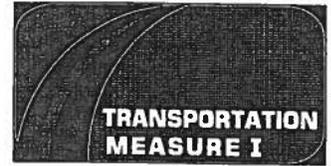




## San Bernardino Associated Governments

1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA 92410  
Phone: (909) 884-8276 Fax: (909) 885-4407  
www.sanbag.ca.gov



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•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority  
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

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## AGENDA

### Major Projects Committee

**August 9, 2012**

**9:00 a.m.**

#### Location:

**SANBAG Offices**

*The Super Chief Room*

**1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92410**

#### Major Projects Committee Membership

##### Chair

Dick Riddell, Mayor  
City of Yucaipa

Dennis Yates, Mayor  
City of Chino

Alan Wapner, Council Member  
City of Ontario

##### Vice-Chair

Michael Tahan, Council Member  
City of Fontana

Ed Graham, Council Member  
City of Chino Hills

L. Dennis Michael, Mayor  
City of Rancho Cucamonga

Neil Derry, Supervisor  
County of San Bernardino

Sarah Zamora, Mayor  
City of Colton

Pete Aguilar, Mayor  
City of Redlands

Josie Gonzales, Supervisor  
County of San Bernardino

Walt Stanckiewicz, Mayor  
City of Grand Terrace

Ed Scott, Mayor Pro Tem  
City of Rialto

Gary Ovitt, Supervisor  
County of San Bernardino

Larry McCallon, Mayor  
City of Highland

Pat Morris, Mayor  
City of San Bernardino

Janice Rutherford, Supervisor  
County of San Bernardino

Rhodes "Dusty" Rigsby, Mayor  
City of Loma Linda

Ray Musser, Mayor  
City of Upland

Paul M. Eaton, Mayor  
City of Montclair

*San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.*

*In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:*

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a **Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

*Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.*

San Bernardino Associated Governments  
County Transportation Commission  
County Transportation Authority  
Service Authority for Freeway Emergencies  
County Congestion Management Agency

**Major Projects Committee**  
**August 9, 2012**  
**9:00 a.m.**

**LOCATION:**  
**Santa Fe Depot**  
*The Super Chief Room*

1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino

CALL TO ORDER – 9:00 a.m.  
(Meeting chaired by Mayor Dick Riddell.)

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements
- IV. Agenda Notices/Modifications – Nessa Williams

**1. Possible Conflict of Interest Issues for the SANBAG Major Projects Meeting of August 9, 2012. Pg. 7**

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Member abstentions shall be stated and recorded on the appropriate item in the minutes summary for each month.

**Consent Calendar**

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up at the end of the agenda.

**2. Major Projects Attendance Roster Pg. 14**

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

***Notes/Action***

3. **Construction Contract Change Orders to on-going SANBAG Construction Contracts with Skanska/Rados Joint Venture, C.C. Myers Inc., Brutoco Engineering and Construction, Inc., Riverside Construction and Skanska.** Pg. 18

Review and ratify change orders. **Garry Cohoe**

**Discussion Calendar**

4. **Local Stimulus Program Procedural Exception** Pg. 20

That the Committee recommend that the Board acting as the County Transportation Authority approve an exception to the Local Stimulus Program procedures to allow SANBAG to use the Local Stimulus Program funds allocated to the City of Colton to offset SANBAG invoices for the City's contribution to the Laurel Street Grade Separation Project.

**Duane A. Baker**

5. **North Milliken Grade Separation Project in the City of Ontario** Pg. 22

That the Committee recommend the Board approve Amendment No. 1 to Contract No. C10184 with Nolte Associates, Inc. for Construction Management Services, and Construction Surveying and Material Testing Services for the North Milliken Grade Separation Project in the City of Ontario, extending the completion date to March 31, 2014 with no increase to contract amount. **Garry Cohoe**

6. **Palm Avenue Railroad Grade Separation, Set Date for Hearing to Consider Resolutions of Necessity** Pg. 27

That the Committee recommend the Board:

1. Acting as the County Transportation Commission, set a date and time of Wednesday, October 3, 2012, 10:00 A.M. for a Hearing to consider Resolutions of Necessity for properties required for the Palm Avenue Grade Separation project in the City of San Bernardino and County of San Bernardino. Property owners are: S. B. Universal Self Storage, LLC; Van Valkenburgh Investments LLC/James F. Jordan, Trustee of the Jordan Revocable Trust; CalMat Land Company; Palm Avenue SB LLC; Gaelle II, LLC; and Gurbax R. and Rajni Marwah Trustees of the Marwah Family Trust.

2. Direct the Clerk of the Board to mail notices of hearing to property owners listed in Attachment "A". **Garry Cohoe**

**7. Laurel Street Grade Separation, Set Date for Hearing to Consider Resolutions of Necessity Pg. 30**

That the Committee recommend the Board acting as the County Transportation Commission:

1. Set a date and time of Wednesday, October 3, 2012, 10:00 A.M. for a Hearing to consider Resolutions of Necessity (RON) for properties required for the Laurel Street Grade Separation project in the City of Colton. Properties owners are: Colton Industrial Park LP; R.J.&R. Partnership; Mr. Thomas Hayward; Reider Enterprises LLC; Williams Furnace; Mr. Ernesto & Mrs. Ivelisse Alcalá; and 7 Dolphins Properties LLC.

2. Direct the Clerk of the Board to mail notices of hearing to property owners listed in Attachment "A". **Garry Cohoe**

**8. Right-of-Way Appraisals and Acquisitions for the Interstate 15/Interstate 215(I-15/I-215) Devore Interchange Reconstruction Project Pg. 33**

That the Committee recommend the Board:

1. Approve appraisals and just compensation on properties needed for the I-15/ I-215 Devore Interchange Reconstruction Project listed in Attachment "A" ("Properties") of this agenda item, copies of which are on file with the Director of Project Delivery.

2. Authorize acquisition of the Properties in a not-to-exceed aggregate total of \$1,625,000, increasing the total allowance for property acquisitions for the project to \$16,165,000.

3. Authorize the Executive Director to act on behalf of SANBAG in signing Purchase & Sale Agreements for the Properties with the Property Owners, consistent with the procedure set out in SANBAG Valley Freeway Program Policy 40004 (reference: Administrative Settlement Policy 34507). Property owners: Eagle Land Company; Me Yancey and Jerry Mayner Yancey; JP Preferred LLC; Albright M. and Mary Plies, and David and Joyce Reed; Wagner W. and C. 2003 Living Trust; Noel F. Smith; Devore Kenwood Properties; Mitsuo Kosuga; Robert A. and Janet M. Aaberg; Mohammad Abdizadeh and William G. Morshauser; Samuel and Theresa E. Vallejo; Lamar Adverstising; and CBS. **Garry Cohoe**

**Public Comments**

**Additional Items from Committee Members  
Director's Comments**

**Brief Comments by General Public**

**Additional Information**

**Acronym Listing**

**Pg. 37**

**Closed Session**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Agency Negotiator: Garry Cohoe

Property: 125 East Laurel Street, Colton, CA 92324

Negotiating parties: George Murdock, Laurel Miller, LLC

Under Negotiation: Price and terms for acquisition and/or transfer of a portion of property for a permanent and temporary interest.

Pursuant to Government Code section 54956.8

**ADJOURNMENT**

**The Next Major Projects Committee Meeting:**

**September 13, 2012**

Complete packages of this agenda are available for public review at the SANBAG offices and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov). Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

## Meeting Procedures and Rules of Conduct

### **Meeting Procedures**

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

### **Accessibility**

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov).

**Agenda Actions** – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

**Closed Session Agenda Items** – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

**Disruptive Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings  
of  
Board of Directors and Policy Committees**

**Basic Agenda Item Discussion.**

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

**The Vote as specified in the SANBAG Bylaws.**

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

**Amendment or Substitute Motion.**

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

**Call for the Question.**

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

**The Chair.**

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

**Courtesy and Decorum.**

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

*Adopted By SANBAG Board of Directors January 2008*



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM   1  

**Date:** August 9, 2012

**Subject:** Information Relative to Possible Conflict of Interest

**Recommendation\*:** Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**Background:** In accordance with California Government Code 84308, members of the SANBAG Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
3-A	C09196	Skanska/Rados Joint Venture <i>Chad Mathes</i>	All American Asphalt Anderson Drilling CGO Construction Chrisp Company Coffman Specialties

\*

*Approved*  
 Major Projects Committee

Date: August 9, 2012

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Witnessed: \_\_\_\_\_

COG	<input type="checkbox"/>	CTC	<input checked="" type="checkbox"/>	X	CTA	<input checked="" type="checkbox"/>	SAFE	<input type="checkbox"/>	CMA	<input type="checkbox"/>
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Check all that apply.  
 MPC1208z-gc

3-A (Cont.)	C09196		Cleveland Wrecking CMC Fontana Steel D C Hubbs Dywidag-Systems Int. Elmore Pipe Jacking Foundation Pile Inc. Gerco Contracting Giken America Corp. Robert B. Longway Malcolm Drilling Co, Inc. Merli Concrete Pumping Modern Alloy MSL Electric Inc. Olivas Drilling Pacific Restoration Group Penhall Pomeroy Reycon Construction, Inc. Southwest V-ditch Statewide Safety & Sign Steve Bubalo Construction Valley Concrete Placing, Inc. VP Vertical Earthwork
3-B	C10007	C.C. Myers Inc. <i>Daniel E. Himick</i>	DC Hubbs Precision Survey Power Plus Moore Electrical Statewide Cruco Paving Diversified Landscape La Londe

3-B (Cont.)	C10007		<p>RMA                  Pavement Recycling Systems                  CMC Rebar                  Kirby                  Cal Stripe                  Top of Line Sweeping                  Harber Companies                  CGO Construction                  Concrete Coring                  Jo Jo trucking                  Riley Trucking                  G &amp; F Concrete Cutting                  SRD Engineering                  Cooper Engineering                  Pipeline                  Calmex Engineering                  Gwinco                  CTM Construction                  Asher                  Avar                  Competitive Edge Engineering                  Hyatt Development                  Coral Construction                  Blue Iron                  Fisk                  K &amp; B Boring                  Custom Rock                  Cross-town Electrical and Data                  Dorado &amp; Dorado                  Goss Construction                  Dywidag Systems Construction                  Rock Structures VT Electric                  Wilson Bros Trenching</p>
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3-B (Cont.)	C10007		AC Dike Co. Alcorn Fence Amber Steel EBS utilities Jezowski and Arkey Constructors Penhall Company
3-C	C11004	C.C. Myers Inc. <i>Daniel E. Himick</i>	Alcorn Fence Company Cal-Stripe Foundation Pile, Inc. Integrity Rebar Ecologic Landscape Elite Bobcat Services MSE Retaining Systems Murphy Industrial Coatings Sierra Pacific Electrical Visual Pollution Technologies
3-D	C12036	Brutoco Engineering and Construction, Inc. <i>Michael Murphy</i>	All American Asphalt Alcorn Fence ACL Construction Cooper Engineering Coffman Specialties Sully Miller Diversified Landscape Griffith Company Castle Walls Integrity Rebar CP Construction KEC Engineering Cal Stripe

3-E	C12010	Riverside Construction Inc. <i>Donald M. Pim</i>	Alcorn Fence Company Anderson Drilling Avar Construction Cal-Stripe Coral Construction Diversified Landscape, Inc. Foundation Pile Hardy & Harper Integrity Rebar Placers L. Johnson Construction Lincoln Park Surina Construction
3-F	C11184	Skanska <i>Tim Wilson</i>	Ace Fence Company Anderson Drilling Empire Steel J P Striping Inc. J.V. Land Clearing Marina Landscape, Inc. MSL Electric Municon Consultants Reycon Construction Inc. Statewide Safety & Signs Tipco Engineering
5	C10184-01	Nolte Associates, Inc. <i>Steve Hiatt, P.E.</i>	WEC L.E.H.& Associates Inland Foundation
6	<u>APN#</u> 0266-021-17 0266-021-18 0266-021-32 0266-021-39	<u>Property Owners:</u> S.B. Universal Self Storage, LLC	None

6 (Cont.)	0266-021-43  0262-051-29  0266-041-62  0266-041-69  0266-041-70	Van Valkenburgh Investments LLC/ James F. Jordan, Trustee of the Jordan Revocable Trust  CalMat Land Company  Palm Avenue SB LLC  Gaelle II, LLC  Gurbax r. and Rajni Marwah Trustees of the Marwah Family Trust	
7	<u>APN#</u> 0161-241-11 0161-241-56 0161-241-53 0161-241-57 0161-241-58 0161-242-23 0161-061-39 0161-081-10 0161-091-21	<u>Property Owners:</u> Colton Industrial Park, LP R.J. & R. Partnership  Thomas Hayward  Reider Enterprises LLC Williams Furnace Mr. Ernesto & Mrs. Ivelisse Alcala 7 Dolphins Properties, LLC	None
8	<u>APN#</u> 0160-242-17 0161-242-24	<u>Property Owners:</u> Burchco LLC Laurel Miller, LLC	None
9	<u>APN#</u> 0348-091-08 0349-169-03 0349-169-05 0349-174-03 0349-174-01  0349-111-24 0349-111-25 0349-114-02 0349-114-03 0349-102-06	<u>Property Owners:</u> Eagle Land Company Me Yancey & Jerry Mayner Yancey  JP Preferred LLc Albright M. & Mary Plies & David & Joyce Reed  Wagner W. & C 2003 Living Trust Noel F Smith Devore Kenwood Properties  Mitsuo Kosuga	None

9 (Cont.)      Caltrans ROW: CBS 2861 CBS 3807 CBS 663	0349-102-13 0349-102-14 0349-163-15  0349-112-20  0349-169-03	Robert A. & Janet M. Aaberg  Mohammad Abdizadeh & Williams G. Morshauser  Samuel Vallejo and Theresa E. Vallejo  Lamar Advertising  CBS “” “”	
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**Financial Impact:** This item has no direct impact on the SANBAG budget.

**Reviewed By:** This item is prepared monthly for review by SANBAG Board and Committee members.

**AGENDA ITEM 2  
MAJOR PROJECTS POLICY COMMITTEE ATTENDANCE RECORD – 2012**

Name	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Dick Riddell</b> City of Yucaipa	X	X	X	X	X	X	X					
<b>Ray Musser</b> City of Upland	X	X	X			X	X					
<b>Janice Rutherford</b> Board of Supervisors	X			X		X	X					
<b>Sarah Zamora</b> City of Colton	X	X	X			X	X					
<b>Rhodes "Dusty" Rigsby</b> City of Loma Linda	X	X	X	X	X	X	X					
<b>Walt Stanckiewitz</b> City of Grand Terrace	X	X	X	X	X	X	X					
<b>Pete Aguilar</b> City of Redlands	X	X		X		X	X					
<b>Josie Gonzales</b> Board of Supervisors	X	X	X	X		X						
<b>Neil Derry</b> Board of Supervisors		X	X	X	X	X						
<b>Larry McCallon</b> City of Highland	X		X	X	X	X						
<b>Patrick Morris</b> City of San Bernardino	X	X	X	X	X	X	X					
<b>Ed Graham</b> City of Chino Hills	X	X	X	X	X		X					
<b>Michael Tahan</b> City of Fontana	X	X		X		X						
<b>Gary Ovitt</b> Board of Supervisors		X	X	X								

X = Member attended meeting.

Empty box = Member did not attend meeting

Shaded box = Not a member at the time.

**AGENDA ITEM 2**  
**MAJOR PROJECTS POLICY COMMITTEE ATTENDANCE RECORD – 2012**

Name	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Paul Eaton</b> City of Montclair	X	X		X	X	X	X					
<b>Ed Scott</b> City of Rialto				X	X							
<b>Alan Wapner</b> City of Ontario	X	X	X		X	X						
<b>L. Dennis Michael</b> City of Rancho Cucamonga	X		X		X	X						
<b>Dennis Yates</b> City of Chino	X	X	X		X	X	X					

X = Member attended meeting.  
 Empty box = Member did not attend meeting  
 Shaded box = Not a member at the time.  
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**AGENDA ITEM 2  
MAJOR PROJECTS POLICY COMMITTEE ATTENDANCE RECORD – 2011**

Name	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Dick Riddell</b> City of Yucaipa	X	X	X	X	X	X	X	X	X	X	X	X
<b>John Pomierski</b> City of Upland	X	X										
<b>Ray Musser</b> City of Upland			X		X	X	X	X	X	X		X
<b>Janice Rutherford</b> Board of Supervisors		X					X	X	X	X		X
<b>David Zamora</b> City of Colton	X	X			X	X	X					
<b>Sarah Zamora</b> City of Colton										X		X
<b>Rhodes ‘Dusty’ Rigsby</b> City of Loma Linda	X		X	X	X	X	X		X	X	X	X
<b>Walt Stanckiewitz</b> City of Grand Terrace	X	X	X	X	X	X	X	X	X	X	X	X
<b>Jon Harrison</b> City of Redlands	X	X	X	X			X					
<b>Pete Aguilar</b> City of Redlands									X		X	X
<b>Josie Gonzales</b> Board of Supervisors	X		X	X		X	X	X	X		X	X
<b>Neil Derry</b> Board of Supervisors (Self Suspension 5/3/2011)	X	X	X	X								
<b>Larry McCallon</b> City of Highland	X		X	X	X	X	X	X	X	X	X	X
<b>Patrick Morris</b> City of San Bernardino	X	X	X	X	X	X	X	X	X	X	X	X

X = Member attended meeting.

Empty box = Member did not attend meeting

Shaded box = Not a member at the time.

**AGENDA ITEM 2  
MAJOR PROJECTS POLICY COMMITTEE ATTENDANCE RECORD – 2011**

Name	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Ed Graham</b> City of Chino Hills	X	X		X	X	X	X	X	X	X	X	X
<b>John Roberts</b> City of Fontana	X											
<b>Michael Tahan</b> City of Fontana		X	X	X	X	X	X	X	X	X	X	X
<b>Gary Ovitt</b> Board of Supervisors	X	X		X	X	X	X			X		
<b>Paul Eaton</b> City of Montclair	X	X	X	X	X	X	X	X	X		X	X
<b>Ed Scott</b> City of Rialto	X		X	X		X	X	X		X	X	
<b>Alan Wapner</b> City of Ontario	X	X	X		X	X	X		X			X
<b>Diane Williams</b> City of Rancho Cucamonga	X	X										
<b>L. Dennis Michael</b> City of Rancho Cucamonga				X		X	X	X		X		
<b>Dennis Yates</b> City of Chino	X	X	X	X	X	X	X	X	X	X		X



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

**Minute Action**

AGENDA ITEM: 3

**Date:** August 9, 2012

**Subject:** Construction Contract Change Orders to on-going SANBAG Construction Contracts with Skanska/Rados Joint Venture, C.C. Myers Inc., Brutoco Engineering and Construction, Inc., Riverside Construction and Skanska.

**Recommendation:** Review and ratify change orders.

**Background:** Of SANBAG's fourteen on-going Construction Contracts, nine have had Construction Change Orders (CCO's) approved since the last reporting to the Major Projects Committee. The CCO's are listed below:

- A. Contract Number (CN) C09196 with Skanska/Rados Joint Venture for construction of the I-215 Segments 1 and 2 project: CCO No. 4 Supplement No. 2 (\$300,000.00 increase of additional funds for adjustment of compensation for fluctuations in the California Statewide Paving Asphalt Price Index per the contract Special Provisions); CCO No. 97 (\$14,732.00 increase for modifications to Bioswale No. 2 required by the extension of Sound Wall No. 1 as directed by the designer); CCO No. 147 (\$30,000.00 increase for the removal and disposal of an underground storage tank found while constructing Retaining Wall No. 109E) and CCO No. 152 (\$15,000.00 increase for removal and disposal of buried asbestos pipe and any contaminated soil encountered during construction of footing for the Baseline Street south bound on ramp).
- B. CN C10007 with C.C. Myers Inc. for the I-10 Riverside Avenue Interchange Reconstruction project: CCO No. 96 (\$42,131.59 increase for Adjustment in Compensation to the contractor due to increase/decrease in

\*

	<p><i>Approved</i>          Major Projects Committee</p> <p>Date: <u>August 9, 2012</u></p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.  
 MPC1208a-tk

- contract items, change in character/scope of work plus extra work performed on Drainage System 20).
- C. CN C11004 with C.C. Myers, Inc. for the North Milliken Avenue Grade Separation project: CCO No. 6 (\$746.72 increase for changes made to the Interim Traffic Signal and Signal Modification plans as directed by the Designer) and CCO No. 11 (\$145,500.00 decrease for the deletion of Bid Item 76 Temporary 8" Perforated Pipe).
  - D. CN C12036 with Brutoco Engineering and Construction, Inc. for the I-10 Citrus Avenue Interchange project: CCO No. 2 (\$8,000.00 increase for maintenance of existing irrigation and landscaping as per the contract Special Provisions).
  - E. CN C12010 with Riverside Construction Inc. for the I-15 La Mesa/Nisqualli Interchange project: CCO No. 1 Supplement No. 1 (\$50,000.00 increase of additional funds for flagging and traffic control work as specified in the contract Special Provisions); CCO No. 19 (\$31,825.00 increase for installing sewer laterals and storm drain laterals per request of the City of Victorville); CCO No. 24 (\$85,000.00 increase for providing a plastic lined channel for the Oro Grande Wash in accordance with the Regional Water Quality Control Board); CCO No. 27 (\$5,250.00 increase for supplying corrosive mix design for Bid Item No. 101 Structural Concrete Bridge as directed by the Designer) and CCO No. 30 (no cost/no credit change for revising the lane closure chart to allow for full freeway closure of northbound I-15).
  - F. CN C11184 with Skanska for the Hunts Lane Grade Separation project: CCO No. 3 (\$10,000.00 increase for maintaining existing and temporary electrical systems in accordance with the Standard Specifications); CCO No. 4 (\$80,000.00 increase for removal and disposal of buried man-made objects in accordance with the Standard Specifications); CCO No. 6 (\$20,000.00 increase to maintain temporary traffic control, construction area traffic control devices and maintain traffic in accordance with the contract Special Provisions); CCO No. 7 (\$5,000.00 increase for Partnering as required in the contract Special Provisions); CCO No. 8 (\$10,000.00 increase to provide for a Dispute Resolution Board (DRB) in accordance with the Standard Specifications) and CCO No. 9 (\$5,000.00 increase for provisions for Apprenticeship program in accordance with the Standard Specifications).

**Financial Impact:** This item imposes no financial impact, as all CCOs are within previously approved contingency amounts. Task No. 0838, Task No. 0841, Task No. 0882, Task No. 0826, Task No. 0888 and Task No. 0870.

**Reviewed By:** SANBAG General Counsel has approved this item as to form.

**Responsible Staff:** Garry Cohoe, Director of Project Delivery



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM: 4

**Date:** August 9, 2012

**Subject:** Local Stimulus Program Procedural Exception

**Recommendation:**\* That the Committee recommend that the Board acting as the County Transportation Authority approve an exception to the Local Stimulus Program procedures to allow SANBAG to use the Local Stimulus Program funds allocated to the City of Colton to offset SANBAG invoices for the City's contribution to the Laurel Street Grade Separation Project.

**Background:** The Local Stimulus Program was originally approved by the Board of Directors in July 2009. In September 2009, the Board approved the Local Stimulus Program Reimbursement Procedure, which stated that the funds would be paid to each agency on a reimbursement basis.

The procedures for the Local Stimulus Program also included the understanding that if the approved project was on the Nexus Study, the funds would be used to buy down the total cost of the project for purposes of calculating the development share for that project.

In early 2012, the City of Colton requested that their city's Local Stimulus Program project be changed to the Laurel Street Grade Separation Project. The City's allocation of \$732,660.37 in Measure I Local Stimulus Program funds was moved to the project.

\*

*Approved*  
*Major Project Committee*

*Date:* August 9, 2012

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

COG	CTC	CTA	X	SAFE	CMA
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Check all that apply.

Major Projects Committee Agenda Item

August 9, 2012

Page 2

On June 4, 2012, SANBAG, as the lead agency for the Laurel Street Grade Separation Project, submitted an invoice to the City of Colton in the amount of \$220,415.36 for the PA/ED and PS&E phases. An additional invoice for the City's share of the Right of Way phase will be submitted in the next few months.

On July 23, 2012, a verbal request came from the City of Colton asking that SANBAG use the Local Stimulus Program funds to offset Invoice No. 884-C11001-2217778 in the amount of \$220,415.36. Also requested was that the remaining Local Stimulus Program funds for the City be applied to offset future SANBAG invoices issued for the Laurel Street Grade Separation project.

Using this "offset" procedure is administratively more efficient for both organizations. This offset procedure eliminates the need for: (1) the City of Colton to issue a check to SANBAG for its share of the Project's costs and then request then SANBAG reimburse Colton for these costs from the Local Stimulus Program funds; and (2) SANBAG to issue the reimbursement check to Colton.

**Financial Impact:** There is no impact on the budget as this item has already been approved as part of the Fiscal Year 2012/2013 budget and is consistent with those prior approvals.

**Reviewed By:** This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee. SANBAG General Counsel has approved this item as to form.

**Responsible Staff:** Duane A. Baker, Director of Management Services



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM: 5

**Date:** August 9, 2012

**Subject:** North Milliken Grade Separation Project in the City of Ontario

**Recommendation:**\* That the Committee recommend the Board approve Amendment No. 1 to Contract No. C10184 with Nolte Associates, Inc. for Construction Management Services, and Construction Surveying and Material Testing Services for the North Milliken Grade Separation Project in the City of Ontario, extending the completion date to March 31, 2014 with no increase to contract amount.

**Background:** **This is a time extension amendment to an existing contract only.** In May 2010, the Board authorized award of the construction management services contract for the North Milliken Grade Separation Project to Nolte Associates Inc. with an end date of December 31, 2012. Construction is currently 60 percent complete and is anticipated to be fully completed in October 2013, with the final project acceptance and closeout by the end of December 2013.

The project was originally scheduled to be completed by December 31, 2012. However, due to numerous issues including a re-bid of project due to bid protest, the construction contract was not awarded until November 2010. Later per contractor request the construction start was delayed by approximately three months. In addition, a ninety days plant establishment period was added to the final plans and specifications.

\*

*Approved*  
*Major Projects Committee*

*Date:* August 9, 2012

*Moved:* *Second:*

*In Favor:* *Opposed:* *Abstained:*

*Witnessed:*

COG		CTC	X	CTA	X	SAFE		CMA	
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This amendment to Contract No. C10184 provides for continued construction management services until completion and acceptance of North Milliken Grade Separation Project anticipated in December 2013, plus three additional months for unexpected closeout issues.

**Financial Impact:** This item poses no financial impact as the amendment is a no-cost time extension due to delayed start and additional scope.

**Reviewed By:** SANBAG General Counsel and Contract Administrator have reviewed this item and a draft of the Amendment. This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

**Responsible Staff:** Garry Cohoe, Director of Project Delivery



## CONTRACT SUMMARY SHEET

Contract No. C 10184 Amendment No. 01

By and Between

San Bernardino County Transportation Commission and Nolte Associated, Inc

Contract Description Construction Management Services North Milliken Grade Separation Project

**Board of Director's Meeting Date:** 9/5/12  
**Overview of BOD Action:** Extend the contract expiration date of Contract C10184 to Nolte Associates Inc. to match the project construction schedule  
**Is this a Sole-Source procurement?**  Yes  No

CONTRACT OVERVIEW					
Original Contract Amount	\$	4,573,671.00	Original Contingency Amount	\$	595,367.00
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$		Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	
Current Amendment Amount	\$		Contingency Amendment	\$	
<b>TOTAL CONTRACT VALUE</b>	<b>\$</b>	<b>4,573,671.00</b>	<b>TOTAL CONTINGENCY VALUE</b>	<b>\$</b>	<b>595,367.00</b>
<b>TOTAL BUDGET AUTHORITY (contract value + contingency)</b>					<b>\$ 5,169,038.00</b>

<b>Contract Start Date</b> 05/12/10	<b>Current Contract Expiration Date</b> 12/31/12	<b>Revised Contract Expiration Date</b> 3/31/14
Has the contract term been amended? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - please explain. Adjust contract time to match construction schedule		

FINANCIAL INFORMATION				
<input checked="" type="checkbox"/> Budget authority for this contract currently exists in Task No. <u>0882</u> .				
<input type="checkbox"/> A Budget Amendment is required.				
How are we funding current FY?				
<input type="checkbox"/> Federal Funds	<input checked="" type="checkbox"/> State Funds	<input checked="" type="checkbox"/> Local Funds	<input type="checkbox"/> TDA Funds	<input checked="" type="checkbox"/> Measure I Funds
Provide Brief Overview of the <b>Overall Funding</b> for the duration of the Contract: Funding for project per Amendment # 2 R10195 with City of Ontario. Project to be funded by STIP/RIP funds				
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable				

CONTRACT MANAGEMENT INFORMATION	
<b>Check all applicable boxes:</b>	
<input type="checkbox"/> Retention? If yes, indicate % _____.	
<input type="checkbox"/> Disadvantaged Business Enterprise (DBE) Goal _____ % <input type="checkbox"/> Underutilized DBE (UDBE) Goal _____ %	

<p><u>Garry Choe</u> Task Manager (Print Name)</p> <p><u>Mike Barnum</u> Project Manager (Print Name)</p> <p><u>Jeffery Hill</u> Contracts Administrator (Print Name)</p> <p><u>Hilda Flores or William Stawski</u> Chief Financial Officer (Print Name)</p>	<p><u>[Signature]</u> 8/1/12 Signature Date</p> <p><u>[Signature]</u> 7/31/12 Signature Date</p> <p><u>[Signature]</u> 8/2/12 Signature Date</p> <p><u>[Signature]</u> 8/2/12 Signature Date</p>
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**AMENDMENT NO. 1 TO  
CONTRACT NO. C10184  
BY AND BETWEEN  
SAN BERNARDINO ASSOCIATED GOVERNMENTS/  
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
AND  
NOLTE ASSOCIATES, INC.**

This AMENDMENT No. 1 to CONTRACT No. C10184 is made by and between Nolte Associates, Inc. (hereafter called CONSULTANT) and the San Bernardino Associated Governments/San Bernardino County Transportation Authority (hereafter called AUTHORITY):

**RECITALS:**

WHEREAS, AUTHORITY, under Contract No. C10184 (“Contract”), has engaged the services of CONSULTANT to provide Construction Management, Construction Surveying and Material Testing; and

WHEREAS, the parties desire to amend the Contract to extend the contract term.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, CONSULTANT and AUTHORITY agree as follows:

1. Article 2, “Performance Schedule”, 2.1, is amended to delete “December 31, 2012”, and replace with “March 31, 2014”.
2. Except as amended by this Amendment, all other provisions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year below written, and this Amendment is effective as of the day and year executed by SANBAG.

**NOLTE ASSOCIATES, INC.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**SAN BERNARDINO ASSOCIATED  
GOVERNMENTS**

By: \_\_\_\_\_

Janice Rutherford, President  
Board of Directors

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Eileen Monaghan Teichert  
General Counsel

**CONCURRENCE:**

By: \_\_\_\_\_

Jeffery Hill  
Contract Administrator



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM: 6

**Date:** August 9, 2012

**Subject:** Palm Avenue Railroad Grade Separation, Set Date for Hearing to Consider Resolutions of Necessity

**Recommendation:**\* That the Committee recommend the Board:

1. Acting as the County Transportation Commission, set a date and time of Wednesday, October 3, 2012, 10:00 A.M. for a Hearing to consider Resolutions of Necessity for properties required for the Palm Avenue Grade Separation project in the City of San Bernardino and County of San Bernardino. Property owners are: S. B. Universal Self Storage, LLC; Van Valkenburgh Investments LLC/James F. Jordan, Trustee of the Jordan Revocable Trust; CalMat Land Company; Palm Avenue SB LLC; Gaelle II, LLC; and Gurbax R. and Rajni Marwah Trustees of the Marwah Family Trust.
2. Direct the Clerk of the Board to mail notices of hearing to property owners listed in Attachment "A".

**Background:** Good progress has been made to ready the Palm Avenue Grade Separation Project for construction. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved the appraisals and authorized offers be made for property interests required for the grade separation project. While SANBAG and its right-of-way consultant, Overland Pacific & Cutler, continue to negotiate with property owners of the subject parcels, it appears unlikely that all parcels will be acquired through negotiated sales. The alternative

\*

*Approved*  
*Major Projects Committee*

Date: August 9, 2012

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Witnessed: \_\_\_\_\_

COG	CTC	X	CTA	SAFE	CMA
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Check all that apply.

to a negotiated sale is acquiring the property through eminent domain which requires compliance with a legally prescribed process. Part of the process is setting a hearing date and time for the consideration of Resolutions of Necessity for the parcels to be acquired through the eminent domain process. At the hearing, the Board will receive information on the project, the public need for the property, and testimony from the property owners, if the owners so desire. With the information provided, the Board will consider the adoption of the Resolution of Necessity at the hearing.

**Financial Impact:** This item imposes no financial impact. Task No. 0874

**Reviewed By:** SANBAG's outside eminent domain legal counsel and SANBAG General Counsel have reviewed this item in draft. This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

**Responsible Staff:** Garry Cohoe, Director of Project Delivery

## Attachment A Palm Avenue Grade Separation Condemnation Parcels

<b>APN OWNER</b>
<b>0266-021-17, 18, 32, 39 S. B. Universal Self Storage, LLC</b>
<b>0266-021-43 Van Valkenburgh Investments LLC/James F. Jordan, Trustee of the Jordan Revocable Trust, dated April 5, 2004</b>
<b>0262-051-29 CalMat Land Company</b>
<b>0266-041-62 Palm Avenue SB LLC</b>
<b>0266-041-69 Gaelle II, LLC</b>
<b>0266-041-70 Gurbax R. and Rajni Marwah Trustees of the Marwah Family Trust</b>



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM: 7

**Date:** August 9, 2012

**Subject:** Laurel Street Grade Separation, Set Date for Hearing to Consider Resolutions of Necessity

**Recommendation:\*** That the Committee recommend the Board acting as the County Transportation Commission:

1. Set a date and time of Wednesday, October 3, 2012, 10:00 A.M. for a Hearing to consider Resolutions of Necessity (RON) for properties required for the Laurel Street Grade Separation project in the City of Colton. Properties owners are: Colton Industrial Park LP; R.J.&R. Partnership; Mr. Thomas Hayward; Reider Enterprises LLC; Williams Furnace; Mr. Ernesto & Mrs. Ivelisse Alcalá; and 7 Dolphins Properties LLC.
2. Direct the Clerk of the Board to mail notices of hearing to property owners listed in Attachment "A".

**Background:** The Laurel Street Grade Separation Project will improve safety and reduce traffic delays along Laurel Street by separating pedestrians and vehicles from train traffic on six tracks along the BNSF Railway Company (BNSF) rail line. SANBAG is the lead agency for the Right-of-Way (ROW) phase pursuant to Memorandum of Understanding (MOU) No. C10201 that was executed between SANBAG, the City of Colton, Union Pacific Railroad, and BNSF Railway in May 2010.

\*

*Approved*  
*Major Projects Committee*

Date: August 9, 2012

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Witnessed: \_\_\_\_\_

COG		CTC	X	CTA		SAFE		CMA	
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Check all that apply.

The project is in 95% design and is also currently in the ROW acquisition phase. The SANBAG Board has approved the appraisals and authorized offers be made for property interests required for the grade separation project. Temporary Construction Easements (TCE) and/or partial acquisitions or permanent easements are needed from 16 properties. As of July 30, 2012, owners of five properties have agreed to the terms of the acquisition and have either signed the purchase and sale agreement or have given verbal approval and will be signing shortly. There is also one full take of one residential property required, for which the owner and tenant have agreed to the terms of the acquisition.

This item addresses the ROW needs from six properties. While SANBAG staff and its ROW consultant, Overland Pacific & Cutler, continue to negotiate with property owners of the subject parcels, it is unlikely that all parcels will be acquired through a negotiated sale. The alternative to a negotiated sale is acquiring the property through eminent domain which requires a prescribed process. Part of the eminent domain process is setting a hearing date and time for the consideration of a Resolution of Necessity for the parcels to be acquired through the eminent domain process. At the hearing, the Board will receive information on the project and the need for the property and testimony from the property owner, if the owner so desires. With the information provided, the Board will consider the adoption of the Resolution of Necessity.

Acquisition of these properties in a timely manner is critical to maintaining the planned construction schedule for the project. The table below summarizes the current project schedule:

Environmental Approved	September 2011
Design Approved & R/W Certified	January 2013
Start Construction	April 2013
End Construction	April 2015

**Financial Impact:** This item imposes no financial impact. Task 0884

**Reviewed By:** SANBAG General Counsel and SANBAG's Right-of-Way Counsel, Woodruff, Spradlin & Smart have approved this item as to form. This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

**Responsible Staff:** Garry Cohoe, Director of Project Delivery

## Attachment A Laurel Street Grade Separation Condemnation Parcels

A.P.N.#	OWNER	TYPE
0160-241-11	Colton Industrial Park, LP	Permanent Easement Temporary Construction Easement Public Utilities Easement Drainage Easement
0160-241-56 0160-241-59	R.J. & R. Partnership	Temporary Construction Easement Public Utilities Easement Access Easement
0160-241-57 0160-241-58	Thomas Hayward	Temporary Construction Easement Public Utilities Easement
0160-242-23	Reider Enterprises LLC	Temporary Construction Easement Public Utilities Easement
0161-061-39	Williams Furnace	Partial Acquisition Temporary Construction Easement Public Utilities Easement
0161-081-10	Mr. Ernesto & Mrs. Ivelisse Alcala	Partial Acquisition Temporary Construction Easement Public Utilities Easement
0161-091-21	7 Dolphins Properties, LLC	Temporary Construction Easement



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

AGENDA ITEM: 8

**Date:** August 9, 2012

**Subject:** Right-of-Way Appraisals and Acquisitions for the Interstate 15/Interstate 215(I-15/I-215) Devore Interchange Reconstruction Project

**Recommendation:\*** That the Committee recommend the Board:

1. Approve appraisals and just compensation on properties needed for the I-15/I-215 Devore Interchange Reconstruction Project listed in Attachment "A" ("Properties") of this agenda item, copies of which are on file with the Director of Project Delivery.
2. Authorize acquisition of the Properties in a not-to-exceed aggregate total of \$1,625,000, increasing the total allowance for property acquisitions for the project to \$16,165,000.
3. Authorize the Executive Director to act on behalf of SANBAG in signing Purchase & Sale Agreements for the Properties with the Property Owners, consistent with the procedure set out in SANBAG Valley Freeway Program Policy 40004 (reference: Administrative Settlement Policy 34507). Property owners: Eagle Land Company; Me Yancey and Jerry Mayner Yancey; JP Preferred LLC; Albright M. and Mary Plies, and David and Joyce Reed; Wagner W. and C. 2003 Living Trust; Noel F. Smith; Devore Kenwood Properties; Mitsuo Kosuga; Robert A. and Janet M. Aaberg; Mohammad Abdizadeh and William G. Morshauser; Samuel and Theresa E. Vallejo; Lamar Adverstising; and CBS.

\*

*Approved*  
*Major Projects Committee*

*Date:* August 9, 2012

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.  
 MPC1208g-das  
 Attachment: MPC1208g1-das

**Background:**

SANBAG, in conjunction with Caltrans is proceeding with the right-of-way phase of the I-15/I-215 Devore Interchange Reconstruction Project (Devore Interchange Project). Cooperative Agreement No. C11103 with Caltrans was approved for this phase of the project at the June 1, 2011 Board meeting and was amended at the March 7, 2012 Board meeting. In this agreement SANBAG is designated as the implementing agency for the appraisal, acquisition, and management of the right-of-way properties needed for this important design-build project. The approved agreement commits up to \$50,353,825 in Measure I 2010-2040 Cajon Pass funds for the acquisition of right-of-way, utility relocations, Caltrans right-of-way engineering and condemnation work, and mitigation expenses. At the June 6, 2012 SANBAG Board meeting, the Board approved appraisals and authorized making offers on 15 parcels for an aggregate not-to-exceed amount of \$3,000,000; at the July 11, 2012 SANBAG Board meeting, the Board approved appraisals and authorized making offers on an additional 31 parcels for an aggregate not-to-exceed \$1,610,000; and at the August 1, 2012 SANBAG Board meeting, an additional 62 parcels for an aggregate \$9,930,000 was approved.

**Recommendation 1:** SANBAG's right-of-way consultant, Overland, Pacific and Cutler (OPC) Services, has completed appraisals of an additional 18 properties. This is the balance of the properties that have been identified for the project at this time, with the exception of three railroad parcels. The 18 properties are summarized in Attachment "A" and include fee takes and temporary construction easements with a total estimated value of \$1,625,000. The estimated cost includes the property acquisition costs, Relocation Assistance Program (RAP) costs for displaced property owners and their personal property, demolition costs, and a contingency of approximately 20%. SANBAG is required by Federal and State law to provide relocation assistance to displacees. The estimated cost also includes demolition that is required to clear the property of existing improvements on the acquired right-of-way. Copies of these appraisals are on file with the Director of Project Delivery. These appraisals have been reviewed by a senior appraiser and by SANBAG's independent right-of-way advisor for compliance with necessary processes and meeting fair compensation requirements. In addition, Caltrans has reviewed and approved these appraisals. Staff recommends approval of these appraisals.

**Recommendation 2:** Staff requests that the Board authorize proceeding with offers of acquisition for all properties identified in Attachment "A" for an aggregate amount of \$1,625,000. The addition of the funds for these properties increases the total authorized amount for property acquisition for this project to \$16,165,000.

The Board should be aware that while condemnation actions for these properties is a last resort and SANBAG's consultant will go to every possible extent to avoid such actions, there is a potential that these properties may need to be acquired

through eminent domain proceedings. Per the cooperative agreement, all resolution of necessity hearings will be coordinated by Caltrans through the California Transportation Commission (CTC). Staff recommends approval of this recommendation.

**Recommendation 3:** Acquisition of these properties in a timely manner is critical to maintaining the planned construction schedule for the project. To assist in maintaining the schedule, staff is recommending that the Board authorize the Executive Director to act on behalf of SANBAG in signing Purchase & Sale Agreements, similar to the procedure used pursuant to SANBAG Valley Freeway Program Policy 40004 (reference: Administrative Settlement Policy 34507). This Board-approved policy establishes a standard administrative process for acquisition of right-of-way whereby the Executive Director is authorized to pursue acquisitions utilizing certain factors, such as an available appraisal, the inexact nature of the process by which just compensation is determined through legal processes, and the impact of such acquisitions through voluntary settlement on the project-wide perspective, including, e.g., project deadlines and funding issues. This process is appropriate for the acquisition of the 18 properties identified herein. A standard agreement and easement generally in the format that is consistent with the Caltrans standard template and their standard supplemental clauses will be used for these acquisitions and previously approved project acquisitions with SANBAG signing the agreements as buyer, not Caltrans. The final documents will be reviewed by SANBAG's right-of-way legal consultant for form prior to presenting to the Executive Director for signature. Pursuant to the cooperative agreement the property will be acquired in Caltrans' name but the agreement will be signed by SANBAG and paid for by SANBAG.

**Financial Impact:** This item is consistent with the SANBAG Fiscal Year 2012/2013 budget. Task No. 0880.

**Reviewed By:** SANBAG General Counsel and Contract Administrator have reviewed this item and a draft of the standard contract. This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

**Responsible Staff:** Garry Cohoe, Director of Project Delivery

## Devore ROW Parcels for Acquisition

Caltrans Parcel No. (GPN)	APN(s)	Owner	Type
22509	0348-091-08	EAGLE LAND COMPANY	Part-Take
22510	0349-169-03	ME YANCEY & JERRY MAYNER YANCEY	Part-Take
22511	0349-169-05	ME YANCEY & JERRY MAYNER YANCEY	Part-Take
22514	0349-174-03	JP PREFERRED LLC	Part-Take
22517	0349-174-01	ALBRIGHT M. & MARY PLIES & DAVID & JOYCE REED	Part-Take
22545	0349-111-24	WAGNER W. & C 2003 LIVING TRUST	Part-Take Temporary Construction Easement
22546	0349-111-25	NOEL F SMITH	Part-Take Temporary Construction Easement
22549	0349-114-02 0349-114-03	DEVORE KENWOOD PROPERTIES	Full-Take
22550	0349-102-06	MITSUO KOSUGA	Part-Take
22559	0349-102-13 0349-102-14	ROBERT A. & JANET M. AABERG	Part-Take
22651	0349-163-15	MOHAMMAD ABDIZADEH & WILLIAM G. MORSHAUSER	Part-Take
22731	0349-112-20	Samuel Vallejo and Theresa E. Vallejo	Utility Easement
22510A	0349-169-03	Lamar Advertising	Full-Take
CBS 2861	Caltrans R/W	CBS	Full-Take
CBS 3807	Caltrans R/W	CBS	Full-Take
CBS 633	Caltrans R/W	CBS	Full-Take

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IIEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

# ***San Bernardino Associated Governments***



## **MISSION STATEMENT**

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

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