



Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

Board of Directors

Thursday, July 12, 2007

7:00 p.m.

Tri-Delta Transit Meeting Room
801 Wilbur Avenue
Antioch, California

1. Call to Order
2. Public Comment
3. Consent Items

A. It is recommended that the Board take the following actions:

1. **APPROVE** submittal of 4 project applications (SR4/SR160 SB Ramp, SR4/SR160 NB Ramp, 4 lanes from Sand Creek Interchange to Balfour Road Interchange, Balfour Road Interchange) to TRANSPAN/Contra Costa Transportation Authority (CCTA) for 2008 State Transportation Improvement Program (STIP) funding.
 2. **APPROVE** a Consulting Services Agreement amendment with Nolte Associates Inc. in the amount of \$101,500 for a revised not-to-exceed contract amount of \$356,800, to provide engineering services required for the preparation of a Project Study Report for the Balfour Road Interchange and 4 lanes from Sand Creek to Balfour Road, which is necessary for 2008 STIP Funding Application submittal, and **AUTHORIZE** the Secretary or his designee to sign the amendment on behalf of the Authority.
- B. **APPROVE** Resolution 2007/03 Supporting Legislation Developed by CCTA to “clean up” SB1012, a bill passed in 2006 changing the legal process by which public agencies acquire properties by eminent domain and **AUTHORIZE** the Secretary or his designee to sign the resolution.
- C. **APPROVE** Temporary Construction Permit and Indemnity Agreement with Brentwood Specialty Center, LLC (Streets of Brentwood Development), allowing construction of improvements included as part of the Sand Creek Road Intersection Lowering Project, until property has been formally dedicated to City of Brentwood, and **AUTHORIZE** Secretary or designee to sign agreement.

Board of Directors:
Donald P. Freitas, Chair
Robert Taylor, Vice Chair
Brad Nix
Mary N. Piepho

Authority Staff Office:
Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 686-0619

4. Determination Items

- A. **RECEIVE** status report on Segment 1, Segment 3 and the Laurel Road Extension projects *(no staff report)*.
- B. **RECEIVE** status report on construction activities for Segment 1, Segment 3 and the Laurel Road Extension projects *(no staff report)*.
- C. **APPROVE** a \$169,850 amendment to the Consulting Services Agreement with Mark Thomas and Company (MTCO) for a revised not-to-exceed amount of \$14,612,053 for the preparation of a conceptual landscaping plan for Segments 1, 2 and 3, and **AUTHORIZE** the Secretary or his designee to sign the amendment on behalf of the Authority.

5. Board Member Comments

6. Correspondence

7. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Program Manager at least 24 hours before the meeting, at (925) 686-0619.

NW:tr

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3A1

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: July 12, 2007

TO: Board of Directors

FROM: for Dale Dennis, Program Manager *NCW*

SUBJECT: Approve Submittal of 2008 STIP Project Applications to TRANSPLAN/CCTA and Approve Contract Amendment with Nolte Associates Inc. for Preparation of Balfour Road Interchange PSR Equivalent

Recommendation: It is recommended that the Board take the following actions:

- APPROVE** submittal of 4 project applications (SR4/SR160 SB Ramp, SR4/SR160 NB Ramp, 4 lanes from Sand Creek Interchange to Balfour Road Interchange, Balfour Road Interchange) to TRANSPLAN/Contra Costa Transportation Authority (CCTA) for 2008 State Transportation Improvement Program (STIP) funding. A summary table showing the funding for each project, including the requested STIP amounts, is presented below.

SR4 Bypass Projects
(Escalated \$ in thousands)

Project (Listed from West to East)	STIP	Measure J	ECCRFFA	Total Cost
SR4/SR160 SB Connector	\$ 15,000	\$ -	\$ 20,194	\$ 35,194
SR4/SR160 NB Connector	\$ 5,035	\$ 1,306	\$ 3,729	\$ 10,070
SR4 Bypass - 4 Lanes Sand Creek to Balfour (includes NB bridge over Sand Creek)	\$ 9,696	\$ -	\$ 9,696	\$ 19,392
SR4 Bypass - Balfour Interchange (includes SB bridge only)	\$ 15,000	\$ 3,085	\$ 17,992	\$ 36,077
Total Amount	\$ 44,731	\$ 4,391	\$ 51,611	\$ 100,733

Note: Projects are not listed in priority order, but are listed from west to east.

- APPROVE** a Consulting Services Agreement amendment with Nolte Associates Inc. in the amount of \$101,500 for a revised not-to-exceed contract amount of \$356,800, to provide engineering services required for the preparation of a Project Study Report for the Balfour Road Interchange and 4 lanes from Sand Creek to Balfour Road, which is necessary for 2008 STIP Funding Application submittal, and **AUTHORIZE** the Secretary or his designee to sign the amendment on behalf of the Authority.

DD:nw:tr

G:\TransEng\2007\SR4BP\Staff Reports\July-Sept 2007\dd1 StaffReport ApproveSubmittal of 2008 STIP projects and Nolte CSA Amend.doc

ACTION OF BOARD ON _____ **APPROVED AS RECOMMENDED** _____ **OTHER** _____

VOTE OF DIRECTORS

_____ **UNANIMOUS (ABSENT** _____ **)**

AYES: _____ **NOES:** _____

ABSENT: _____ **ABSTAIN:** _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED _____
Secretary to the Authority

3A2

Discussion:

CCTA has recently made a "Call for Projects" to the local agencies for submittal of applications for the 2008 STIP. STIP funds will cover the 5-year period from 2008-09 through FY2012-13, and it is estimated that approximately \$30 to \$50 million will be available for Contra Costa County projects. Staff recommends that the Authority submit applications for four Bypass projects, the SR4/SR160 SB and NB Ramp Connectors to Segment 1 (two separate projects), 4 lanes from Sand Creek Interchange to Balfour Road Interchange and the Balfour Road Interchange, to CCTA for consideration. Projects are required to meet certain criteria, including submittal of a draft Project Study Report (PSR). Attached, are Project Fact Sheets for each project with a brief description, schedule and cost estimate.

It is proposed to amend Nolte's contract to include the preparation of a PSR for the Balfour Road Interchange and 4 lanes from Sand Creek to Balfour Road projects, in time to be submitted with the 2008 STIP project application to CCTA. Nolte is currently under contract with the Authority to prepare the preliminary design, including supporting engineering studies, to refine the geometry of the Balfour Road interchange. The proposed budget and scope for Nolte to perform the above work is described in more detail in the attached letter dated July 3, 2007.

3A3

Project Fact Sheet

Project Name: SR4 Bypass: SB SR160 to EB SR4 Connector

Project Sponsor: SR 4 BYPASS AUTHORITY

Project Type:

- Transit
- Highway
- Local Street
- Major Arterial
- Bike/Ped
- Other

Project Scope: Provide SB SR160 to EB SR4 Connector for the SR4/SR160 Interchange to complete one of two remaining movements.

Need/Purpose: Currently, there is not a direct connector for two movements; SB160 to EB4 & WB4 to NB160.

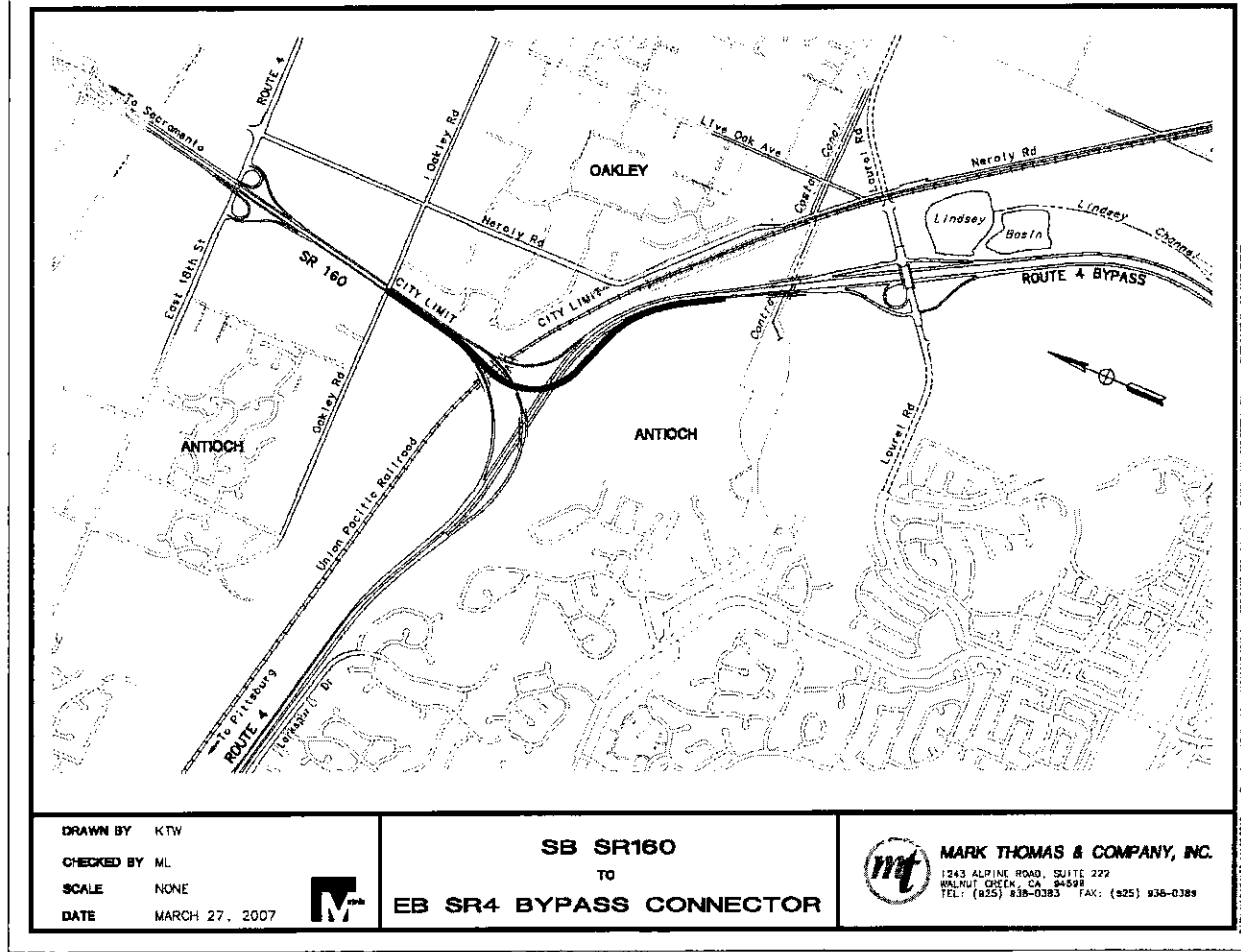
Current Status: Environmental Clearance Completed.

Issues: None at this time.

Project Support/Opposition: Great project support. This project is required to eliminate cut-through traffic through the City of Oakley.

3A4

Project Fact Sheet



Project Location Map

Project Schedule: SR4 Bypass: WB SR4 to NB SR160 Connector

<u>Project Phase:</u>	<u>Begin (Mo./Yr.)</u>	<u>Complete (Mo./Yr.)</u>
Preliminary Studies/Planning	Completed	Completed
Environmental Clearance	Completed	Completed
Design	7/09	12/10
R/W and Utility Relocations	Completed	Completed
Construction	7/11	6/13

315

Project Fact Sheet

Cost Estimates and Funding: SR4 Bypass: SB SR160 to EB SR4 Connector

Cost Estimate (Escalated Dollars)		Funding Commitments and Sources	
Design	\$ 3.797 M	ECCRFFA	\$ 20.194 M
Right of Way/Utilities		STIP	\$ 15.000 M
Construction	\$ 27.302 M		
Construction Mgmt	\$ 4.095 M		
TOTAL	\$ 35.194 M	TOTAL	\$ 35.194 M

Cashflow (Escalated \$ in thousands):

Fiscal Year	FY10	FY11	FY12	FY13	TOTAL
Preliminary Studies/Planning					
Environmental Clearance					
Design	1,899	1,898			3,797
Right of Way					
Construction			13,651	13,651	27,302
Construction Engineering			2,048	2,047	4,095
TOTAL	1,899	1,898	15,699	15,698	35,194

3/11/11

Project Fact Sheet

Project Name: SR4 Bypass: WB SR4 to NB SR160 Connector

Project Sponsor: SR 4 BYPASS AUTHORITY

Project Type:

- Transit
- Highway
- Local Street
- Major Arterial
- Bike/Ped
- Other

Project Scope: Provide WB SR4 to NB SR160 Connector for the SR4/SR160 Interchange to complete one of two remaining movements.

Need/Purpose: Currently, there is not a direct connector for two movements; SB160 to EB4 & WB4 to NB160.

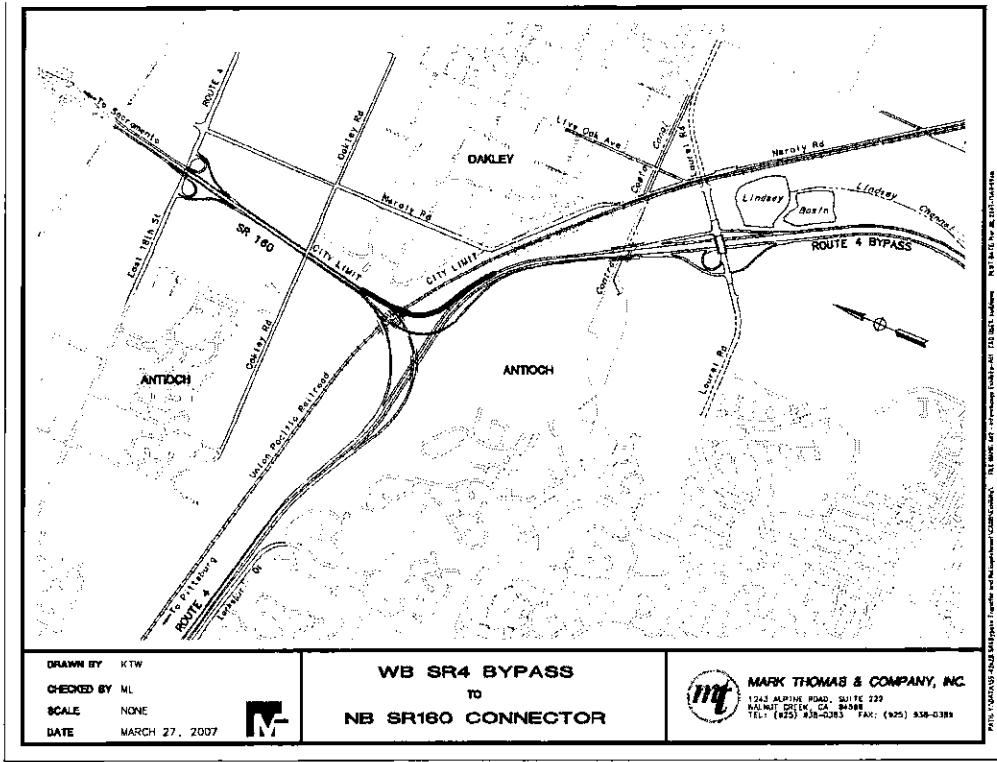
Current Status: Environmental Clearance Completed.

Issues: None at this time.

Project Support/Opposition: Great project support. This project is required to eliminate cut-through traffic through the City of Oakley.

3A7

Project Fact Sheet



Project Location Map

Project Schedule: SR4 Bypass: WB SR4 to NB SR160 Connector

<u>Project Phase:</u>	<u>Begin (Mo./Yr.)</u>	<u>Complete (Mo./Yr.)</u>
Preliminary Studies/Planning	Completed	Completed
Environmental Clearance	Completed	Completed
Design	7/09	12/10
R/W and Utility Relocations	Completed	Completed
Construction	7/11	6/12

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Project Fact Sheet

Cost Estimates and Funding: SR4 Bypass: WB SR4 to NB SR160 Connector

Cost Estimate (Escalated Dollars)		Funding Commitments and Sources	
Design	\$ 1.306 M	Measure J	\$ 1.306 M
Right of Way/Utilities		ECCRFFA	\$ 3.729 M
Construction	\$ 7.621 M	STIP	\$ 5.035 M
Construction Mgmt	\$ 1.143 M		
TOTAL	\$ 10.070 M	TOTAL	\$ 10.070 M

Cashflow (Escalated \$ in thousands):

Fiscal Year	FY10	FY11	FY12	FY13	TOTAL
Preliminary Studies/Planning					
Environmental Clearance					
Design	653	653			1,306
Right of Way					
Construction			7,621		7,621
Construction Engineering			1,143		1,143
TOTAL	653	653	8,764	0	10,070

3A9

Project Fact Sheet

Project Name: SR4 Bypass (BP): Widen BP to 4 lanes – Sand Creek Road to Balfour Road

Project Sponsor: SR 4 BYPASS AUTHORITY

Project Type:

- Transit
- Highway
- Local Street
- Major Arterial
- Bike/Ped
- Other

Project Scope: Completion of 4-lane facility from Sand Creek Road to Balfour Road.

Need/Purpose: Provide relief for traffic congestion. Traffic studies show that once Segment 1 of the Bypass opens, significant traffic congestion will occur on this section of the SR4 Bypass, resulting in major delays and significant diversionary traffic.

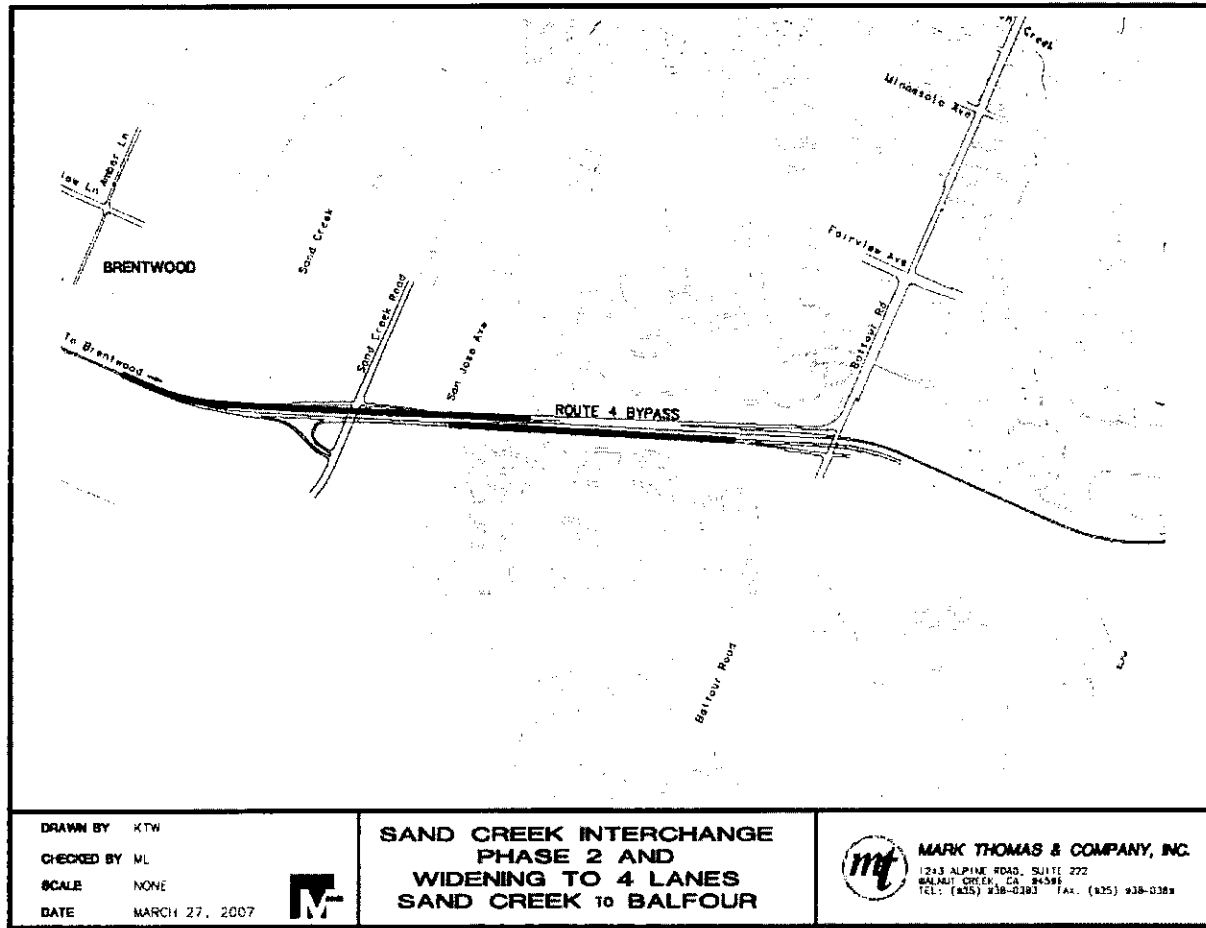
Current Status: Environmental document has been completed.

Issues: None at this time.

Project Support/Opposition: Great project support. It will be critical to construct this project in the near future. This section of the SR4 Bypass will experience significant traffic congestion once Segment 1 of the Bypass and the Sand Creek Interchange is completed.

3A11

Project Fact Sheet



DRAWN BY KTW
 CHECKED BY ML
 SCALE NONE
 DATE MARCH 27, 2007



**SAND CREEK INTERCHANGE
 PHASE 2 AND
 WIDENING TO 4 LANES
 SAND CREEK TO BALFOUR**



MARK THOMAS & COMPANY, INC.
 1243 ALPINE ROAD, SUITE 272
 WALNUT CREEK, CA 94598
 TEL: (925) 938-0193 FAX: (925) 938-0389

FILE C:\MARKT\2007\Projects\Transportation\Management\LAND\CONTR\11 PROJECT MAP.PLT 11/13/07

Project Location Map

Project Schedule: Widen BP to 4 lanes – Sand Creek Road to Balfour Road

<u>Project Phase:</u>	<u>Begin (Mo./Yr.)</u>	<u>Complete (Mo./Yr.)</u>
Preliminary Studies/Planning	Completed	Completed
Environmental Clearance	Completed	Completed
Design	7/09	12/10
R/W and Utility Relocations	Completed	Completed
Construction	7/11	6/13

3A11

Project Fact Sheet

Cost Estimates and Funding: Widen BP to 4 lanes – Sand Creek Road to Balfour Road

Cost Estimate (Escalated Dollars)		Funding Commitments and Sources	
Environmental	Completed	ECCRFFA	\$ 9.696 M
Design	\$ 2.255 M	STIP	\$ 9.696 M
Right of Way/Utilities	Completed		
Construction	\$ 14.902 M		
Construction Mgmt	\$ 2.235 M		
TOTAL	\$ 19.392M	TOTAL	\$ 19.392 M

Cashflow (Escalated \$ in thousands):

Fiscal Year	FY09	FY10	FY11	FY12	FY13	TOTAL
Preliminary Studies/Planning						0
Environmental Clearance						0
Design		1,127	1,128			2,255
Right of Way						0
Construction				7,451	7,451	14,902
Construction Engineering				1,118	1,117	2,235
TOTAL		1,127	1,128	8,569	8,568	19,392

3A17

Project Fact Sheet

Project Name: SR4 Bypass (BP): Balfour Road Interchange – Phase 1

Project Sponsor: SR 4 BYPASS AUTHORITY

Project Type:

- Transit
- Highway
- Local Street
- Major Arterial
- Bike/Ped
- Other

Project Scope: SR4 Bypass will cross over Balfour Road with a single bridge w/loop for EB Balfour Road to WB BP & ramps on in all quadrants.

Need/Purpose: Provide relief for traffic congestion. Traffic studies show that once Segment 1 of the Bypass opens, significant traffic congestion will occur at the Balfour Road/SR4 Bypass intersection, resulting in major delays and significant diversionary traffic.

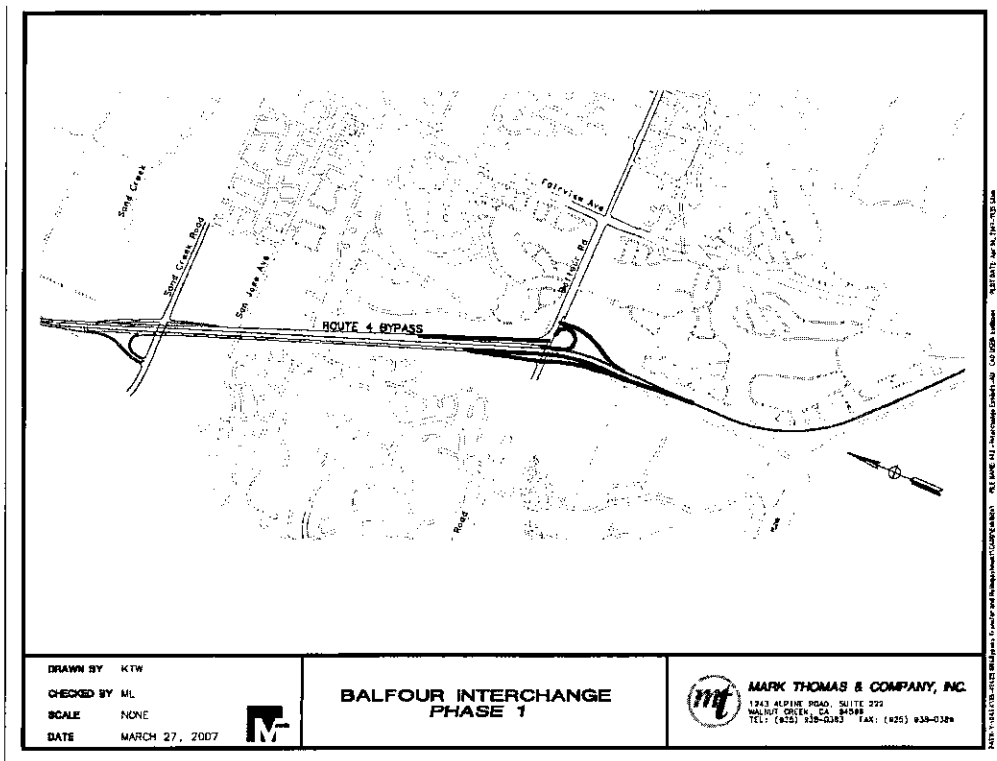
Current Status: Environmental Document Complete.

Issues: None at this time.

Project Support/Opposition: Great project support. It will be critical to construct this interchange in the near future. The at-grade intersection will experience significant traffic congestion once Segment 1 of the Bypass is completed.

3A13

Project Fact Sheet



DRAWN BY KTW
 CHECKED BY ML
 SCALE NONE
 DATE MARCH 27, 2007



**BALFOUR INTERCHANGE
 PHASE 1**

MARK THOMAS & COMPANY, INC.
 1243 ALPINE ROAD, SUITE 200
 WALNUT CREEK, CA 94598
 TEL: (925) 938-0383 FAX: (925) 938-0384

Project Location Map

Project Schedule: SR4 Bypass: Balfour Road Interchange

<u>Project Phase:</u>	<u>Begin (Mo./Yr.)</u>	<u>Complete (Mo./Yr.)</u>
Preliminary Studies/Planning	Completed	Completed
Environmental Clearance	Completed	Completed
Design	7/09	12/10
Utility Relocations	7/10	6/11
Construction	7/11	6/13

3A14

Project Fact Sheet

Cost Estimates and Funding: SR4 Bypass: Balfour Road Interchange

Cost Estimate (Escalated Dollars)		Funding Commitments and Sources	
Design	\$ 3.085 M	Measure J	\$ 3.085 M
Utility Relocations	\$ 9.967 M	ECCRFFA	\$ 17.992 M
Construction	\$ 20.022 M	STIP	\$ 15.00 M
Construction Mgmt	\$ 3.003 M		
TOTAL	\$ 36.077 M	TOTAL	\$ 36.077 M

Cash flow (Escalated \$ in thousands):

Fiscal Year	FY10	FY11	FY12	FY13	TOTAL
Preliminary Studies/Planning					
Environmental Clearance					
Design	1,543	1,542			3,085
Utility Relocation		9,967			9,967
Construction			10,011	10,011	20,022
Construction Engineering			1,502	1,501	3,003
TOTAL	1,543	11,509	11,513	11,512	36,077

3A15



July 3, 2007

Mr. Dale Dennis
SR4 Bypass Authority
255 Glacier Drive
Martinez, CA 94553-4825

SUBJECT: Scope of Services and Fee Estimate for SR4 Bypass/Balfour Road Interchange Project Study Report (PSR) (Nolte Project # WCB015300)

Dear Dale,

Based on your discussion with Kanda Raj, we are providing this proposal for civil engineering design services for the SR4 Bypass Authority. We had recently completed a conceptual level design for the Authority on this project, and are now thrilled to provide the attached proposal for the next phase of work. The scope of services includes a PSR level design for the future SR4 Bypass/Balfour Road Interchange in Brentwood and completing a draft and final PSR for programming purposes.

We have outlined our detailed scope of services in Attachment A and the fee schedule in Attachment B. We propose to provide the above services on a "Time and Material basis" with a Not to Exceed Contract Maximum amount of \$101,500. No work will be performed beyond this maximum amount, with out prior approval from the Authority. If the attached proposal is acceptable to the Authority, please provide us with a contract for these services.

I will be the Principal in Charge (PIC) and Raj will continue to be the Project Manager for the services that we outlined in the attachments.

We look forward to continuing our successful working relationship with the Authority. If you have any questions, please contact Raj at (925) 279-4436.

Sincerely,

Nolte Associates, Inc.

Steve Hiatt, P.E., S.E.
Vice President

NOLTE ASSOCIATES, INC.
2495 NATOMAS PARK DRIVE FOURTH FLOOR
SACRAMENTO CA 95833 2935
916 641 9100 TEL 916 641 9222 FAX
WWW.NOLTE.COM

3A10

SCOPE OF SERVICES

ATTACHMENT A

Project: SR4 Bypass Authority

SR4 Bypass/Balfour Road Interchange Project Study Report

Date: June 29, 2007

I. INTRODUCTION

Nolte staff had recently completed a conceptual level design for the SR4 Bypass/Balfour Road interchange. Various design variations were included in the study and the Authority and City preferred one design option that will be moved forward to the next level of design and project programming. This proposal outlines the next level of civil engineering services to the SR4 Bypass Authority, and includes the following major tasks:

- ❖ Draft Project Study Report for the SR4 Bypass/Balfour Road Interchange by July 20, 2007
- ❖ Final Project Study Report for this interchange by September 28, 2007

The scope of services includes project management, refine conceptual level design and write a draft project study report (PSR), and finalize the PSR. Our detailed scope of services is as described in detail below:

II. DETAILED SCOPE OF SERVICES

Task 1. PROJECT MANAGEMENT

Nolte’s project management services task includes the following:

- Day to day internal (Nolte) project coordination
- Day to day project coordination with the SR4 Bypass Authority (hereon referred to as the Authority) and City of Brentwood (hereon referred to as the City)
- Attend up to three (3) coordination/design meetings throughout the life of the SR4 Bypass/Balfour Road interchange project’s PSR preparation work. These coordination meetings may include the Authority and City.
- Project setup and filing; administrative staff help, and
- Perform Quality Control Reviews and Quality Assurance Audits of design.

Task 2. DRAFT & FINAL PSR

Task 2.1 Draft PSR

Nolte staff will refine the conceptual level geometry developed during the previous phase of work and prepare a PSR level design display. The staff assumed that the geometry will be refined for the single alternative that was chosen by the Authority and the City to move forward for programming and preliminary engineering. In addition to the improvements at the interchange, Nolte’s scope will include extending a 4-lane SR4 Bypass mainline configuration from Sand Creek Road to north of Balfour Road. Nolte staff will also look in to adding an

3/14/17

SCOPE OF SERVICES

ATTACHMENT A

Project: SR4 Bypass Authority

SR4 Bypass/Balfour Road Interchange Project Study Report

Date: June 29, 2007

auxiliary lane between the proposed Sand Creek Road and Balfour Road in the eastbound direction, and verify R/W information-requirements. The staff will identify required relocations for known utilities, and provide cost information (for relocation) in the PSR. Based on staff discussion with the Authority, the 1994 Environmental Impact Report (EIR) includes the Balfour Interchange. The Authority has acquired Right of Way (R/W) for the Balfour Road Interchange.

Nolte staff will prepare a PSR Equivalent and will submit a draft PSR to the Authority on or before July 20, 2007.

Task 2.2 Final PSR

Based on the review comments received on the Draft PSR, Nolte will revise the documents and finalize a PSR for submittal on September 28, 2007. In order to maintain this project schedule, the staff assumed that comments on the Draft PSR will be forwarded to Nolte on or before August 16, 2007.

III. FEE

We propose to provide the above services on a *“Compensation Schedule with a Not to Exceed Fee”* basis. The estimated fee is broken down per task as follows:

Project Management:	\$14,500
Draft PSR	\$45,700
Final PSR	\$40,900
<u>Other Direct Costs</u>	<u>\$400</u>
Total	\$101,500

IV. SCHEDULE

Nolte staff understands the urgency of these improvements. Nolte staff will submit a Draft PSR Equivalent to the Authority (and required copies for CCTA) on July 20, 2007, and follow up with a Final PSR Equivalent submittal on September 28, 2007.

V. ASSUMPTIONS AND EXCLUSIONS

- A. No geotechnical investigation or drilling is included in this scope of services.
- B. No utility coordination, potholing or relocation plans are included in the scope of services. Our scope would only show conceptual level relocation plans for the Kinder Morgan Pump station, PG&E transmission tower and CCWD’s 96” LVP line. No coordination with these agencies is included in the current scope. If deemed necessary, the Nolte staff will contact the Authority and perform these services as extra services.

3A18

SCOPE OF SERVICES

ATTACHMENT A

Project: SR4 Bypass Authority

SR4 Bypass/Balfour Road Interchange Project Study Report

Date: June 29, 2007

- C. No future phases of work (PA&ED and PS&E, etc.) is included in this scope of services. Nolte is equipped to provide these services, and if deemed necessary will work with the Authority to augment current scope of services through a Board action.
- D. Construction Services, including construction staking, design support during construction and preparation of any required records of survey, are not included in this scope and fee. Construction services can be provided if necessary under a separate agreement.
- E. The Authority agrees to waive all claims against Consultant resulting in any way from any unauthorized changes or reuse of the electronic files for any other project by anyone other than Consultant.
- F. Items not specifically described in the scope of services will be considered extra services.

3/31

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: July 12, 2007

TO: Board of Directors

FROM: *for* Dale Dennis, Program Manager *ncw*

SUBJECT: Approve Resolution No. 2007/03 Supporting Legislation developed by Contra Costa Transportation Authority to Revise Senate Bill (SB) 1012

Recommendation: **APPROVE** attached Resolution 2007/03 Supporting Legislation developed by CCTA to "clean up" SB1012, a bill passed in 2006 changing the legal process by which public agencies acquire properties by eminent domain, and **AUTHORIZE** the Chair to sign the resolution.

Discussion:

Authority staff recommends that the Board approve the attached resolution which supports changes proposed by CCTA and other public agencies to SB1012, a bill passed in 2006 changing the legal process by which public agencies are authorized to obtain pre-trial possession of property they are acquiring by eminent domain. The current bill has increased the timeline for acquisition of property by eminent domain by six to nine months and significantly increased the construction cost of capital improvements by public agencies. SB1210 also makes no allowance for emergency possession by public entities in cases where there is an urgent need to protect the public's health and safety and public services.

The revised legislation includes clean up provisions such as increased notice to the property owner prior to possession of the land by the public agency, the opportunity to present concerns to court before the order is granted, an emergency order for possession (if needed), and remedies of technical deficiencies and significant project delays caused by the current form of SB1012.

DD:nw:tr
G:\TransEng\2007\SR4BP\Staff Reports\July-Sept 2007\dd Staff Report Approve Resolution 1012.doc

ACTION OF BOARD ON _____ **APPROVED AS RECOMMENDED** ___ **OTHER** _____

VOTE OF DIRECTORS
UNANIMOUS (ABSENT _____)
AYES: _____ **NOES:** _____
ABSENT: _____ **ABSTAIN:** _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED _____
Secretary to the Authority

STATE ROUTE 4 BYPASS AUTHORITY

RESOLUTION NO. 2007/03

WHEREAS: SB1210 was passed and signed into law by the Governor in 2006; and

SB1210 made significant changes to the legal process by which public agencies are authorized to obtain pre-trial possession of property they are acquiring by eminent domain; and

SB1210 imposes new and potentially costly burdens on public entities; and

SB1210 makes no allowance for emergency possession by public entities in cases where there is an urgent need to protect the public's health and safety and public services; and

Analysis of the bill by the Contra Costa Transportation Authority and other public agencies indicates that the legislation of SB1210 can add from six to nine months to one to two years to the timeline for awarding and constructing public improvement projects; and

The Contra Costa Transportation Authority is proposing cleanup legislation to address these issues and generate support for new legislation; and

The proposals of the cleanup legislation include the increased notice prior to possession, the opportunity to present concerns to court before the order is granted, the consistent procedure for property owner appraisal reimbursement, an emergency order for possession, and the remedy of technical deficiencies and significant project delays;

THEREFORE: The State Route 4 Bypass Authority supports the proposed cleanup legislation to SB 1210 developed by the Contra Costa Transportation Authority; and

The State Route 4 Bypass Authority supports the need for a fair and equitable balance between the greater public good and the protections afforded to private property owners; and

The State Route 4 Bypass Authority supports the elimination of potential delays and cost overruns in the construction of necessary improvements.

3B3

PASSED and **ADOPTED** on July 12, 2007, by the following vote:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the SR4 Bypass Authority at the regular meeting of the Board of Directors on the date indicated above.

Date: _____

State Route 4 Bypass Authority

By:

Chair