outlined in the attached design standards utilized during the development of the project.

The Assembly took action on your letter during the March 25th, 2014 Assembly voting down the recommendation to add railing. The Assembly would like to see a dialogue regarding the standards that were followed during design and how specifically this information impacts your decision including our overall insurance coverage/rates.

We would be happy to meet with representatives from Alaska National to go over the intended use for the Sea Walk and finalize a plan to ensure that it can be enjoyed safely by pedestrians for years to come. We appreciate your consideration of our position. Please feel free to contact us with any questions.

Regards,



John P. Sweeney, III
Acting Administrator

cc: Mark Gorman, Municipal Administrator
Robin Koutchak, Municipal Attorney
Mike Venneberg, Venneberg Insurance

March 6, 2014

Mark Gorman
Sitka City Administrator
City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

Dear Mark:

I visited Sitka the week of February 18th. While there, I noticed the new walkway located on the breakwater at Crescent harbor. The new walkway is a great addition for locals as well as visitors to enjoy the beauty of Sitka. I believe the walkway needs guard rails to prevent a fall accident from this raised structure. I have found a number of standards addressing this issue.

- The American Association of State Highway and Transportation Officials (AASHTO) Guide for the Planning, Design and Operation of Pedestrian Facilities Standard includes a section (3.3.14) on Off-Road and Shared-Use Paths. This calls for a minimum 2 ft. graded area adjacent to both sides of the trail and a minimum separation of 5 ft. between the edge of the path and the top of a slope that is more than 1V:3H.

(The slopes adjoining the trail appear to be much steeper than 1V:3H.)

- The following is from the Municipality of Anchorage's design guidelines.
[http://www.muni.org/Departments/works/project management/Design%20Criteria%20Manual/DCM%204%20Trails.pdf](http://www.muni.org/Departments/works/project%20management/Design%20Criteria%20Manual/DCM%204%20Trails.pdf)

Provide trails with minimum 2-foot wide graded shoulders on each side of the trail, measured from the edge of the paved surface, with a preferred slope of 3-5%. Wider shoulders of three feet are appropriate for trails that have a high percentage of use by runners and joggers since they often prefer a soft surface. A clear zone of 3 feet from the edge of the traveled surface or pavement should be maintained from trees, poles, walls, signs, or other potential obstructions. Where slopes are adjacent to canals, streams, or similar open water, or are steeper than 3H:1V, a wider shoulder, not less than 5 feet, should be provided (AASHTO, 1999). A physical barrier may also be warranted in certain situations. Side slopes of embankments should slope at 3H:1V or flatter, and never steeper than 2H:1V.

- Another standard, the Vermont Pedestrian and Bicycle Facility Planning and Design Manual says (section 3.4.8):
http://vtransengineering.vermont.gov/sites/aot_program_development/files/documents/ltf/PedestrianandBicycleFacilityDesignManual.pdf

Hand Rails, Bridge Railings and Vehicle Barriers

With the exception of sidewalks on bridges, most walkways do not require the use of handrails or vehicle barriers immediately adjacent to the facility. However, there are some cases where a protective handrail is required to protect pedestrians from adjacent hazards. There are also some situations where a vehicle barrier may be needed between a roadway and a walkway.

Hand Rails Where a sidewalk is located in close proximity to a hazard as described below, a protective handrail should be provided along the full extent of the hazard.

Protection is required when:

- A vertical drop along a sidewalk is more than 0.8 m (30 in) in height.
- The drop exceeds a slope grade of greater than 1:4.
- The hazard at the base of the slope is particularly dangerous (i.e., large boulders, rip rap, fast moving water or deep water).

To meet ADAAG guidelines, handrails should meet the following design standards. The top of the gripping surface of the rail should be a minimum of 865 mm (34 in) and maximum of 965 mm (38 in) above adjacent walkway surfaces. To provide for children, an additional railing can be provided at a maximum height of 685 mm (27 in). From the surface of the sidewalk to the top of the lower rail, all elements of the rail assembly shall be spaced such that a 150 mm (6 in) sphere cannot pass through any opening. For elements between 685 mm (27 in) and the top of the handrail, spacing shall be such that an 200 mm (8 in) sphere cannot pass through any opening. Pedestrian railings provided on bridge sidewalks shall meet the standards outlined in the AASHTO Standard Specifications for Highway Bridges, which are also shown in Chapter 5, section 5.3.6, Barriers, Bridge Railings, and Fencing.

The steep slopes and rip rap immediately adjoining the breakwater trail greatly increase the risk of serious injury should anyone fall near the trail edge. The standards above indicate that the best solutions are either to provide broad shoulders adjoining the trail, or to install railings. In this case, railings appear to be the most practical option.

The walkway ends at the turn of the breakwater in a round resting area. This area currently provides access to the rock breakwater allowing for climbing and sitting. This area also needs a rail to encourage the public to stay on the structure and not venture or climb or sit on the breakwater.

Please feel free to contact me with any questions on the above recommendations. My direct line is 206-515-1824.

Sincerely,



Steve Johnson
Senior Loss Control Consultant
Alaska National Insurance Company
Seattle, Division

Cc: Mark Danielson
Venneberg Insurance
Kevin Korynta/UW
Terry Kordewick/Sr VP Loss Control

The purpose of our visit to your business establishment is to evaluate the potential risk Alaska National Insurance Company has assumed under the terms of the referenced policy. We cannot, as a result of this survey, or the recommendations made, warrant that your business operations, work practices, and/or premises are safe and healthful, or that they are in compliance with all occupational safety laws, regulations, codes or standards. The maintenance of a safe and healthful workplace is the responsibility of the employer, and the completion of this survey is not an undertaking on our part to assume that responsibility.