



San Bernardino Associated Governments

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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
-

AGENDA

Mountain/Desert Committee

August 17, 2012

9:00 a.m.

Location

**Town of Apple Valley
14975 Dale Evans Parkway
Apple Valley, CA**

Mountain/Desert Committee Membership

Chair

*Julie McIntyre, Mayor Pro Tem
City of Barstow*

*Bill Jahn, Mayor
City of Big Bear Lake*

*George Huntington, Council Member
Town of Yucca Valley*

Vice Chair

*Ed Paget, Mayor
City of Needles*

*Mike Leonard, Council Member
City of Hesperia*

*Brad Mitzelfelt
Board of Supervisors*

*Cari Thomas, Mayor
City of Adelanto*

*Jim Harris, Council Member
City of Twentynine Palms*

*Neil Derry
Board of Supervisors*

*Rick Roelle, Council Member
Town of Apple Valley*

*Ryan McEachron, Mayor
City of Victorville*

*Janice Rutherford
Board of Supervisors*

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**

AGENDA

Mountain/Desert Committee

August 17, 2012

9:00 a.m.

Location

**Town of Apple Valley
14975 Dale Evans Parkway
Apple Valley, CA**

CALL TO ORDER:

(Meeting Chaired by: Julie McIntyre)

- I. Pledge of Allegiance
- II. Attendance:
- III. Announcements:
- IV. Agenda Notices/Modifications – Diane Greve

- 1. **Possible Conflict of Interest Issues for the Mountain/Desert Committee Meeting of August 17, 2012.** Pg. 11

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

- 2. **Attendance Register** 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/Actions

Discussion Items

Project Development

3. Lenwood Road Grade Separation Project – Set Date for Hearing to Consider Resolutions of Necessity Pg. 15

That the Committee recommend the Board, acting as the County Transportation Commission, set the date and time of October 3, 2012 at 10:00 a.m. for a hearing to consider Resolutions of Necessity for properties required for the Lenwood Road Grade Separation project in the City of Barstow and the County of San Bernardino. The Property owners are: Virginia Villanueva; Hong and Wu; Richard Bowers; Warren Wallis; Naji Razzouk; Nabil and Janet Razzouk; Yim (2 separate properties); Metor Finance; Daniel Gallardo; Laurence Brown; and Lawrence and Beverly Watson. **Garry Cohoe**

4. Hearing to Consider Resolution of Necessity for the Divine Parcels' APN 0422-011-05, 06, 12 for the Lenwood Road Grade Separation Project Pg. 20

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

1. Conduct a public hearing to consider condemnation of the Divine Parcels' APN 0422-011-05, 06, 12 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and

2. Adopt the attached Resolution of Necessity No. 13-005 authorizing condemnation of the Divine Parcels' APN 0422-011-05, 06, 12 declaring the following (2/3rd majority vote required):

- a. The public interest and necessity require the project.
- b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the project.
- d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record. **Garry Cohoe**

Discussion Items Continued. . . .

Project Development (Cont.)

5. Hearing to Consider Resolution of Necessity for the Gilson Parcel APN 0421-181-10 for the Lenwood Road Grade Separation Project Pg. 31

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

1. Conduct a public hearing to consider condemnation of the Gilson Parcel APN 0421-181-10 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and

2. Adopt the attached Resolution of Necessity No. 13-006 authorizing condemnation of the Gilson Parcel APN 0421-181-10 declaring the following (2/3rd majority vote required):

a. The public interest and necessity require the project.

b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property sought to be acquired is necessary for the project.

d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record. **Garry Cohoe**

6. Hearing to Consider Resolution of Necessity for the Gassaway Parcel APN 0497-142-26 for the Lenwood Road Grade Separation Project Pg. 42

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

1. Conduct a public hearing to consider condemnation of the Gassaway Parcel APN 0497-142-26 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and

2. Adopt the attached Resolution of Necessity No. 13-007 authorizing condemnation of the Gassaway Parcel APN 0497-142-26 declaring the following (2/3rd majority vote required):

a. The public interest and necessity require the project.

b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property sought to be acquired is necessary for the project.

d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record. **Garry Cohoe**

Discussion Items Continued. . . .

Project Development (Cont.)

7. Hearing to Consider Resolution of Necessity for the Fulmer Parcel APN 0497-131-59 for the Lenwood Road Grade Separation Project Pg. 59

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

1. Conduct a public hearing to consider condemnation of the Fulmer Parcel APN 0497-131-59 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-008 authorizing condemnation of the Fulmer Parcel APN 0497-131-59 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record. **Garry Cohoe**

8. Hearing to Consider Resolution of Necessity for the Carmean and Vogler Parcel APN 0421-172-12 for the Lenwood Road Grade Separation Project Pg. 75

That the Committee recommend the Board:

1. Acting as the County Transportation Commission, conduct a public hearing to consider condemnation of real property required for the Lenwood Road Grade Separation project in the County of San Bernardino and the City of Barstow, and
2. Adopt a Resolution of Necessity authorizing condemnation of real property declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project described in the proposed Resolution of Necessity, resolution No. 10-002.
 - b. The project is planned and/or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner of record. **Garry Cohoe**

Discussion Items Continued. . . .

Project Development (Cont.)

9. Hearing to Consider Resolution of Necessity for the Rodarte Parcel APN 0422-043-30 for the Lenwood Road Grade Separation Project Pg. 87

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

1. Conduct a public hearing to consider condemnation of the Rodarte Parcel APN 0422-043-30 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and

2. Adopt the attached Resolution of Necessity No. 13-010 authorizing condemnation of the Rodarte Parcel APN 0422-043-30 declaring the following (2/3rd majority vote required):

a. The public interest and necessity require the project.

b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property sought to be acquired is necessary for the project.

d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record. **Garry Cohoe**

10. Lenwood Road Grade Separation Project Pg. 98

That the Committee recommend the Board authorize staff to release Request for Proposals No. C13032 for Construction Management, Materials Testing, Construction Survey, and Public Outreach services associated with the construction of the Lenwood Road Grade Separation Project. **Garry Cohoe**

11. Interstate 15 (I-15)/Ranchero Road Interchange Project payment approval to MNS Engineers, Inc. Pg. 137

That the Committee recommend the Board approve payment of \$21,959.75 to MNS Engineers, Inc. for constructability review services completed prior to Board approval of Contract No. C12218. **Garry Cohoe**

Discussion Items Continued. . . .Project Development (Cont.)**12. Right-of-Way Appraisals and Acquisitions for the Interstate 15/Interstate 215(I-15/I-215) Devore Interchange Reconstruction Project Pg. 140**

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 are: 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**

Transportation Programs & Fund Administration**13. Amendment No. 1 to the Trade Corridors Improvement Fund (TCIF) Baseline Agreement C09109 for Lenwood Road Grade Separation Project Pg. 144**

That the Committee Recommend the Board:

1. Approve Amendment No. 1 to Contract C09019 for the Trade Corridors Improvement Fund Baseline Agreement for Lenwood Road Grade Separation Project.
2. Authorize the Executive Director to execute Amendment No. 1, including technical and administrative changes that may be necessary, following California Transportation Commission staff review. Should any policy issues arise from such changes, the Executive Director will consult with Board Officers. **Philip Chu**

Discussion Items Continued. . . .Transportation Programs & Fund Administration (Cont.)**14. Allocation of Funds to Morongo Basin Subarea Projects**

Pg. 152

The Committee recommends that the Board of Directors allocate the following:

1. \$300,000 in Morongo Basin Major Local Highways Program (MLHP) funds to the City of Twentynine Palms for State Route (SR) 62 from Canyon to Sunrise Road.
2. \$225,000 in Morongo Basin MLHP funds to the Town of Yucca Valley for SR-62 from Apache to Palm and SR-62 from LaHonda Way to Dumosa Ave.
3. \$1,500,720 in State Local Partnership Program (SLPP) funds to the Town of Yucca Valley for SR-62 from Apache to Palm and SR-62 from LaHonda Way to Dumosa Ave.
4. \$50,000 in Morongo Basin Project Delivery and Transportation Management Systems (PD/TMS) funds to San Bernardino County for Preliminary Engineering of Lear Ave from Montezuma Dr. to Pole Line Rd. **Duane Baker**

Administrative**15. Qualifying Projects in the City of Barstow as Eligible Under Measure I**

Pg. 155

That the Committee recommend the Board of Directors authorize the Executive Director to sign a letter confirming that projects in the City of Barstow's Pavement Management System report are eligible projects for Measure I Local Streets funds and that such funds may be used to pay financing costs of the projects through the California Statewide Communities Development Authority Total Road Improvement Program (TRIP). **Duane Baker**

Comments from Committee Members

Brief Comments from Committee Members –

Public Comment

Brief Comments by the General Public –

Additional Information

Acronym List

Pg. 157

Complete packages of this agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

ADJOURNMENT:

Next Mountain Desert Committee Meeting – Friday, September 21, 2012

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. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd 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. 3rd Street, 2nd Floor, San Bernardino and our website: 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 17, 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	<u>APN#</u> 0421-172-13 0497-142-21 0497-142-25 0497-131-52 0422-042-12 0422-041-07 0422-011-04 0421-181-11	<u>Property Owners:</u> Virginia Villanueva Thanh Phudc Hong and Fangyan Richard D. Bowers Warren Opie Wallis Naji Razzouk Nabil and Janet Razzouk Chong Nam Yim and Young Ja Yim “” “”	None

*

Approved
 Mountain/Desert Committee

Date: _____

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.
 MDC1208z-dab

3 (Cont.)	0422-011-13 0422-012-11 0422-012-19 0422-012-22 0421-181-08 0497-131-65	Metor Fiance Daniel Gallardo “” “” “” “” Lawrence W. and Beverly A. Watson Laurence K. Brown (Trustee of the Nancy Brown Supplemental Trust)	
4	<u>APN#</u> 0422-011-05 0422-011-06 0422-011-12	<u>Property Owners:</u> William A. and June F. Divine (Trustees of the Divine Family Trust)	None
5	<u>APN#</u> 0421-181-10	<u>Property Owners:</u> Stanely B. Siegal, Louis Press and Thelma Press, Pamela L. Jarman Living Trust, Michael Kenneth Gilson and Hillary Sue Rodman Gilson	None
6	<u>APN#</u> 0497-142-26	<u>Property Owners:</u> Wibur Walter Gassaway and Elaine Frances Gassaway	None
7	<u>APN#</u> 0497-131-59	<u>Property Owners:</u> Carroll Fulmer Management Co.	None
8	<u>APN#</u> 0421-172-12	<u>Property Owners:</u> Clayton A. Carmean and Janice J. Carmean, and Albert H. Vogler and Rita K. Vogler	None
9	<u>APN#</u> 0422-043-30	<u>Property Owners:</u> Mark Rodarte	None
11	C12218	MNS Engineers, Inc. <i>Greg Chelini</i>	Falcon Engineering Dynamic Engineering Services, Inc. Arcadis U.S., Inc. Mayer Surveying, Inc. Twining Lab CHJ Consultants BetKon, Inc.

12	<u>APN#</u>	<u>Property Owners:</u>	None
	0348-091-08	Eagle Land Company	
	0349-169-03	Me Yancey & Jerry Mayner Yancey	
	0349-169-05	“” “”	
	0349-174-03	JP Preferred LLC	
	0349-174-01	Albright M. & Mary Plies & David & Joyce Reed	
	0349-111-24	Wagner W. & C 2003 Living Trust	
	0349-111-25	Noel F Smith	
	0349-114-02	Devore Kenwood Properties	
	0349-114-03	“” “”	
	0349-102-06	Mitsuo Kosuga	
	0349-102-13	Robert A. & Janet M. Aaberg	
	0349-102-14	“” “”	
	0349-163-15	Mohammad Abdizadeh & Williams G. Morshauser	
	0349-112-20	Samuel Vallejo and Theresa E. Vallejo	
	0349-169-03	Lamar Advertising	
	Caltrans ROW:		
	CBS 2861	CBS	
	CBS 3807	“” “”	
	CBS 663	“” “”	

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
MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD - 2012**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Cari Thomas + City of Adelanto	X	X	X	X	X	X	X					
Rick Roelle Town of Apple Valley		X			X							
Julie McIntyre City of Barstow	X	X			X	X	X					
Bill Jahn City of Big Bear Lake	X	X	X	X		X	X					
Mike Leonard City of Hesperia	X	X	X	X		X	X					
Ed Paget City of Needles	X	X	X	X	X	X	X					
Jim Harris City of Twentynine Palms	X	X	X	X	X	X	X					
Ryan McEachron City of Victorville	X	X	X	X	X		X					
George Huntington Town of Yucca Valley	X		X	X	X	X	X					
Brad Mitzelfelt County of San Bernardino		X				X						
Janice Rutherford County of San Bernardino		X					X					
Neil Derry County of San Bernardino	X	X	X	X								

*Non-voting City Representative attended
+ Measure I Committee representative

**The Mountain/Desert Committee did not meet
x*Alternate Attended

*** New SANBAG Board Member

X = Member attended meeting.
MDCatt12.doc

Empty box = Member did not attend meeting

Crossed out box = Not a Board Member at the time.



- 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 17, 2012

Subject: Lenwood Road Grade Separation Project – Set Date for Hearing to Consider Resolutions of Necessity

Recommendation:* That the Committee recommend the Board, acting as the County Transportation Commission, set the date and time of October 3, 2012 at 10:00 a.m. for a hearing to consider Resolutions of Necessity for properties required for the Lenwood Road Grade Separation project in the City of Barstow and the County of San Bernardino. The Property owners are: Virginia Villanueva; Hong and Wu; Richard Bowers; Warren Wallis; Naji Razzouk; Nabil and Janet Razzouk; Yim (2 separate properties); Metor Finance; Daniel Gallardo; Laurence Brown; and Lawrence and Beverly Watson.

Background: SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. While SANBAG’s right-of-way agent, Epic Land Solutions, Inc., continues 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.

*

*Approved
 Mountain/Desert Committee*

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	
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Check all that apply.
 MDC0812h-bmf
 Attachment: MDC0812h1-bmf

The first step in the eminent domain process is setting a hearing date and time for the consideration of the Resolution of Necessity for the parcels not acquired through negotiated sale. While this action is embarking on the first step of the eminent domain process, the right-of-way agents will continue to negotiate with the property owners in an effort to acquire the property voluntarily and avoid eminent domain.

The project property acquisitions are summarized in Attachment "A" and include fee takes, and permanent and temporary construction easements. Staff is recommending that the Committee move this item forward to the SANBAG Board of Directors.

Financial Impact: This item imposes no financial impact.

Reviewed By: SANBAG General Counsel and Contract Administrator 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

**LENWOOD ROAD GRADE SEPARATION PROJECT
PROPERTY ACQUISITIONS FOR HEARING RESOLUTIONS OF NECESSITY**

APN	NAME	TITLE OWNER	TYPE
0421-172-13	VILLANUEVA	VIRGINIA VILLANUEVA, AN UNMARRIED WOMAN	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0497-142-21	HONG	THANH PHUDC HONG AND FANGYAN WU, HUSBAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0497-142-25	BOWERS	RICHARD D. BOWERS, TRUSTEE OF THE RICHARD D BOWERS 1996 TRUST	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0497-131-52	WALLIS	WARREN OPIE WALLIS, AN UNMARRIED MAN	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0422-042-12	NAJI RAZZOUK	NAJI RAZZOUK, TRUSTEE OF THE FAMILY TRUST OF NAJI Y. RAZZOUK DATED NOVEMBER 16,1999	FULL TAKE
0422-041-07	NABIL RAZZOUK	NABIL AND JANET RAZZOUK, TRUSTEES OF THE NABIL AND JANET RAZZOUK FAMILY TRUST DATED 10/10/94	FULL TAKE
0422-011-04	YIM	CHONG NAM YIM AND YOUNG JA YIM, HUSBAND AND WIFE AS JOINT TENANTS	FULL TAKE
0421-181-11	YIM	CHONG NAM YIM AND YOUNG JA YIM, HUSBAND AND WIFE AS JOINT TENANTS	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0422-011-13	METOR FINANCE	METOR FINANCE, A CALIFORNIA CORPORATION	FULL TAKE
0422-012-19, 11, 22	GALLARDO	DANIEL GALLARDO, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY	PARTIAL TAKE, TEMPORARY CONSTRUCTION EASEMENT
0421-181-08	WATSON	LAWRENCE W. AND BEVERLY A. WATSON, HUSBAND AND WIFE AS JOINT TENANTS	FULL TAKE



- 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 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Divine Parcels' APN 0422-011-05, 06, 12 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Divine Parcels' APN 0422-011-05, 06, 12 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-005 authorizing condemnation of the Divine Parcels' APN 0422-011-05, 06, 12 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

*

	<p><i>Approved</i> Mountain Desert Committee</p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG		CTC	X	CTA		SAFE		CMA	
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Check all that apply.
 MDC1208a-bmf
 Attachment: RES 13-005

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding six parcels, including the subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013 as scheduled.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, a full take of the subject property is needed to allow the construction of the proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Divine parcel was made on December 14, 2011.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-005

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF APN NOS. 0422-011-05, 0422-011-06 AND 0422-011-12

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located on the Northeast Corner of Main Street and Lenwood Road, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission's members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project is a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B" and is located on the Northeast Corner of Main Street and Lenwood Road, Lenwood (unincorporated), California (the "Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012 at 10:00 a.m. at Santa Fe Depot---SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission, does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in

the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

EXHIBIT

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Lots 6, 7, 8, 9, and 10, Block 38, Townsite of Lenwood, County of San Bernardino, State of California, as per map recorded in Book 23, Page(s) 25 to 27, inclusive, of Maps, in the Office of the County Recorder of said County.

Excepting therefrom that portion conveyed to the County of San Bernardino by Deed recorded March 15, 1947 in Book 1981, Page 480 and by Deed recorded April 28, 1964 in Book 6137, Page 333, and by Deed recorded January 7, 1993 as Instrument No. 93-004172, all of Official Records.

Assessor's Parcel Number: 0422-011-05-0-000; 0422-011-06-0-000 & 0422-011-12-0-000

EXHIBIT "B"

1. The Board of Directors of the Company has approved the following resolution:

Resolved, that the Board of Directors of the Company hereby authorizes the management of the Company to execute and deliver such instruments as may be necessary to carry out the purposes of this resolution.

2. The Board of Directors of the Company has approved the following resolution:

Resolved, that the Board of Directors of the Company hereby authorizes the management of the Company to execute and deliver such instruments as may be necessary to carry out the purposes of this resolution.

3. The Board of Directors of the Company has approved the following resolution:

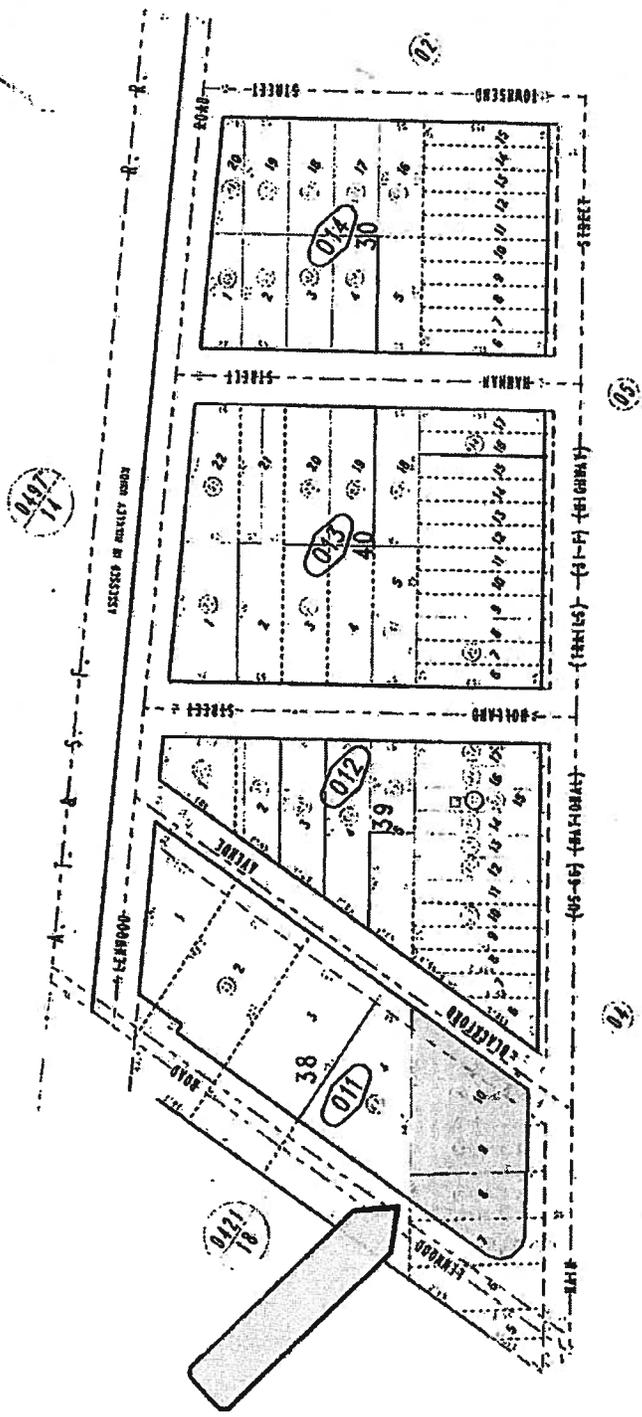
Resolved, that the Board of Directors of the Company hereby authorizes the management of the Company to execute and deliver such instruments as may be necessary to carry out the purposes of this resolution.

EXHIBIT "B"

Barstow Unified
Tax Rate Area
56117
0422-01

Ptn. N.W.1/4 Sec.17, T.9N.,R.2W., S.B.&M.
Ptn. Townsite of Lenwood, M.B.23/25-27

THIS MAP IS FOR THE PURPOSE
OF ASSESSING TAXATION ONLY.



Assessor's Map
Book 0422, Page 01
San Bernardino County

October 2003



- 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 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Gilson Parcel APN 0421-181-10 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Gilson Parcel APN 0421-181-10 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-006 authorizing condemnation of the Gilson Parcel APN 0421-181-10 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

Approved
 Mountain Desert Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	
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Check all that apply.
 MDC1208b-bmf
 Attachment: RES 13-006

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding the six parcels, including the subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013 as scheduled.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, an easement on the subject property is needed to allow the construction of the proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Gilson parcel was made on December 14, 2011.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-006

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION COMMISSION FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0421-181-
10**

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain a portion of the property located on the North Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project is a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located on the North Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California (the "Property"); and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow and County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012 at 10:00 a.m. at Santa Fe Depot---SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Commission with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interest in real property

in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interest in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-181-10

Owner: Louis Press and Thelma Press, et al.

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of the East Half of the Northeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Official Plat thereof, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the East line of said Section 18, a distance of 2063.10 feet;

Thence S 46°54'16" W, a distance of 350.72 feet to a point on existing Northerly right of way line of Main Street, said point being the POINT of BEGINNING,

Thence continuing S 46°54'16" W, a distance of 347.69 feet;

Thence N 21°00'48" W, a distance of 12.95 feet;

Thence N 46°54'16" E, a distance of 64.06 feet;

Thence N 36°47'42" E, a distance of 194.57 feet, to a point of curvature;

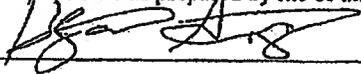
Thence along said curve to the right that has a radius of 5000.00 feet, a central angle of 1°36'51", a 140.87 feet chord which bears N 41°56'42" E, a distance of 140.87 feet,

Thence S 0°46'21" E, a distance of 78.89 feet, to the POINT of BEGINNING.

Tract contains 12,196 square feet, 0.28 acres, more or less.

(Bnd Exhibit "A")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016

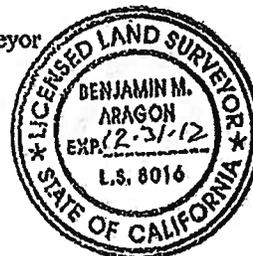
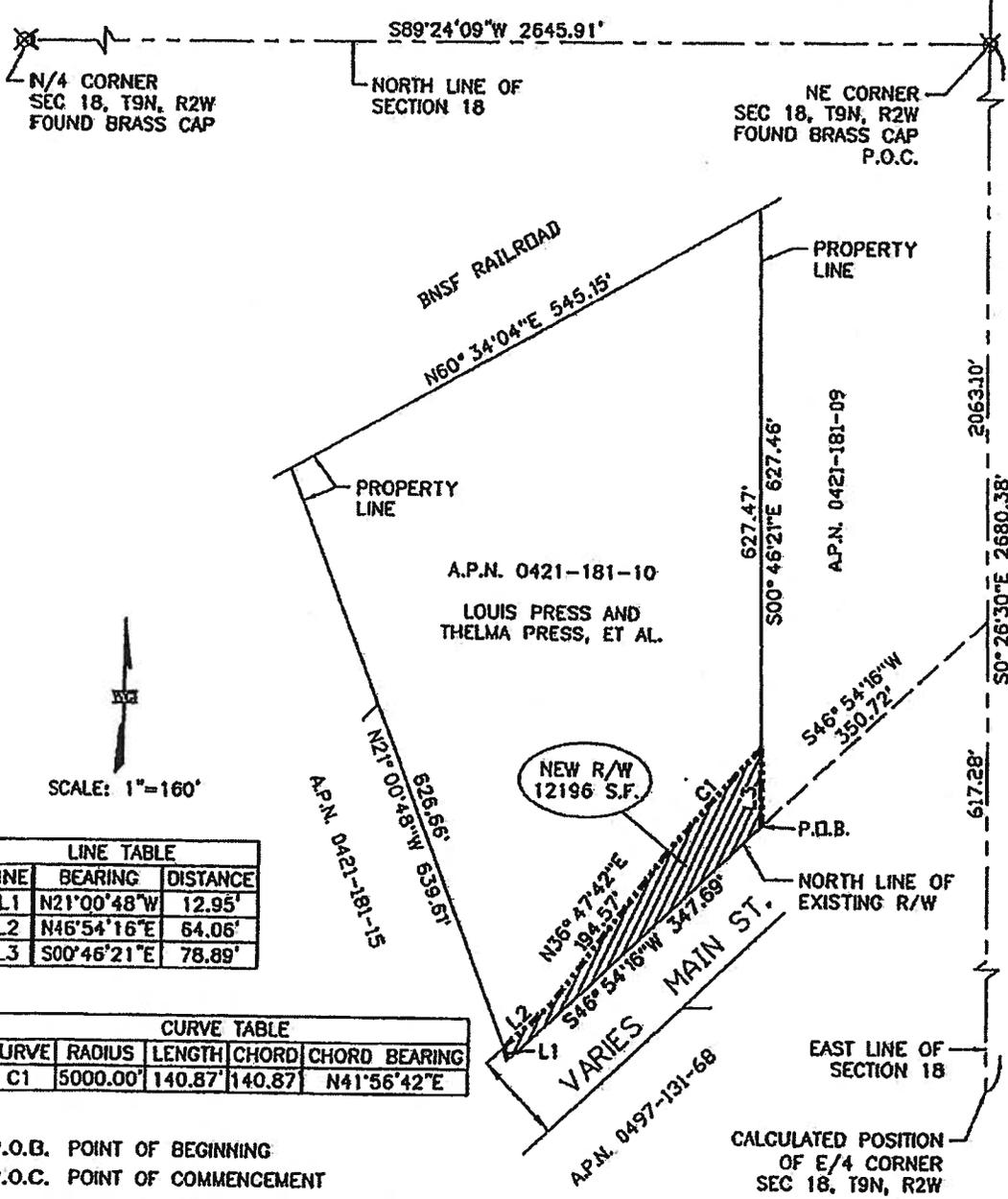


EXHIBIT "B"

PORTION OF EAST HALF OF THE NORTHEAST QUARTER OF
SECTION 18, T. 9N., R. 2W., S. B. M.



SCALE: 1"=160'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	$N21^{\circ}00'48''W$	12.95'
L2	$N46^{\circ}54'16''E$	64.06'
L3	$S00^{\circ}46'21''E$	78.89'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	5000.00'	140.87'	140.87'	$N41^{\circ}56'42''E$

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

EXHIBIT "B"

PARCEL NO.	0421-181-10	W.O. NO.	
ROAD NO.		SCALE	1" = 160'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF LOUIS PRESS AND THELMA PRESS, ET AL.



- 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 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Gassaway Parcel APN 0497-142-26 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Gassaway Parcel APN 0497-142-26 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-007 authorizing condemnation of the Gassaway Parcel APN 0497-142-26 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

*

Approved
Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG	CTC	X	CTA	SAFE	CMA
-----	-----	---	-----	------	-----

Check all that apply.

MDC1208c-bmf

Attachment: RES 13-007

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding the six parcels, including the subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013 as scheduled.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, a temporary easement, a permanent easement, and partial take of the subject property is needed to allow the construction of the proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Gassaway parcel was made on December 14, 2011.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-007

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF APN NO. 0497-142-26

WHEREAS, the San Bernardino County Transportation Commission (the "Commission") is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain portions of the property located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project includes two roadway easements as legally described in Exhibit "A" and depicted in Exhibit "B" and located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, the hereinafter described real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" and located on the East Side of Lenwood Road, South of Jasper Road in the City of Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the

Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the interests in real property described and depicted in Exhibits "A" through "D" herein. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D"; and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012 at 10:00 a.m. at Santa Fe Depot---SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the Property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of two roadway easements as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D", are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire two roadway easements as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

Section 101 of the Copyright Act of 1976, 17 U.S.C. § 101, defines "copyright" as the right of the author to reproduce, distribute, perform, display, or transmit a copyrighted work. The Act also provides for the registration of copyrights and the enforcement of those rights. The Act is designed to protect the creative process and to encourage the production of new works of art and literature.

Section 102 of the Copyright Act of 1976, 17 U.S.C. § 102

Section 102 of the Copyright Act of 1976, 17 U.S.C. § 102, defines "original works of authorship" as works that are independently created and are sufficiently creative to merit protection. The Act provides that copyright protection is available for original works of authorship fixed in a tangible medium of expression.

17 U.S.C. § 102

EXHIBIT "A"

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Elaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "A1"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;

Thence N 89°33'30" E, a distance of 52.00 feet to a point on the existing Easterly right of way line of Lenwood Road, said point being the POINT of BEGINNING,

Thence continuing N 89°33'30" E, a distance of 26.42 feet;

Thence S 0°53'03" E, a distance of 376.01 feet;

Thence S 89°33'30" W, a distance of 29.33 feet, to a point on the Easterly right of way line of Lenwood Road;

Thence N 0°26'30" W, along said Easterly right of way line, a distance of 376.00 to the POINT of BEGINNING.

Tract contains 10,481 square feet, 0.24 acres, more or less.

(End Exhibit "A1")

This legal description was prepared by me or under my direction.

By: _____

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Elaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "A2"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;

Thence N 89°33'30" E, a distance of 300.00 feet to the POINT of BEGINNING,

Thence continuing N 89°33'30" E, a distance of 50.00 feet;

Thence S 0°26'30" E, a distance of 376.00 feet;

Thence S 89°33'30" W, a distance of 47.00 feet to a point of curvature;

Thence along said curve that has a radius of 47.00 feet, a central angle of 145°56'39", a 89.88 feet chord which bears N 17°28'10" W, a distance of 119.72 feet, to a point of reverse curve;

Thence along said curve that has a radius of 53.00 feet, a central angle of 55°56'40", a 49.72 feet chord which bears N 27°31'47" E, a distance of 51.75 feet,

Thence N 00°26'30" W, a distance of 246.15 feet to the POINT of BEGINNING.

Tract contains 22,172 square feet, 0.51 acres, more or less.

(End Exhibit "A2")

This legal description was prepared by me or under my direction.

By: _____

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



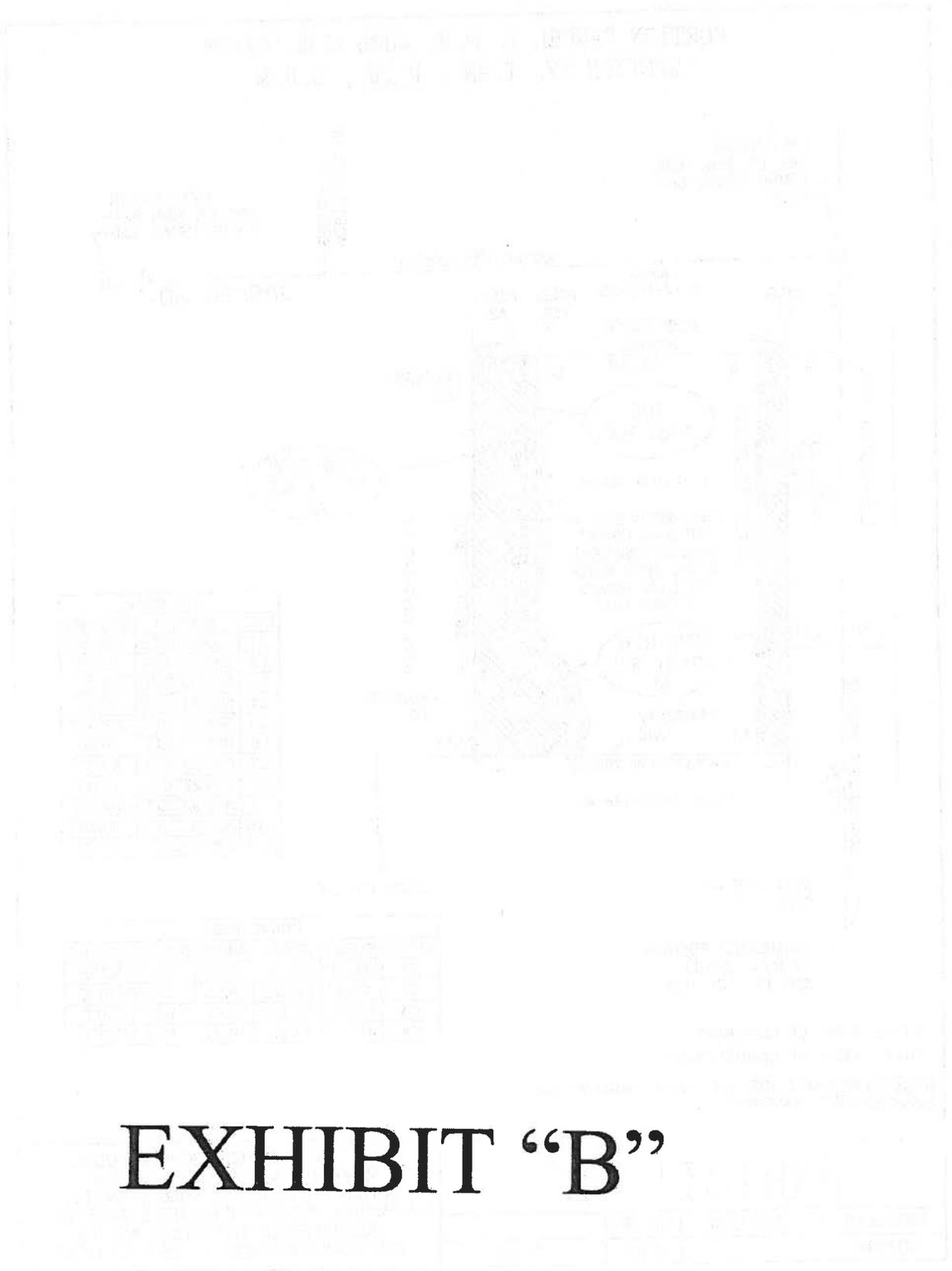
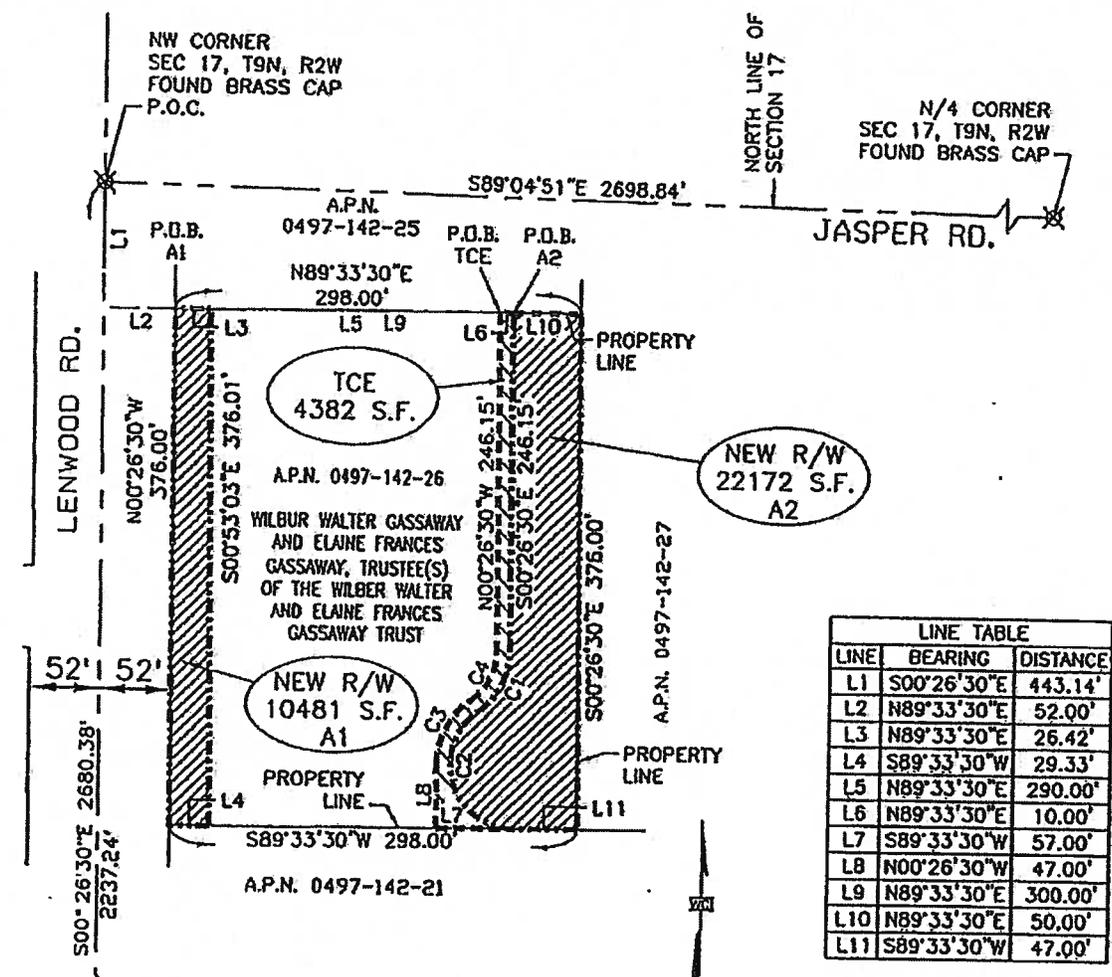


EXHIBIT "B"

PORTION PARCEL 1, P.M. 4889 M.B. 47/26
SECTION 17, T. 9N., R. 2W., S.B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	443.14'
L2	N89°33'30"E	52.00'
L3	N89°33'30"E	26.42'
L4	S89°33'30"W	29.33'
L5	N89°33'30"E	290.00'
L6	N89°33'30"E	10.00'
L7	S89°33'30"W	57.00'
L8	N00°26'30"W	47.00'
L9	N89°33'30"E	300.00'
L10	N89°33'30"E	50.00'
L11	S89°33'30"W	47.00'

SCALE: 1"=120'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	53.00'	51.75'	49.72'	S27°31'47"W
C2	47.00'	119.72'	89.88'	S17°28'10"E
C3	57.00'	55.66'	53.47'	N27°31'50"E
C4	43.00'	41.99'	40.34'	N27°31'47"E

WEST LINE OF SECTION 17
CALCULATED POSITION OF W/4 CORNER SEC 17, T9N, R2W

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

EXHIBIT "B"

PARCEL NO.	0497-142-26	W.O. NO.	
ROAD NO.		SCALE	1" = 150'

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF WILBUR WALTER GASSAWAY AND ELAINE FRANCES GASSAWAY, TRUSTEE(S) OF THE WILBUR WALTER AND ELAINE FRANCES GASSAWAY TRUST

EXHIBIT "C"

T9N, R2W, Section 17, S.B.M.

A.P.N. 497-142-26

Owner: Wilber Walter Gassaway and

Elaine Frances Gassaway, Trustee(s) of

The Wilber Walter and Elaine Frances Gassaway Trust

dated 9-30-98

To: City of Barstow

EXHIBIT "TCE"

Legal Description

A portion of Parcel 1 of Parcel Map No. 4889, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 47, page 26 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northwest corner of Section 17, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 0°26'30" E, along the West line of said Section 17, a distance of 443.14 feet;

Thence N 89°33'30" E, a distance of 290.00 feet to the POINT of BEGINNING,

Thence continuing N 89°33'30" E, a distance of 10.00 feet;

Thence S 00°26'30" E, a distance of 246.15 feet to a point of curvature;

Thence along said curve that has a radius of 53.00 feet, a central angle of 55°56'40", a 49.72 feet chord which bears S 27°31'47" W, a distance of 51.75 feet to a point of reverse curve;

Thence along said curve that has a radius of 47.00 feet, a central angle of 145°56'39", and a 89.88 feet chord which bears S 17°28'10" E, a distance of 119.72 feet;

Thence S 89°33'30" W, a distance of 57.00 feet,

Thence N 0°26'30" W, a distance of 47.00 feet, to a point of non tangent curve;

Thence along said curve that has a radius of 57.00 feet, a central angle of 55°56'40", a 53.47 feet chord which bears N 27°31'50" E, a distance of 55.66 feet to a point of reverse curve;

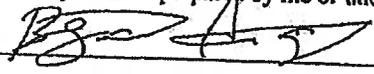
Thence along said curve that has a radius of 43.00 feet, a central angle of 55°56'40", and a 40.34 feet chord which bears N 27°31'47" E, a distance of 41.99 feet;

Thence N 00°26'30" W, a distance of 246.15 to the POINT of BEGINNING.

Tract contains 4,382 square feet, 0.10 acres, more or less.

(End Exhibit "TCE")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016



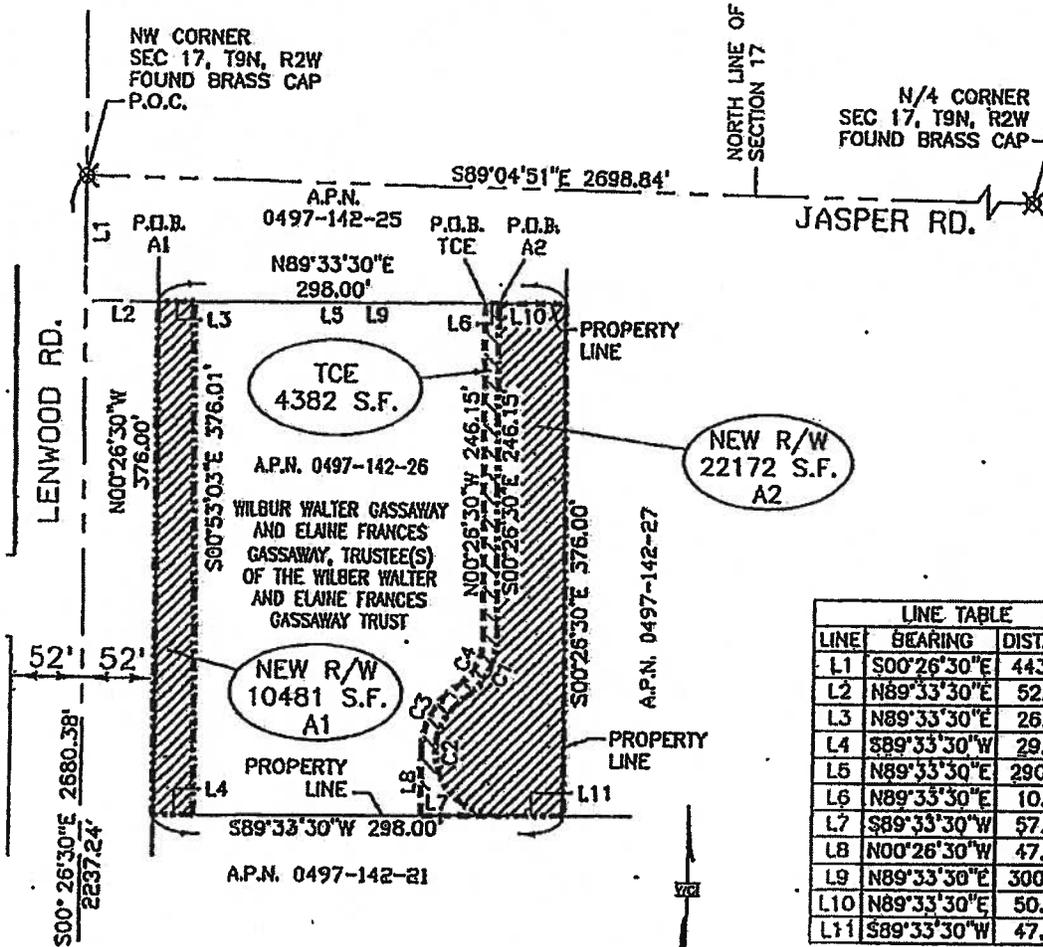
EXHIBIT "D"

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EXHIBIT "D"

PORTION PARCEL 1, P.M. 4889 M.B. 47/26
SECTION 17, T. 9N., R. 2W., S.B.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	443.14'
L2	N89°33'30"E	52.00'
L3	N89°33'30"E	26.42'
L4	S89°33'30"W	29.33'
L5	N89°33'30"E	290.00'
L6	N89°33'30"E	10.00'
L7	S89°33'30"W	57.00'
L8	N00°26'30"W	47.00'
L9	N89°33'30"E	300.00'
L10	N89°33'30"E	50.00'
L11	S89°33'30"W	47.00'

SCALE: 1"=120'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	53.00'	51.75'	49.72'	S27°31'47"W
C2	47.00'	119.72'	89.88'	S17°28'10"E
C3	57.00'	55.66'	53.47'	N27°31'50"E
C4	43.00'	41.99'	40.34'	N27°31'47"E

WEST LINE OF SECTION 17
CALCULATED POSITION OF W/4 CORNER SEC 17, T9N, R2W

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSRUCT

PARCEL NO.	0497-142-26	W.O. NO.	
ROAD NO.		SCALE	1" = 150'



- 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 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Fulmer Parcel APN 0497-131-59 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Fulmer Parcel APN 0497-131-59 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-008 authorizing condemnation of the Fulmer Parcel APN 0497-131-59 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

*

	<p><i>Approved</i> <i>Mountain Desert Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	CTC	X	CTA	SAFE	CMA	
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Check all that apply.
 MDC1208d-bmf
 Attachment: RES 13-008

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding six parcels, including the subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, a temporary easement, a permanent easement, and partial take of the subject property is needed to allow the construction of the proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Fulmer parcel was submitted December 13, 2011.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-008

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF APN NO. 0497-131-59

WHEREAS, the San Bernardino County Transportation Commission (the "Commission") is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain portions of the property located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project includes a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" and located at 3870 Lenwood Road in the City of Barstow, California; and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the

interests in real property described and depicted in Exhibits "A" through "D" herein. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the property described and depicted in Exhibits "A" through "D"; and

WHEREAS, the Commission provided written notice to the City of Barstow as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012 at 10:00 a.m. at Santa Fe Depot---SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired are more particularly described and depicted in Exhibits "A" through "D" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interests, as described and depicted in Exhibits "A" through "D", are necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a roadway easement as legally described in Exhibit "A" and depicted in Exhibit "B" and a temporary construction easement as legally described in Exhibit "C" and depicted in Exhibit "D", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012
by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

EXHIBIT "A"

Section 11 - The Board of Directors of the Corporation ("Board") is authorized to amend the Charter of the Corporation and to make such amendments as may be necessary to carry out the purposes of the Corporation. The Board may also amend the Charter to conform to the laws of the State of New York and to the requirements of the Securities Exchange Act of 1934 and the Securities Exchange Act of 1933. The Board may also amend the Charter to conform to the requirements of the Securities Exchange Act of 1934 and the Securities Exchange Act of 1933. The Board may also amend the Charter to conform to the requirements of the Securities Exchange Act of 1934 and the Securities Exchange Act of 1933.

Section 12 - The Board of Directors of the Corporation is authorized to make such amendments to the Charter as may be necessary to carry out the purposes of the Corporation.

Section 13 - The Board of Directors of the Corporation is authorized to make such amendments to the Charter as may be necessary to carry out the purposes of the Corporation.

Section 14

Section 15

Section 16

Section 17
Section 18

Section 19

Section 20
Section 21

EXHIBIT "A"

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-59

Owner: Carroll Fulmer Management Co., Inc.

To: City of Barstow

EXHIBIT "A"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 689.75 feet;

Thence S 89°24'09" W, a distance of 52.00 feet to a point on the existing Westerly right of way line of Lenwood Road, said point being the POINT of BEGINNING,

Thence S 00°26'30" E, along said right of way line, a distance of 300.26 feet;

Thence S 89°24'09" W, a distance of 50.50 feet, to a point of non tangent curvature;

Thence along said non tangent curve that has a radius of 47.00 feet, a central angle of 145°46'06", and a 89.84 feet chord which bears N 17°49'26" W, a distance of 119.57 feet to a point of reverse curve;

Thence along said curve that has a radius of 53.00 feet, a central angle of 55°44'39", and a 49.56 feet chord which bears N 27°11'16" E, a distance of 51.57 feet;

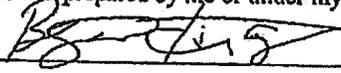
Thence N 00°53'03" W, a distance of 170.61 feet, to a point on the Southerly right of way line of Coyoto Road;

Thence N 89°24'09" E, along said Southerly line, a distance of 55.67 feet to the POINT of BEGINNING.

Tract contains 19,741 square feet, 0.45 acres, more or less.

(End Exhibit "A")

This legal description was prepared by me or under my direction.

By: 

Benjamin M. Aragon, Professional Land Surveyor

Date: 10/7/11 PLS 8016



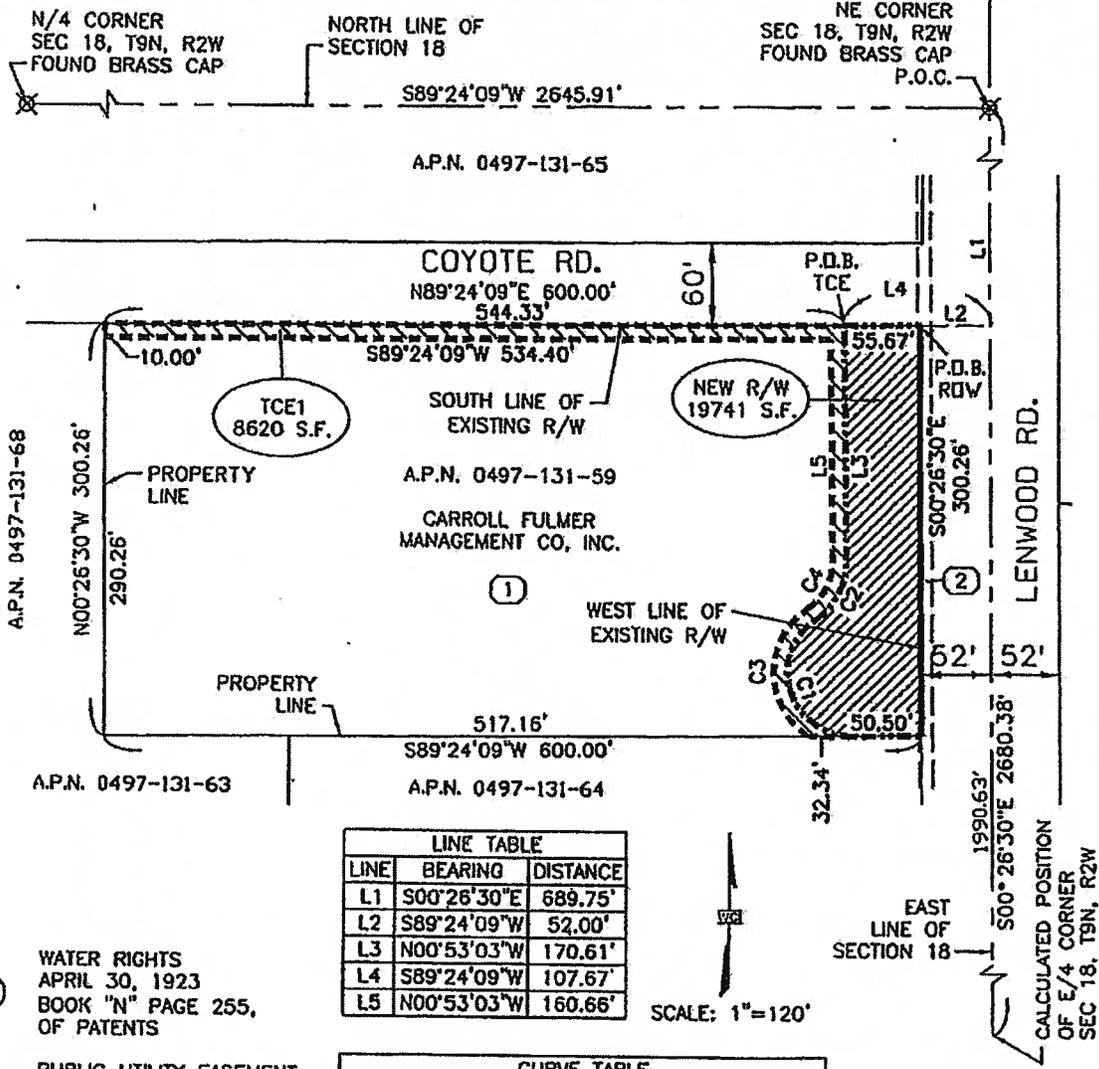
THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE DISTRICT OF COLUMBIA
IN RE: [Illegible Name]
[Illegible Name]

EXHIBIT "B"

[Illegible text block containing multiple lines of faint, mirrored text, likely bleed-through from the reverse side of the page.]

EXHIBIT "B"

PORTION PARCEL 2, P. M. 6622 M. B. 63/85
SECTION 18, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	689.75'
L2	S89°24'09"W	52.00'
L3	N00°53'03"W	170.61'
L4	S89°24'09"W	107.67'
L5	N00°53'03"W	160.66'

SCALE: 1"=120'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	47.00'	119.57'	89.84'	N17°49'26"W
C2	53.00'	51.57'	49.56'	N27°11'16"E
C3	57.00'	110.63'	94.06'	N00°32'26"W
C4	43.00'	41.80'	40.17'	N27°12'40"E

① WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

② PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PUBLIC ROADWAY AND UTILITY EASEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B1"

PLAT SHOWING LOCATION OF PUBLIC ROADWAY AND UTILITY EASEMENT WITHIN THE LANDS OF CARROLL FULMER MANAGEMENT CO, INC.

PARCEL NO.	0497-131-59	W.O. NO.	
ROAD NO.		SCALE	1"=120'

T9N, R2W, Section 18, S.B.M.

A.P.N. 497-131-59

Owner: Carroll Fulmer Management Co., Inc.

To: City of Barstow

EXHIBIT "TCE1"

Legal Description

A portion of Parcel 2 of Parcel Map No. 6622, in the City of Barstow, County of San Bernardino, State of California, as per Plat recorded in book 63, page 85 of Parcel Maps, in the office of the county recorder of said county, described as follows:

Commencing at the Northeast corner of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence S 00°26'30" E, along the East line of said Section 18, a distance of 689.75 feet;

Thence S 89°24'09" W, along the Southerly right of way line of Coyote Road, a distance of 107.67 feet to the POINT of BEGINNING;

Thence S 00°53'03" E, a distance of 170.61 feet, to a point of curvature;

Thence along said curve to the right that has a radius of 53.00 feet, a central angle of 55°44'39", a 49.56 feet chord which bears S 27°11'16" W, a distance of 51.57 feet, to a point of reverse curve;

Thence along said curve to the left that has a radius of 47.00 feet, a central angle of 145°46'06", a 89.84 feet chord which bears S 17°49'26" E, a distance of 119.57 feet, to a point the Southerly property line of Parcel 2;

Thence S 89°24'09" W, along said Southerly line, a distance of 32.34 feet to a point of curvature;

Thence along said curve to the right that has a radius of 57.00 feet, a central angle of 111°12'05", and a 94.06 feet chord which bears N 00°32'26" W, a distance of 110.63 feet to a point of reverse curve;

Thence along said curve to the left that has a radius of 43.00 feet, a central angle of 55°41'51", and a 40.17 feet chord which bears N 27°12'40" E, a distance of 41.80;

Thence N 00°53'03" W, a distance of 160.66 feet;

Thence S 89°24'09" W, a distance of 534.40 feet, to a point the Westerly property line of Parcel 2;

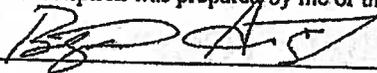
Thence N 00°26'30" W, along said Westerly line, a distance of 10.00 feet, to a point on the Southerly right of way line of Coyote Road;

Thence N 89°24 '09" E, along said Southerly line, a distance of 544.33 feet to the POINT of BEGINNING.

Tract contains 8,620 square feet, 0.20 acres, more or less.

(End Exhibit "TCE1")

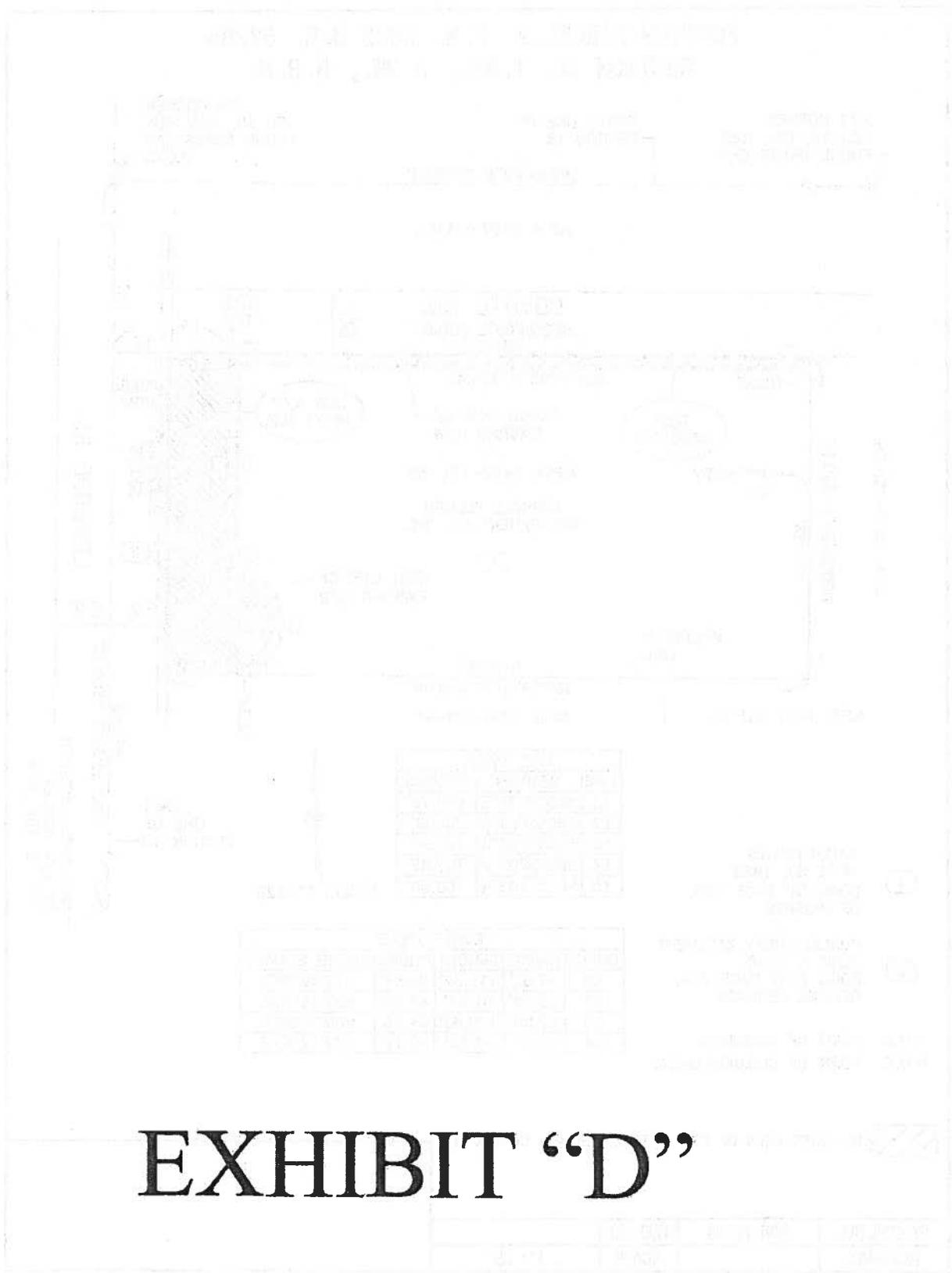
This legal description was prepared by me or under my direction.

By: 

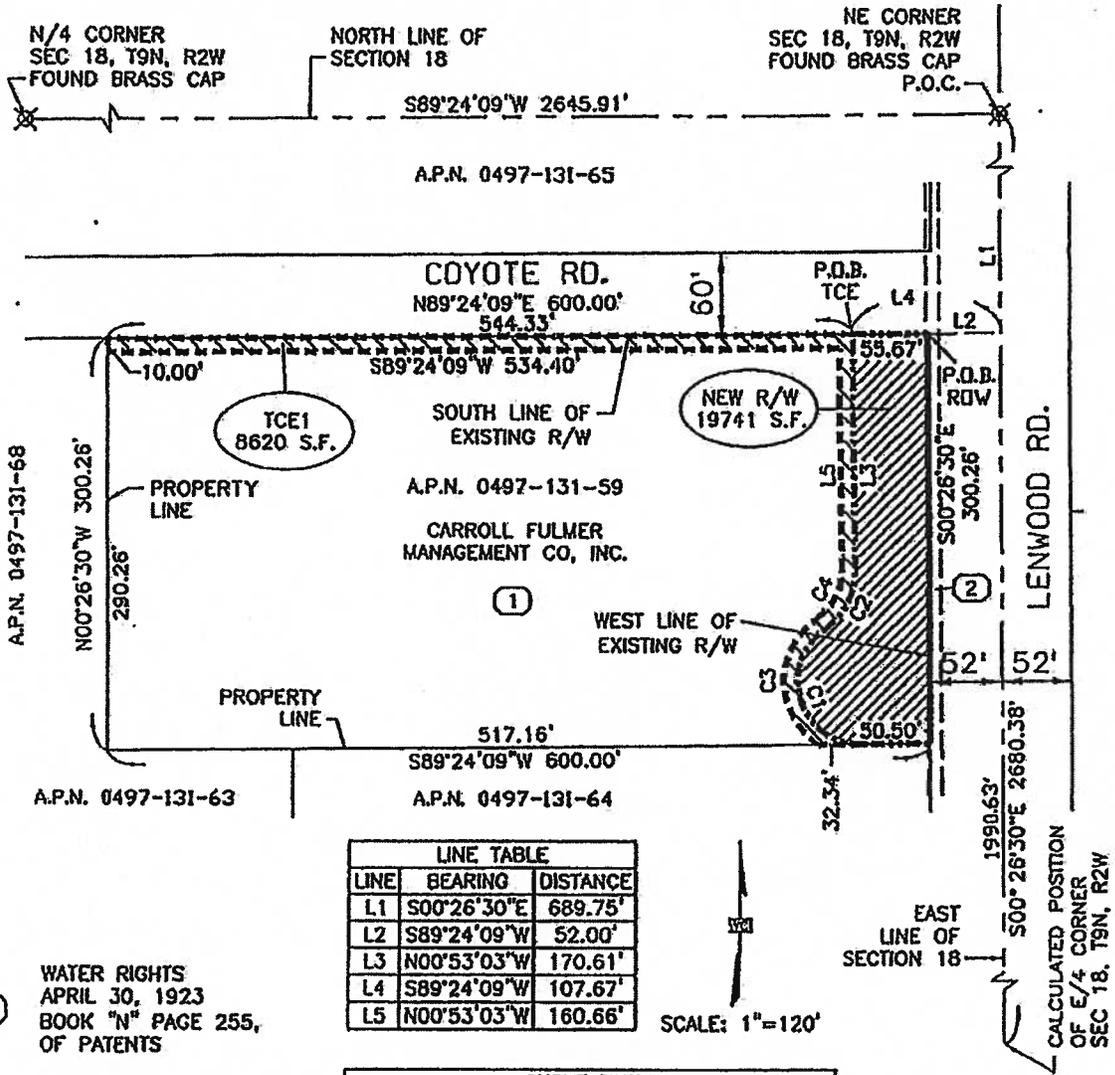
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016





PORTION PARCEL 2, P. M. 6622 M. B. 63/85
SECTION 18, T. 9N., R. 2W., S. B. M.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°26'30"E	689.75'
L2	S89°24'09"W	52.00'
L3	N00°53'03"W	170.61'
L4	S89°24'09"W	107.67'
L5	N00°53'03"W	160.66'

SCALE: 1"=120'

1 WATER RIGHTS
APRIL 30, 1923
BOOK "N" PAGE 255,
OF PATENTS

2 PUBLIC UTILITY EASEMENT
JUNE 5, 1968
BOOK 7037 PAGE 770,
OFFICIAL RECORDS

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	47.00'	119.57'	89.84'	N17°49'26"W
C2	53.00'	51.57'	49.56'	N27°11'16"E
C3	57.00'	110.63'	94.06'	N00°32'26"W
C4	43.00'	41.80'	40.17'	N27°12'40"E

INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

PARCEL NO.	0497-131-59	W.O. NO.	
ROAD NO.		SCALE	1" = 120'



- 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 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Carmean and Vogler Parcel APN 0421-172-12 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Carmean and Vogler Parcel APN 0421-172-12 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-009 authorizing condemnation of the Carmean and Vogler APN 0421-172-12 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

*

Approved
Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	
-----	--	-----	---	-----	--	------	--	-----	--

Check all that apply.

MDC1208e-bmf

Attachment: RES 13-009

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding the six parcels, including subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013 as scheduled.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, a temporary construction easement on subject property is needed to allow the construction of proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Carmean and Vogler parcel was made on December 22, 2011.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-009

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF APN NO. 0421-172-12

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain an interest in a portion of the property located on the South Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project includes a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B" and located on the South Side of Main Street, West of Lenwood Road, Lenwood (unincorporated), California ("Property"); and

WHEREAS, reasonable pedestrian and vehicular access to the subject property will be maintained during construction; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012, there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of an interest in the Property. The Notice of Hearing was mailed to the listed address of all persons whose

names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the City of Barstow and County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012, at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and

(e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a temporary construction easement as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described interests in real property

in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the interests in the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012 by the following vote:

A YES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

EXHIBIT "A"

T9N, R2W, Section 18, S.B.M.

A.P.N. 421-172-12

Owner: Clayton A. Carmean, Janice J. Carmean, Albert H. Vogler

Rita K. Vogler; as tenants in common

To: City of Barstow

EXHIBIT "TCE"

Legal Description

A portion of the Northeast Quarter of the Southeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Tax Deed Document #2010-0253045 Recorded in Official Records County of San Bernardino, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 18, Township 9 North, Range 2 West, San Bernardino Meridian;

Thence N 0°33'24" W, along the East line of said Section 18, a distance of 2300.61 feet to the POINT of BEGINNING;

Thence along a curve to the left that has a radius of 275.00 feet, a central angle of 31°56'33", a 151.34 feet chord which bears N 74°32'45" W, a distance of 153.31 feet;

Thence S 89°28'58" W, a distance of 168.91 feet to a point of curvature;

Thence along said curve to the right that has a radius of 325.00 feet, a central angle of 47°20'57", a 261.00 feet chord which bears N 66°50'33" W, a distance of 268.58 feet;

Thence N 43°10'05" W, a distance of 113.07 feet;

Thence N 88°08'37" W, a distance of 53.83 feet to a point on the Southerly right of way line of Main Street;

Thence N 46°54'16" E, along said Southerly right of way line, a distance of 126.07 feet;

Thence S 1°50'57" W, a distance of 53.76 feet;

Thence S 43°10'05" E, a distance of 112.99 feet to a point of curvature;

Thence along said curve to the left that has a radius of 275.00 feet, a central angle of 47°20'57", a 220.85 feet chord which bears S 66°50'33" E, a distance of 227.26 feet;

Thence N 89°28'58" E, a distance of 168.91 feet to a point of curvature;

Thence along said curve to the right that has a radius of 325.00 feet, a central angle of 24°19'07", a 136.91 feet chord which bears S 78°21'28" E, a distance of 137.94 feet;

Thence N 44°16'14" E, a distance of 16.47 feet to a point on the Easterly line of said Section 18;

Thence S 0°33'24" E, a distance of 74.49 feet to the POINT of BEGINNING.

Tract contains 37,539 square feet, 0.86 acres, more or less.

(End Exhibit "TCE")

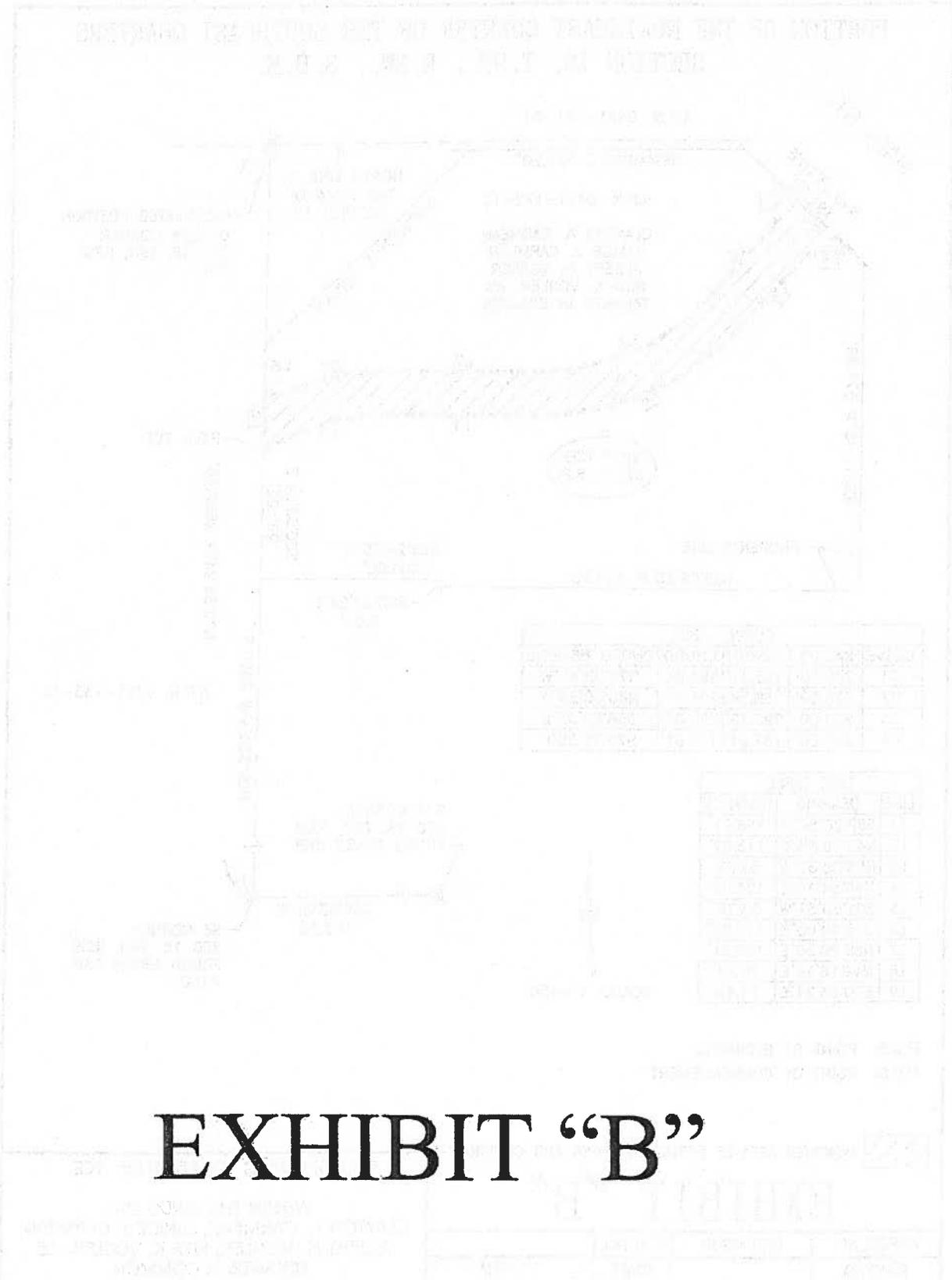
This legal description was prepared by me or under my direction.

By: _____

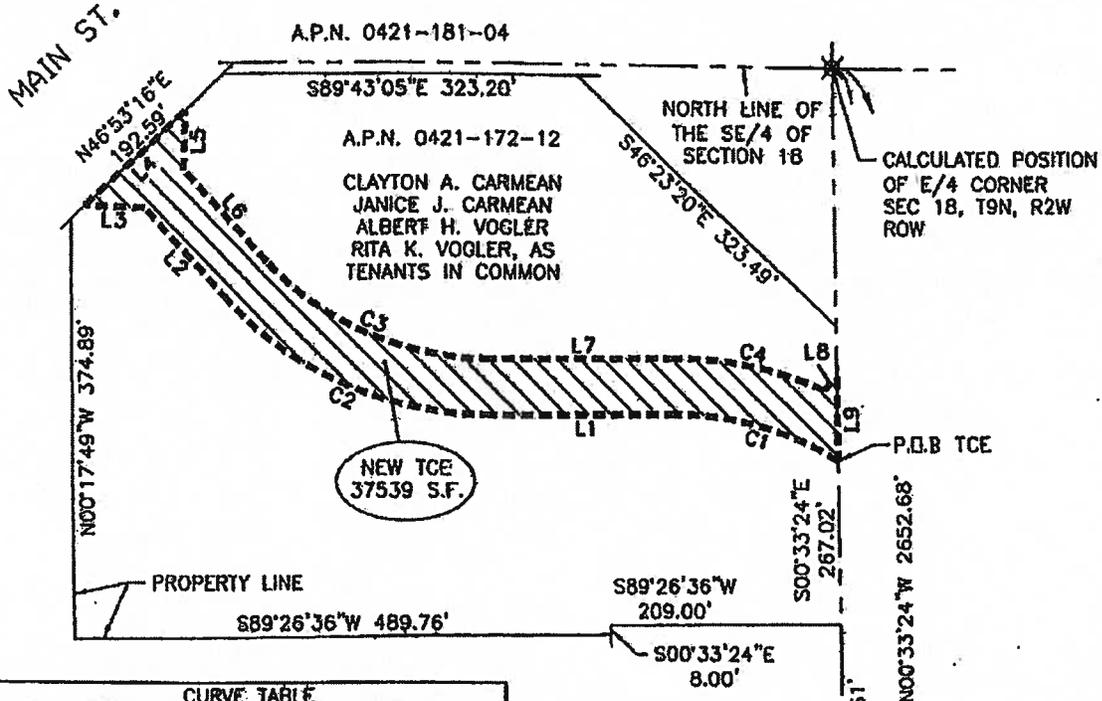
Benjamin M. Aragon, Professional Land Surveyor

Date: 10/4/11 PLS 8016





PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTERS
SECTION 18, T. 9N., R. 2W., S. B. M.



CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	275.00'	153.31'	151.34'	N74°32'45"W
C2	325.00'	288.58'	261.00'	N66°50'33"W
C3	275.00'	227.26'	220.85'	S86°50'33"E
C4	325.00'	137.84'	136.91'	S78°21'28"E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°28'58"W	168.91'
L2	N43°10'05"W	113.07'
L3	N88°08'57"W	53.83'
L4	N46°54'16"E	126.07'
L5	S01°50'57"W	53.76'
L6	S43°10'05"E	112.99'
L7	N89°28'58"E	168.91'
L8	N44°16'14"E	16.47'
L9	S00°33'24"E	74.49'

SCALE: 1"=150'

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

INDICATES AREA OF PERMIT TO ENTER AND CONSTRUCT

EXHIBIT "B"

PLAT SHOWING LOCATION OF TCE
WITHIN THE LANDS OF
CLAYTON A. CARMEAN, JANICE J. CARMEAN,
ALBERT H. VOGLER, RITA K. VOGLER, AS
TENANTS IN COMMON

PARCEL NO.	0421-133-12	W.G. NO.	
ROAD NO.		SCALE	1"=150'



- 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: 9

Date: August 17, 2012

Subject: Hearing to Consider Resolution of Necessity for the Rodarte Parcel APN 0422-043-30 for the Lenwood Road Grade Separation Project

Recommendations:* That the Committee recommend the Board, acting as the County Transportation Commission:

1. Conduct a public hearing to consider condemnation of the Rodarte Parcel APN 0422-043-30 required for the Lenwood Road Grade Separation project (project) in the County of San Bernardino and the City of Barstow, and
2. Adopt the attached Resolution of Necessity No. 13-010 authorizing condemnation of the Rodarte Parcel APN 0422-043-30 declaring the following (2/3rd majority vote required):
 - a. The public interest and necessity require the project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

*

Approved
Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG	CTC	X	CTA	SAFE	CMA
-----	-----	---	-----	------	-----

Check all that apply.

MDC1208f-bmf

Attachment: RES 13-010

Background:

SANBAG has made steady progress towards the start of construction on the Lenwood Road Grade Separation. 100% Plans, Specifications, and Estimates will be submitted for final review and approval in August 2012. One of the remaining critical path items is right-of-way acquisition. The SANBAG Board has approved appraisals and authorized offers for properties required for the grade separation project. SANBAG's right-of-way agent, Epic Land Solutions, Inc. sent offers to each property owner and a number of parcels are being acquired through negotiated sale. While Epic continues to negotiate with property owners of the subject parcels, not all parcels will be acquired through a negotiated sale. Negotiations with the subject property owner have not been successful and the property will need to be acquired through eminent domain which requires a prescribed process.

SANBAG, acting as the County Transportation Commission is authorized to acquire property by eminent domain pursuant to Public Utilities Code Section 130220.5. Throughout the eminent domain process, SANBAG's right-of-way agent will continue to negotiate with the property owners in an attempt to reach a negotiated sale for the necessary parcels.

On August 1, 2012, the Board scheduled a public hearing for September 5, 2012, to consider a Resolution of Necessity regarding six parcels, including the subject parcel.

The adoption of the attached Resolution of Necessity by the Board of Directors allows for the eminent domain process to proceed which results in obtaining legal rights to the property needed for the project. Since the process takes several months, it is necessary to start this process now to ensure that the property is obtained in time for construction to start in 2013 as scheduled.

There are four components to the resolution which need to be confirmed for the project. The issue of compensation value for these projects is not addressed by this resolution. The four components are listed below:

1. The public interest and necessity require the project.

This project will increase safety and reduce traffic delay with grade separating Lenwood Road and the BNSF tracks.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The project is being constructed on the existing alignment to minimize impacts on adjacent properties.

3. The property sought to be acquired is necessary for the project.

While most of the project is being constructed within existing right-of-way, a full take of the subject property is needed to allow the construction of the proposed improvements.

4. An offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code. The first offer for the Rodarte parcel was made on June 8, 2012.

Financial Impact: This item has no impact on the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0881.

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

Responsible Staff: Garry Cohoe, Director of Project Delivery

RESOLUTION NO. 13-010

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION COMMISSION FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY FOR
PUBLIC USE AND AUTHORIZING AND DIRECTING
CONDEMNATION OF APN NO. 0422-043-30**

WHEREAS, the San Bernardino County Transportation Commission (the "Commission"), is undertaking the Lenwood Road Grade Separation Project (the "Project") that necessitates the Commission to acquire by eminent domain the property located at 24955 West Main Street, Lenwood (unincorporated), California; and

WHEREAS, the Project is intended to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Commission to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on September 5, 2012, the Commission's members authorized the Commission to acquire property interests for the Project; and

WHEREAS, the real property required for the Project is a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B" and is located at 24955 West Main Street, Lenwood (unincorporated), California (the "Property"); and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on August 7, 2012 there was mailed a Notice of Hearing on the Intent of the Commission to adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Property; and

WHEREAS, the Commission provided written notice to the County of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Commission at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Commission scheduled a hearing for September 5, 2012 at 10:00 a.m. at Santa Fe Depot--SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Commission and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Commission's notice of intention to conduct a hearing on whether to adopt a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Commission may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Commission does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. The Commission has complied with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Commission to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety, decrease traffic congestion and improve passenger rail operations by building grade separations between the roadway and the rail lines; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interest to be acquired is more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Commission hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interest, as described and depicted in Exhibits "A" and "B", is necessary for the proposed Project;
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record; and
- (e) All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by the Commission.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Commission is hereby authorized and empowered to acquire a fee interest as legally described in Exhibit "A" and depicted in Exhibit "B", including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for the Commission ("Counsel") is hereby authorized and empowered to acquire the hereinabove described real property in the name of and on behalf of the Commission by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the Commission to take possession of and use real property at the earliest possible time. Counsel is further authorized to correct any errors in this Resolution of Necessity or to make or agree to non-material changes in

the legal descriptions of the real property that are deemed necessary for the conduct of the eminent domain action or other proceedings or transactions required to acquire the subject real property.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Commission on September ____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Janice Rutherford,
Commission Chair

ATTEST:

Vicki Watson,
Commission Clerk

EXHIBIT "A"

It is the policy of the Department of Health and Human Services to make available to the public as much information as possible about the activities of the Department and its agencies. It is the policy of the Department to make available to the public as much information as possible about the activities of the Department and its agencies.

Information on the Department's activities can be obtained from the following sources:

1. The Department's website, <http://www.hhs.gov>

2. The Department's publications

3. The Department's press releases

4. The Department's newsroom

For more information, please contact the Department's public information officer at PIO@hhs.gov or call 1-800-458-5231.

5. The Department's social media channels

6. The Department's public meetings and hearings

EXHIBIT "A"

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Lots 1, 2, 3, and 4 in Block 37 of Townsite of Lenwood, in the County of San Bernardino, State of California, as shown by Map on file in Book 23, Page(s) 25 through 27, inclusive, of Maps, Records of San Bernardino County, California.

Assessor's Parcel Number: 0422-043-30-0-000

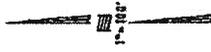
EXHIBIT "B"

EXHIBIT "B"

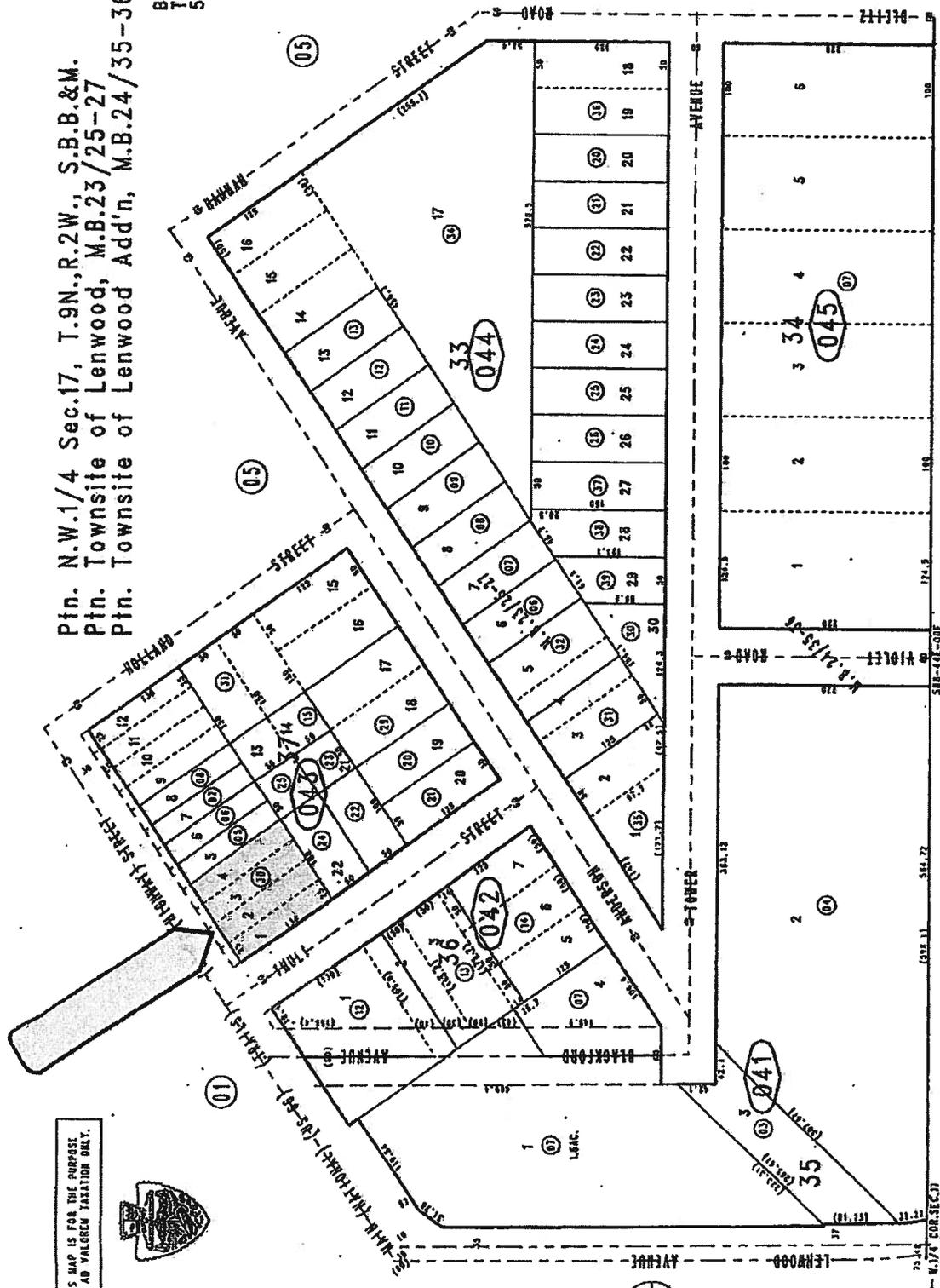
0422-04

Ptn. N.W.1/4 Sec.17, T.9N.,R.2W., S.B.B.&M.
Ptn. Townsite of Lenwood, M.B.23/25-27
Ptn. Townsite of Lenwood Add'n, M.B.24/35-36

Barstow Unified
Tax Rate Area
56117



REVISED
06/12/05 BY
06/13/06 GL
05' 0.5' 2300E



Assessor's Map
Book 0422 Page 04
San Bernardino County

0421
13

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



October 2003



- 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: 10

Date: August 17, 2012

Subject: Lenwood Road Grade Separation Project

Recommendation:* That the Committee recommend the Board authorize staff to release Request for Proposals No. C13032 for Construction Management, Materials Testing, Construction Survey, and Public Outreach services associated with the construction of the Lenwood Road Grade Separation Project.

Background: In June 2011, the San Bernardino Associated Governments (SANBAG) Board approved Cooperative Agreement No. C11199 with the City of Barstow and County of San Bernardino, to define the roles and responsibilities of the parties in completing and funding the Right-of-Way and Construction phases for the Lenwood Road Grade Separation Project. Per the terms of the agreement, SANBAG is responsible for advertising, awarding, and administrating (AAA) the project. Prior to the Plans, Specifications, and Estimates (PS&E) being completed, staff would like to bring on a Construction Management consultant to provide a constructability review so that their comments can be incorporated into the 100% PS&E plans. The consultant will provide the constructability review, construction management, material testing, construction surveying, and public outreach services. It is scheduled to execute the contract with the selected Construction Management consultant in December, with construction of the grade separation commencing next spring.

Financial Impact: This item is consistent with the Fiscal Year 2012/2013 budget. Task No. 0881

*

Approved
Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG	CTC	X	CTA	X	SAFE	CMA	
-----	-----	---	-----	---	------	-----	--

Check all that apply.

MDC1208i-bmf

Attachments: RFP C13032

Reviewed By: SANBAG General Counsel and Contract Administrator have approved this item and RFP 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
SCOPE OF SERVICES**

CONTRACT NO: C13032

San Bernardino Associated Governments

Lenwood Road Grade Separation Project

INDEX

- A. DESCRIPTION OF SERVICES
- B. PERFORMANCE REQUIREMENTS
- C. DUTIES AND RESPONSIBILITIES
 - 1. Pre-construction Services
 - 2. Bid Process
 - 3. Project Administration
 - 4. Construction Coordination
 - 5. Construction Inspection
 - 6. Project Support
 - 7. Cost and Schedule
 - 8. Change Orders and Claims
 - 9. Safety
 - 10. Project Close Out
- D. DELIVERABLES
- E. EQUIPMENT AND MATERIALS TO BE PROVIDED BY CONSULTANT
- F. MATERIALS TO BE FURNISHED BY SANBAG
- G. STANDARDS
- H. AVAILABILITY AND WORK HOURS
- I. LIMITATIONS TO AUTHORITY
- J. THIRD PARTY RELATIONSHIPS
- K. CONSTRUCTION SITE SAFETY
- L. BASIS FOR SURVEY AND MONUMENT MARKING
- M. PERSONNEL QUALIFICATIONS

A. DESCRIPTION OF SERVICES

The San Bernardino County Transportation Authority (SANBAG) will utilize the services of CONSULTANT to support the construction activities for the Project. The CONSULTANT will provide construction management, materials testing, construction surveying and public outreach for the Project. A description of the Project is given below.

Lenwood Road Grade Separation Project

The construction project is located along Lenwood Road in the City of Barstow. This project proposes to grade separate Lenwood Road over the BNSF railroad tracks at the current at-grade crossing. Lenwood Road will be expanded from two to four lanes between Main and Jasper Streets to match the City of Barstow's General Master Plans to two lanes in each direction. The construction project includes the following work elements:

- Construction of a four-lane roadway bridge.
- Construction of retaining walls.
- Drainage improvements
- Local street improvements and modifications to adjacent property lots.

The project will also include utility relocations, drainage modifications, signing and striping, traffic handling, and erosion control.

SANBAG intends to advertise, award and administer one construction contract for this project. The successful consultant firm will provide the construction management and support services.

Services

Services are anticipated to generally include, but are not limited to the following: participation in the evaluation of scheduling of the proposed project; constructability review; construction project advertising, bid analysis, and award; construction inspection; construction surveying, materials testing, landscape inspection, contractor interface and contract administration; office engineering; public outreach services and other assorted duties as appropriate in managing construction of a capital railroad grade separation improvement project.

It is expected that the Consultant will assign a full-time Resident Engineer to coordinate all contract and personnel activities for all phases of construction. Other Resident Engineer(s) and inspection personnel may be assigned to direct and coordinate all project specific field activities and responsibilities as needed for satisfactory performance on the project. The Resident Engineer and every Resident Engineer assigned for this project shall be licensed as a Professional Civil Engineer in the State of California at the time of proposal submittal through the duration of the contract. The Consultant is expected to provide a Survey Project Manager, Materials Testing Project Manager, and Landscape Architect to administer the construction support services requested herein and to assign qualified field personnel to perform the requested services. Furthermore, the Consultant shall provide a public outreach liaison to assist the Authority's

Public Information Office, and the City of Barstow in implementing the Public Outreach Program established for this project.

Insofar as the Consultant's approach described in the Proposal, the scope of responsibility and the total number of personnel assigned to each phase is left to the discretion of the Consultant. The Proposal shall include a staffing plan, an organization chart and a resource loaded schedule that establish the firm's ability to adequately and appropriately staff and manage the project.

The Authority anticipates that the total contract will be approximately 29 months in duration, with preconstruction services starting in December 2012, construction starting in June 2013 and ending in March 2015 followed by closeout activities not exceeding two months. The estimated construction capital cost of the project is about \$20 million.

CONSULTANT shall provide qualified construction management and inspection, materials testing, construction surveying and public relations personnel to perform a wide variety of construction management, support and contract administration duties as outlined in this Scope of Services for the Project.

SANBAG has designated a Project Manager to coordinate all construction activities.

Mr. Mike Barnum, Construction Manager

The CONSULTANT shall report to and receive direction from SANBAG through the Project Manager, or his designees. The SANBAG Project Manager is responsible for coordination of all SANBAG construction activities and for coordinating the efforts of the total construction team. The SANBAG Project Manager will be the main contact and primary source of information between SANBAG, cities, outside agencies, supporting consultants and the public for the construction projects.

B. PERFORMANCE REQUIREMENTS

Construction Management: CONSULTANT shall furnish a Project Manager to coordinate CONSULTANT operations with SANBAG. The Project Manager shall be responsible for all matters related to CONSULTANT personnel and operations. The Project Manager may also serve as the Resident Engineer. The Resident Engineer shall be assigned to direct and coordinate construction activities under this contract. Other Assistant Resident Engineers may be assigned to each specific project responsibilities as needed. The Resident Engineer shall be a Civil Engineer registered in the State of California and shall be in responsible charge of construction management and construction activity within the Project.

The number of CONSULTANT personnel assigned to the Project will vary throughout the duration of the contract. CONSULTANT personnel will be assigned, in varying levels of responsibility, as needed by the CONSULTANT to meet the Project schedule, Project requirements, and construction activities.

Resumes of personnel must be submitted to SANBAG for review and approval prior to assignment to the Project. SANBAG and CONSULTANT will jointly determine the quality and quantity of services that are required by CONSULTANT personnel. Personnel selected for

assignment by CONSULTANT shall be made available for personal interviews prior to acceptance by SANBAG. If, in the opinion of SANBAG, an individual lacks adequate experience, the individual may be rejected or may be accepted on a trial basis until such time the individual's ability to perform the required services has been demonstrated. If, at any time, the performance of CONSULTANT personnel is unsatisfactory to SANBAG, SANBAG may release him/her by written notice and may request another qualified person be assigned.

If CONSULTANT personnel are on leave of absence, the Project Manager shall provide equally qualified replacement personnel until the assigned personnel returns to the Project approved by SANBAG.

The typical workday includes all hours worked by the construction Contractor. If necessary, overtime for CONSULTANT personnel may be required. The construction Contractor's operations may be restricted to specific hours during the week, which shall become the normal workday for CONSULTANT personnel. The Project Manager, with prior concurrence from SANBAG, shall have the authority to increase, decrease, or eliminate CONSULTANT personnel work hours dependent on the schedule and requirements of the construction Contractor. All overtime required by CONSULTANT personnel shall be approved and authorized by SANBAG prior to each occurrence.

CONSULTANT personnel shall be knowledgeable of and comply with all applicable local, state, and federal regulations. CONSULTANT personnel shall cooperate and consult with SANBAG, State, and City officials during the course of the Project. CONSULTANT personnel shall perform duties as may be required to assure that construction is being performed in accordance with the Project plans and specifications. CONSULTANT personnel shall keep accurate and timely records and document all work performed by the Contractor and CONSULTANT.

CONSULTANT shall monitor for Contractor's compliance with the labor standards provisions of the projects and the related wage determination decisions of the Secretary of Labor.

CONSULTANT personnel shall assist SANBAG and local agencies in obtaining compliance with the safety and accident prevention provisions of the Project. Local agencies will retain jurisdictional control for traffic control.

All services required herein shall be performed in accordance with California Department of Transportation guidelines, regulations, policies, procedures, manuals, and standards, except as noted in the special provisions.

Materials Testing: The number of field-testing personnel assigned to the Project will vary throughout the duration of the construction contract. CONSULTANT certified materials testing personnel will be assigned as needed by the Resident Engineer to meet the required numbers and frequencies of testing based on schedule of the construction contractor.

Materials Testing Services will be provided on an on-call basis. The duration of assignments could vary from a minimum of a few hours to the full term of the Project. CONSULTANT personnel will be available within one (1) day of written notification by SANBAG.

It is the intent of SANBAG to maintain a consistency of material testing quality throughout each phase of each project. CONSULTANT is therefore encouraged to provide, where ever and whenever possible, the same field personnel for the duration of construction of each project.

On days when work is not performed by the construction contractor, such as rainy or unsuitable weather days, CONSULTANT will not provide services unless authorized by the SANBAG Construction Manager.

Resumes of materials testing personnel must be submitted to SANBAG for review and approval prior to assignment to the Project. If, at any time, the level of performance of any testing personnel is below expectations, SANBAG may release that field person and request that another be assigned as needed.

If a member of CONSULTANT's materials testing personnel is on a leave of absence, CONSULTANT's Project Manager will provide an equally qualified replacement employee until the original member returns to work. The replacement employee will meet all the requirements of a permanently assigned employee.

All CONSULTANT personnel will be knowledgeable of, and comply with, all applicable local, state, and federal regulations. All personnel shall cooperate and consult with SANBAG during the course of the contract; and perform other duties as may be required to assure that the construction is being performed in accordance with the Project plans and specifications. CONSULTANT's personnel will keep records and document the work as directed by the Resident Engineer.

All services required herein will be performed in accordance with Caltrans regulations, policies, procedures, manuals, and standards.

Construction Surveying: CONSULTANT will furnish surveying crew(s) to perform construction surveys for the Project. The number of survey crew(s) assigned to the Project may vary throughout the duration of the construction contract to meet the Project needs. CONSULTANT personnel will be assigned as needed by the Resident Engineer to meet the schedule of the construction contractor.

Construction surveying services will be provided on an on-call basis. It is the intent of SANBAG to maintain a consistency of construction survey quality throughout each phase of each project. Therefore, CONSULTANT is encouraged to provide the same field personnel for the duration of construction. It is important that the Field Party Chief(s) assigned to a project be completely familiar with the survey requirements and the assignments for the Project.

On days when work is not performed by the construction contractor, such as rainy or unsuitable weather days, CONSULTANT will not provide services unless authorized by the Resident Engineer.

Construction surveying will not be performed when conditions such as weather, traffic, and other factors prevent safe and efficient operation.

Resumes of CONSULTANT personnel and certifications must be submitted to SANBAG for review. CONSULTANT personnel must be approved by SANBAG prior to assignment to a project. SANBAG and CONSULTANT will have the responsibility of determining the quality and quantity of work performed by CONSULTANT personnel. If, at any time, the level of performance of any CONSULTANT survey personnel is below expectations, SANBAG may release the survey crewmember and request that another be assigned.

If CONSULTANT's survey crew personnel assigned to the Project is on a leave of absence, the Project Manager will provide an equally qualified replacement(s) until the original employee(s) returns to work. The replacement(s) will be required to meet all the requirements of the permanently assigned employee(s).

CONSULTANT personnel will:

- Be knowledgeable of, and comply with all, applicable local, Caltrans, state, and federal regulations.
- Cooperate and consult with SANBAG officials during the course of the contract.
- Perform duties as may be required to assure construction is performed in accordance with the Project plans and specifications.
- Keep records and document work as directed by the Resident Engineer.

All services required herein will be performed in accordance with Caltrans regulations, policies, procedures, manuals, and standards.

C. DUTIES AND RESPONSIBILITIES

1. Pre-construction Services

a. Schedule

CONSULTANT shall review the proposed Project schedule, compare it to the Project plans and specifications, and provide recommendations to SANBAG, as appropriate, to ensure efficiency of Contractor and CONSULTANT operations and safe and expeditious completion of the Project.

b. Budget

CONSULTANT shall review the Project estimate and provide recommendations to SANBAG, as appropriate, to ensure efficient utilization of funds and control of project costs.

c. Constructability Review

CONSULTANT shall review Project plans and special provisions for possible errors and deficiencies and report such findings to SANBAG in a format provide by SANBAG.

2. Bid Process

a. Bid Documents

CONSULTANT shall assist SANBAG, as requested, with the following tasks:

- 1) Review of bid documents
- 2) Preparation of bid tabulations

b. Pre-construction Meetings

CONSULTANT shall assist SANBAG in conducting one, or more, pre-construction meetings with all involved parties on the Project. Parties may include, but are not limited to, the Contractor, design engineer, Caltrans, County and City staff, utility companies, and developers.

c. Contract Award

CONSULTANT shall assist SANBAG, as requested, with the following tasks:

- 1) Review of bid for completeness and responsiveness
- 2) Perform bid analysis
- 3) Development of contractor payment schedules, and other procedural items.
- 4) Checking Contractor references, licenses, insurance, and sureties.
- 5) Coordination with prospective Contractor for award of construction contract(s).

All processes will be consistent with procedures outlined by the California Department of Transportation for Special Funded Programs and Local Assistance Procedure Manuals.

3. Project Administration

- a. CONSULTANT shall administer Project construction contracts using Caltrans Construction Manual as a guideline.
- b. CONSULTANT shall conduct regular Project coordination meetings with Contractor, SANBAG, local agencies, and design engineer, as appropriate.
- c. CONSULTANT shall prepare Contractor progress payments and maintain payment records and supporting documentation. All progress payments shall be reviewed by SANBAG for approval.

- d. CONSULTANT shall provide reports as needed to comply with specific funding requirements.
- e. CONSULTANT shall establish and maintain Project records in accordance with the Caltrans Construction Manual. Project record keeping shall include, but are not limited to, correspondence, memoranda, contract documents, change orders, claims, SANBAG and engineer directives, meeting minutes, shop drawings, supplementary drawings, and requests for payment. CONSULTANT shall maintain a record of the names, addresses, and telephone and fax numbers of the Contractors, subcontractors, and principal material suppliers.
- f. CONSULTANT shall establish and maintain a filing system in hard copies files and in electronic forms for each Project using the Caltrans Construction Manual as a guideline. Electronic data documentation will be required to be uploaded weekly to the SANBAG Major Projects Portal
- g. CONSULTANT shall monitor Contractors' construction schedules on an ongoing basis and alert SANBAG to conditions that may lead to delays in completion of the Project.
- h. CONSULTANT shall prepare and submit a monthly Activity Summary Report for the Project in a format approved by SANBAG. The activity report shall include among other items status of SWPPP issues, RFIs, contract change orders, and notice of potential claims; construction activities completed, ongoing, and upcoming; status of Project budget and schedule, and other highlights and critical issues.
- i. CONSULTANT shall review and ensure compliance with environmental requirements.
- j. CONSULTANT shall participate in partnering sessions with the Contractor, SANBAG, and Local Agencies, as required.
- k. CONSULTANT shall ensure that the Project meets all provisions of the Caltrans Quality Assurance Program Manual.
- l. CONSULTANT shall review Contractors' certified payroll records and ensure compliance with the requirements of the construction contract.
- m. CONSULTANT shall ensure that the Project meets all provisions of the Storm Water Pollution Prevention Plan (SWPPP) and State Water Resource Control Board requirements.
- n. CONSULTANT shall assure that the Project meets all applicable regulations of the Air Quality Management District (AQMD).

- o. CONSULTANT shall maintain redlined as-built plans on an ongoing basis throughout the duration of the Project. Redlined plans shall show all changes made to the original contract plans, each change identified with the name of the approver, date of change approval, and CCO number, if applicable

4. Construction Coordination

- a. CONSULTANT shall provide a minimum of one qualified Resident Engineer to effectively manage the Project.
- b. CONSULTANT Resident Engineer shall act as a prime point of contact between Contractor, SANBAG, CONSULTANT's construction surveyor, CONSULTANT's materials inspector, and utility companies. CONSULTANT may, when requested by SANBAG, act as point of contact between design engineers, cities, and the public. CONSULTANT shall ensure coordination with property owners adjacent to Project right-of-way to ensure timely communication regarding property-condition survey and construction activities and scheduling.
- c. CONSULTANT shall maintain regular contact with SANBAG's Project/Construction Manager.
- d. CONSULTANT shall coordinate utility relocations with utility companies and their designees, as well as the utility inspector.
- e. CONSULTANT shall proactively review Project plans and special provisions for possible errors and deficiencies prior to construction of any specific element and report such findings to SANBAG. Should SANBAG determine that changes are necessary, CONSULTANT shall assist in implementation and processing of change orders in accordance with contract documents.
- f. CONSULTANT shall proactively review Project plans and special provisions; monitor, coordinate, and track construction progress schedule and RFIs; and communicate with various agencies prior to construction of any specific elements to ensure the Project proceeds on schedule and according to the order of work in the plans and special provisions. CONSULTANT shall expedite work, as required, to maintain schedule in conjunction with the overall construction staging program.
- g. CONSULTANT shall coordinate review of shop drawings and Requests for Information (RFI) with the Construction Manager. CONSULTANT shall log and track all submittals and requests.
- h. CONSULTANT shall provide a qualified SWPPP Coordinator who along with the Resident Engineer shall review and certify contractor prepared Storm Water Pollution Prevention Plans (SWPPP) and coordinate approval with SANBAG and the State Water Resource Control Board. The SWPPP Coordinator shall be at a minimum a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD) and a Qualified SWPPP Practitioner (QSP). CONSULTANT

shall provide at a minimum weekly SWPPP monitoring and shall cooperate with all monitoring agency inspections and field reviews.

- i. CONSULTANT shall coordinate the implementation of any changes with the Construction Manager and the design engineer.
- j. CONSULTANT shall review and approve falsework and shoring plans.
- k. CONSULTANT shall review and approve Traffic Control Plans and forward to SANBAG for Caltrans/City/County approvals, as necessary.
- l. CONSULTANT shall coordinate all Project construction activities with other on-going projects within and adjacent to the Project limits.

5. Construction Inspection

- a. CONSULTANT shall coordinate all required inspections necessary for the Project. CONSULTANT shall ensure that appropriate City and local agencies are notified and present as required throughout the Project. CONSULTANT shall notify SANBAG immediately regarding any directives, recommendations, notices, etc. received from agencies other than SANBAG.
- b. CONSULTANT shall perform daily on-site observations of the progress and quality of construction to determine if the work being performed is in general conformance with the contract documents, all applicable laws, codes, and ordinances.
- c. CONSULTANT shall exercise reasonable care and diligence to discover and promptly report to SANBAG any and all defects or deficiencies in the materials or workmanship used in the Project.
- d. CONSULTANT personnel assigned to the Project shall be thoroughly familiar with Caltrans Standard Specifications, Caltrans Standard Plans, Caltrans Erosion Control and Highway Planting requirements, and safety standards. CONSULTANT personnel shall have the ability to read and interpret construction plans and specifications. CONSULTANT personnel shall also have knowledge of State of California Construction Safety Orders (CalOSHA) and traffic control practices as specified in the Work Area Traffic Control Handbook (WATCH). In addition, CONSULTANT personnel shall be thoroughly familiar with the construction requirements of Caltrans' Storm Water Pollution Prevention Program.
- e. Assignments to be performed by CONSULTANT personnel shall include, but are not limited to, the following:
 - 1) Paving and subgrade inspection, sub-surface & finish surface drainage inspection, structures and foundation inspection, electrical inspection for traffic, ramp meter and irrigation control equipment, signing and striping

inspection, quantity calculations, checking grade and alignment, construction traffic control, soil amendments and plant material identification & quality control, hardscape inspection, trenching & irrigation inspection and duties that may be required to determine that construction of the Project is being performed in accordance with the contract documents.

- 2) Identifying actual and potential problems associated with the Project and recommending sound engineering solutions.
- 3) Identifying common plant diseases and/or pests together with their respective eradication techniques, directing of plant adaptability requirements along with proper planting & pruning techniques, and avoiding potential problems associated with the Project by recommending sound engineering solutions.
- 4) Perform basic sampling of construction materials in the field per California Test Method 105 and 125 by both the prime and subconsultant personnel.
- 5) Maintaining awareness of safety and health requirements. Monitoring Contractors' compliance with applicable regulations and construction contract provisions for the protection of the public and Project personnel.
- 6) Preparing complete and accurate daily reports, calculations, project records, payment quantity documents, reports, and correspondence related to Project activities.
- 7) Preparing construction sketches, drawings, and cross-sections, as necessary.
- 8) Assisting in the preparation of as-built plans.
- 9) Providing inspections for environmental compliance.
- 10) Maintaining awareness of water discharge requirements. Monitoring Contractors' compliance with applicable regulations and construction contract provisions.
- 11) Monitoring Contractors' compliance with applicable regulations required by AQMD.
- 12) Other duties as may be required or reasonably requested.

6. Project Support

a. Construction Surveys

CONSULTANT shall perform construction surveying services, field calculations, and home office calculations to support construction of the Project. CONSULTANT may be requested to review available survey data, construction plans, and right-of-way plans to confirm compatibility and to identify discrepancies prior to and during construction of proposed projects. The Resident Engineer will assign survey work to the CONSULTANT by issuing a "Request for Survey Services". Requests may include, but not be limited to, the following types of surveys and related services:

1) Construction Surveys

CONSULTANT shall assist the Resident Engineer in all phases of construction staking and calculations as needed.

- a) Survey calculations and adjustments shall be performed with established and computed coordinates based on the California Coordinate System.
- b) Cross-section data collection shall be performed by conventional and terrain line interpolation survey methods.
- c) Survey data will include topography, cross-section, and other survey data in computer formats compatible with the Caltrans computer survey and design systems.
- d) Prepare and maintain survey documents. Survey documents include survey field notes, maps, drawings, and other survey documents.
- e) Perform construction staking, including but not limited to:
 - i. Utility relocations
 - ii. Clearing limits
 - iii. Slope staking
 - iv. Storm drain, sanitary sewer, and irrigation systems
 - v. Drainage structures
 - vi. Curbs, gutters, and sidewalk
 - vii. Horizontal and vertical control for structures and portions of structures (bents, abutments, wingwalls, etc.)
 - viii. Rough grade
 - ix. Finish grade
- f) Monitor for settlement, if required.

- g) Global Positioning Satellite (GPS) equipment shall be made available if required by SANBAG

2) Grid Grades

Grid grade data shall provide pavement elevations at the station line, the left edge of pavement, the right edge of pavement, and the right edge of travel way at 25 foot intervals for travel lanes.

3) Open Ended Traverses and Profile Data Sheets

Separate open-ended traverse calculations and point maps shall depict plan data for station lines, utility lines, wall layout lines, and abutment/bent alignment. Specific information to be shown will be part numbers, coordinates, bearings, and curve data.

Profile data sheets are required for all profiles shown on the plans identifying vertical design elements such as grade, point of intersection (PI) location, beginning of vertical curve (BVC) location, end of vertical curve (EVC) location, and curve length.

4) Three Line Profiles

Separate profile plots are required for the left edge of pavement, the right edge of pavement, and the edge of shoulder for all travel lanes.

5) Right of Way Lines

Existing right of way and easements will be established from Local Agency's record information and existing monumentation.

- a) Right of way monumentation shall be renewed and restored in accordance with Section 10.4 of the Caltrans "Survey Manual" and the State of California Land Surveyor's Act.
- b) Corner records and records of surveys shall be prepared and filed in accordance with the applicable standards and the State of California Land Surveyor's Act and the California Subdivision Map Act.
- c) Perpetuate existing monumentation, which includes restoring, renewing, referencing, and resetting existing boundary related monumentation. In addition, stake areas where construction disturbs the existing right of way, preparing and filing required maps and records.

New right of way and easements will be established from plans, right of way maps, utility drawings, and Local Agency record information, and existing monumentation.

- a) Right of Way Surveys, which includes research and preparation filing of required maps and records. In addition, locate and set monuments for right of way and easement lines, staking for right of way and easement fences.
 - b) Final monumentation, which includes setting of centerline points of control upon completion of construction.
- 6) Special Design – Data Surveys
Includes drainage, utility, and surveys required for special field studies.

7) Control Survey

Includes Project control surveys, aerial mapping control surveys, horizontal and vertical control surveys. In addition control surveys will include restoration, renewal, reference, relocation, and resetting of existing control monumentation. The CONSULTANT will be required to provide horizontal and vertical control at the end of each bridge.

8) Topographic Surveys

Topographic surveys will normally be compiled by ground survey methods only.

CONSULTANT will provide all necessary Project related surveys and construction staking, including horizontal and vertical control, right of way, and easements. CONSULTANT shall coordinate all staking and verify accuracy. CONSULTANT shall ensure timely coordination of all staking requests from the Contractor.

b. Materials Testing and Geotechnical Services

- 1) CONSULTANT will provide experienced personnel, equipment, and facilities to perform various construction materials sampling and testing. Laboratory and field materials testing will be used to ensure that structure and roadway construction work conforms to California State Department of Transportation (Caltrans) standards, specifications, and special provisions for material quality and workmanship.
- 2) All field and laboratory testing is to be performed in accordance with California Test Methods.
- 3) CONSULTANT will be responsible for the accuracy and completeness of all test data compilation and results.

c. **Public Outreach**

1) **General Public Outreach Plan**

- a) SANBAG's primary goal is to assure the public that SANBAG is a public agency that delivers quality transportation projects and trustworthy, accurate and timely public information.
- b) SANBAG will provide the primary outreach effort with supplemental support as requested from CONSULTANT. This will be a targeted approach with incremental outreach based on construction schedule and staging. The primary target audiences identified for this Project include, but are not limited to:
 - i. LOCAL AGENCY
 - ii. SANBAG Board
 - iii. LOCAL AGENCY and area Emergency Service Providers
 - iv. School Transportation Coordinator(s)
 - v. Local Business Community
 - i) Specific businesses with expanding priority based on proximity to work zone and detours
 - ii) Chamber of Commerce
 - vi. Commuters
 - vii. Recreational Travelers
 - viii. Trucking Industry
 - ix. Local media
 - i) Print
 - ii) Radio
 - iii) Television
- c) In the weeks prior to the selection of a construction contractor, SANBAG may coordinate an Emergency Responders Project Briefing to highlight the Project details and possible access challenges for consideration by the Project team.
- d) Following the emergency responders briefing, SANBAG may coordinate a Chamber of Commerce Project Briefing to highlight the Project benefits, possible construction schedule and traffic management plan.
- f) Just prior to the start of field construction activities, SANBAG and CONSULTANT (includes all PR subs) may coordinate a groundbreaking media event with the LOCAL AGENCY to ceremoniously open the Project. CONSULTANT will be called up on to develop (with input from SANBAG) and maintain a task list of deliverables for this event. CONSULTANT will acquire the necessary items authorized for the event.

CONSULTANT will be responsible for set up and breakdown of the event site.

- g) Prior to construction beginning, SANBAG and CONSULTANT may coordinate a community meeting to share Project information, construction scheduling, detour information and expected challenges with the general public. CONSULTANT will be called up on to develop (with input from SANBAG) and maintain a task list of deliverables for this event. CONSULTANT will acquire the necessary items authorized for the event. CONSULTANT will be responsible for set up and breakdown of the event site. Staffing this event will be determined based on availability.
- h) Near the completion of the construction Project, SANBAG and CONSULTANT will coordinate a ribbon-cutting media event. CONSULTANT will be called upon in a similar fashion to the groundbreaking event.
- i) At various stages throughout the Project, SANBAG will request support from CONSULTANT for the following items:
 - i. Establish and maintain stakeholder and/or 'interested parties' list(s) – used for sharing Project updates during Project construction. May need to be filtered to specific audiences (i.e. emergency responders, city government, etc.)
 - ii. Development of a Project fact sheet (include Project description, Project budget, Project schedule, SANBAG contact information, LOCAL AGENCY contact information, photos, logos, etc.)
 - iii. Weekly media advisories (use SANBAG template). CONSULTANT (or sub) will make weekly contact with Project team to establish what road or lane closures (and associated detours if applicable) will be taking place, develop the advisory, send to SANBAG Public Information Office for approval, submit to webmaster for posting, distribute to appropriate media and stakeholder list.
 - iv. Emergency notices – when needed.
 - v. Develop web content for project tab on SANBAG website. This page should include same elements of fact sheet with expanded detail when possible. If the information is dynamic, please provide updates to

SANBAG Public Information Office for approval prior to submitting to webmaster.

- 2) All requests for speaking to government councils, boards, chambers of commerce or similar business or social groups shall be directed to the SANBAG Public Information Office before agreeing to appear.
- 3) All media inquiries shall be directed to the SANBAG Public Information Office.

d. Permits

CONSULTANT shall review the Project for permit compliance and coordinate with SANBAG and the design engineer to ensure that necessary permits are obtained. CONSULTANT shall assist SANBAG in the coordination, timely processing and verification of approval for all permits. CONSULTANT shall maintain permits and permit documentation on site.

7. Cost and Schedule

a. CONSULTANT shall monitor and track the following:

- 1) Contract pay item quantities and payments
- 2) Contract change orders
- 3) Supplemental work items
- 4) Agency furnished materials
- 5) Contingency balance
- 6) Project budget

b. CONSULTANT shall review and monitor Contractor's schedule and inform SANBAG of any significant changes or deviations in the schedule.

c. CONSULTANT shall provide and maintain a Project staffing plan of field office personnel based on the Contractor submitted baseline schedule update. In cooperation with SANBAG, the staffing plan shall be periodically updated to reflect Project progress and needs.

8. Contract Change Orders and Claims

a. CONSULTANT shall receive and evaluate requests for changes and/or substitutions by the Contractor. Contract Change Orders submitted to SANBAG shall be accompanied by CONSULTANT recommendations. Where applicable, CONSULTANT shall convey proposed changes to design engineer, or other Project consultants. If the requested changes are accepted, CONSULTANT shall negotiate and prepare appropriate Contract Change Orders.

b. CONSULTANT shall attempt to avoid unnecessary Contract Change Orders. When a Contract Change Order is necessary, CONSULTANT shall consult with

SANBAG prior to its preparation. Unless directed otherwise by SANBAG, the preferred method of payment for Contract Change Orders should be as follows

- 1) Agreed Price
- 2) Adjustment in compensation to a bid item
- 3) Time and materials or Force Account

CONSULTANT shall perform force account analysis to validate cost submitted by the Contractor for contract change orders with agreed unit price, lump sum price, and adjustment in components. Analysis shall be based on realistic production and resource needs to complete the work.

- c. CONSULTANT shall attempt to identify all potential claims, track and monitor unresolved claims. The CONSULTANT shall implement appropriate claims avoidance processes where in the best interests of SANBAG as determined by SANBAG's Construction Manager.
- d. CONSULTANT shall assist SANBAG, as requested, in the identification, resolution, and final disposition of claims filed by the Contractor or third parties against SANBAG or the Project.

9. Safety

In addition to the requirements specified elsewhere in this contract, the following shall also apply:

- a. CONSULTANT shall implement and conduct a comprehensive safety program including regular tail-gate safety meetings for CONSULTANT personnel. CONSULTANT shall provide SANBAG with monthly status of safety reports.
- b. CONSULTANT shall comply with State of California Construction Safety Orders and provisions of the Caltrans Construction Manual.
- c. CONSULTANT shall provide appropriate safety training for all CONSULTANT field personnel.
- d. CONSULTANT shall provide all necessary safety equipment as required for CONSULTANT personnel.

10. Project Close Out

- a. CONSULTANT shall prepare a list of items to be completed and/or corrected by the Contractor for final completion of the Project.
- b. CONSULTANT shall collect and furnish as-built information to the design engineer for preparation of as-built drawings including pre-stress drawings and pile logs, as applicable.
- c. CONSULTANT shall review and verify completeness of as-built drawings.

- d. CONSULTANT shall conduct a final walk-through with SANBAG, Local Agencies, Contractors, and design engineers.
- e. CONSULTANT shall prepare final construction reports including the Project Completion Report.
- f. CONSULTANT shall prepare and deliver to SANBAG all Project files.
- g. CONSULTANT shall assist SANBAG and Contractor in obtaining final release of all Project permits.
- h. Project closeout services will be completed within two months of project acceptance.

D. DELIVERABLES

- 1. Inspector daily reports, extra work diaries and Resident Engineers' daily diaries.
- 2. Monthly Project Activity Summary Reports.
- 3. Monthly Contractor progress payments, back-up documentation, and Contractor payment records.
- 4. Contractor final payment documents, delivered to SANBAG no later than ten (10) working days after acceptance by SANBAG of the completed construction Project.
- 5. Project Completion Report documents per Local Assistance Procedure Manual and Caltrans Construction Manual.
- 6. All Project files, Project reports, correspondence, memoranda, shop drawings, Project logs, change order data, claims and claim reports, and Contractor payment records.
- 7. Certified payrolls and fringe benefit statements for all employees, CONSULTANT and Contractor, who are subject to the State and/or Federal prevailing wage rates.
- 8. All material test results will be provided in accordance with the applicable Standard Specifications and Special Provisions, and test methods. Failing tests will be immediately reported to the Resident Engineer or Structures Representative. All test results will be recorded on the appropriate forms. The test documents will be legible and show the identity of the tester where appropriate. A notebook containing all test results and reports will be maintained by CONSULTANT throughout the duration of the Project and delivered to SANBAG with the Project files.
- 9. Unless otherwise specified in the survey request, the deliverables shall conform to the following:

- a. Survey points, lines, and monuments shall be established, marked, identified, and referenced as required by survey request and requirements herein.
- b. Survey notes, drawings, calculations, and other survey documents and information shall be completed as required by the survey request and the requirements herein.
- c. All original survey documents resulting from this contract, including original field notes, adjustment calculations, final results, and appropriate intermediate documents, shall be delivered to the Resident Engineer and shall become the property of SANBAG. A copy of all survey documents furnished by SANBAG shall be retained by CONSULTANT for future reference.

When the survey is performed with a total station survey system, the original field notes shall be a hard copy in a readable format of the data (observations) as originally collected and submitted by the survey party. The hard copy shall be signed by the Party Chief. If the Party Chief is not licensed, the person in "responsible charge" will be required to sign.

- d. Deliverables to the Resident Engineer shall follow the format specified below:
 - 1) Horizontal Control
 - 2) Alpha numeric hard copy point listing with adjusted California Coordinate System northing and eastings and the appropriate descriptions.
 - 3) Vertical Control
 - 4) Alpha numeric hard copy benchmark listing with adjusted elevations compatible with the design datum.
 - 5) Topography
 - 6) Alpha numeric hard copy listing, hard copy drawing, and computer aided drawing and design (CADD) digital drawing. The CADD drawing shall be compatible with the systems utilized by Caltrans.
- e. Data collection method used to collect cross-section data and the coding (feature description) of terrain data for cross-sections shall conform to the survey request requirements. Deliverables shall depend on the data collection method as follows:
 - 1) Conventional Cross – Sections (each cross – section):
For each cross - section and alpha numeric listing, a hard copy drawing, and a computer formatted file compatible with the systems utilized by Caltrans.
 - 2) Terrain Line Interpolation Cross – Section Data (each terrain line interpolation survey):
Terrain line interpolation cross – sections shall include an alpha numeric listing, a hard copy plan view drawing of the terrain lines, and a computer input file. The computer input file shall be provided in a format compatible with the systems utilized by Caltrans.

- 3) **Data Collector Data**
If specified in the survey request, the raw data from the data collector shall be provided in a format conforming to the survey request requirements.
- 4) **Other—As specified in the survey request.**

E. EQUIPMENT AND MATERIALS TO BE PROVIDED BY CONSULTANT

1. **CONSULTANT shall provide all necessary equipment including software, materials, supplies, miscellaneous tools, phones, vehicles, and safety equipment required for its personnel to perform the services accurately, efficiently, and safely. Only those items listed in Attachment B, CONSULTANT Cost Proposal, shall be reimbursed by SANBAG.**
2. **CONSULTANT personnel shall be provided with vehicles suitable for the location and nature of the work involved. Vehicles shall be equipped with flashing yellow lights, either permanently or temporarily affixed.**
3. **CONSULTANT personnel shall be provided with a mobile radio, cellular phone, or other means to assure full-time communication. If a radio system is to be used, CONSULTANT shall provide a base station at the field office.**
4. **CONSULTANT personnel shall be provided with all applicable standard plans, specifications, and other standards as appropriate (see item G below).**
5. **For Materials Testing, CONSULTANT and its staff will be fully equipped at all times to perform the services required, including but not limited to the following:**
 - a. **An on-site mobile laboratory or laboratory in close proximity to the Project will be required. The type and location of the lab should be such that it can meet the needs of the Project in an efficient, time effective manner. The laboratory is to be fully staffed, equipped, and supplied to conduct all required soils, materials, and concrete breaking tests in a timely manner.**
 - b. **Field personnel will be provided with all necessary safety equipment to permit work to be performed safely and efficiently within operating highway and construction zone environments.**
 - d. **All equipment to be calibrated as per Section 3-10 and 3-11 of Caltrans' Quality Assurance Program Manual.**
6. **For construction surveying, CONSULTANT and staff shall have adequate equipment and supplies to complete the required survey work. Equipment and supplies shall, include, but not be limited to:**
 - a. **Survey vehicles:
Survey vehicles will be suitable to perform the required work in varying terrain and conditions encountered on the Project. Vehicles shall be fully equipped with**

all necessary tools, instruments, supplies, and safety equipment required to perform the work accurately, efficiently, and safely. Vehicles shall be equipped with a flashing yellow beacon light.

b. Data Processing Systems:

Data processing systems shall include hardware and software to:

- 1) Performing survey and staking calculations from the design plans and specifications;
- 2) Reduce survey data collected with conventional and total station survey systems;
- 3) Perform network adjustments for horizontal and vertical control surveys;
- 4) Format survey data to be compatible with the Caltrans computer survey and data system.

c. Drafting equipment and supplies.

d. Digital calculators.

e. Hand tools as appropriate for the requested survey work.

f. Traffic cones (minimum 25). Traffic cones shall be 28 inches in height (minimum).

g. Traffic control devices as required to perform the requested survey work. Traffic control devices include signs, sign bases, flags, and hand held signs.

h. Leveling instruments and equipment:

- 1) Self-leveling level. Precision: standard deviation in one mile of double run leveling 0.005 feet or less.
- 2) Suitable level rods for the work to be performed.

i. Distance measuring instruments and equipment:

- 1) Electronic distance measurer (EDM). Precision: standard deviation 3 mm plus 3 PPM, or less; Range: Minimum one mile under average atmospheric conditions.
- 2) Prisms, sufficient to perform the required work.
- 3) Tapes; steel, cloth.

j. Angle measuring instruments and equipment:

- 1) Theodolite for non-control surveys; Precision: direct circle reading to three seconds, or equivalent, horizontal and vertical.
- 2) Targets as required to perform the work.

k. When required for efficient survey operations, total station survey systems consisting of an electronic angle measuring instrument, EDM, and electronic data collector shall be provided. The angle measuring instruments and EDM shall conform to the requirements for the equipment previously listed.

- l. Radio or cellular communications equipment for communication between field office and field crews.
- m. Caltrans manuals, standards, forms, and other policies and procedures to be followed to perform the required work.

F. MATERIALS TO BE FURNISHED BY SANBAG

1. SANBAG will provide three (3) copies of all Project construction documents including plans, and special provisions, and one (1) copy of all other reports, designer prepared resident engineer files, and contracts. In addition, SANBAG will provide one (1) full size (24" x 36") sets of plans for use in the construction field office as record documents.
2. SANBAG will provide copies of all previously secured permits and Project authorizations.
3. Appropriate forms for recording test data in accordance with Caltrans practices and procedures outlined in the "Manual of Test".

G. STANDARDS

All construction inspection, surveys, materials sampling and testing, and contract administration shall be in accordance with the Project bid documents, special provisions, plans, and current Caltrans Manuals including:

1. Construction Manual and its revisions
2. Bridge Construction Records and Procedures Manual
3. Quality Assurance Program Manual
4. Manual of Traffic Controls for Construction and Maintenance Work Zones
5. Caltrans Standard Specifications and Standard Plans
6. Caltrans Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual
7. Manual of Test (3 volumes)
8. Survey Manual
9. District 8 Standard Staking Procedures Manual

Work not covered by the manuals shall be performed in accordance with accepted professional standards.

Surveys performed by CONSULTANT shall conform to the requirements of the Land Surveyor's Act. In accordance with the Land Surveyor's Act, "responsible charge" for the work shall reside with the Licensed Land Surveyor or a pre-January 1, 1982, Registered Professional Civil Engineer in the State of California.

Unless otherwise specified in the survey request, control surveys shall conform to second order (modified) accuracy standards as specified in the Caltrans "Survey Manual".

Additional standards for specific survey work may be included in the applicable request for survey. Such standards supplement the standards specified herein. If additional standards conflict with the standards specified herein, the "Survey Request's" standard shall govern.

The Resident Engineer and SANBAG will decide all questions, which may arise as to the quality or acceptability of deliverables furnished and work performed for this contract. Any CONSULTANT employee who does not perform adequately will be replaced if directed by the SANBAG Construction Manager.

H. AVAILABILITY AND WORK HOURS

The typical workday includes all hours worked by SANBAG's construction Contractor including nights and weekends. The construction Contractor's operations may be restricted to specific hours during the week, which will become the normal workday for CONSULTANT's personnel. On days when work is not performed by the construction contractor, such as rainy or unsuitable weather days, CONSULTANT services will not be provided unless authorized by the SANBAG Construction Manager.

Unless otherwise directed by SANBAG, the normal work week will consist of 40 hours. From time to time, overtime may be required. However, overtime will be worked only when approved in writing by SANBAG.

I. LIMITATIONS TO AUTHORITY

CONSULTANT does not have the authority to:

1. Authorize deviations from the contract documents.
2. Approve substitute materials or equipment; except as authorized in writing by SANBAG.
3. Conduct or participate in tests or third party inspections; except as authorized in writing by SANBAG.
4. Assume any of the responsibilities of the Contractors, Contractors' Superintendent, or subcontractors.
5. Exercise control over or be responsible for construction means, methods, techniques, sequences, procedures, or safety precautions.

6. Communicate directly with subcontractors or material suppliers without the prior consent of the Contractor.
7. Verbally authorize or approve change orders or extra work for the Project.
8. Offer or receive incentives, inducements, or other forms of enumeration to or from the Contractor to perform services or work outside the terms of any executed contracts for this Project.

J. THIRD PARTY RELATIONSHIPS

This Contract is intended to provide unique services for a specific project. In the development of the Project, SANBAG has worked closely with various professional consultants, agencies, and others in the preparation of the construction documents and other Project related materials. SANBAG, however, is solely responsible for and will be the sole point of contact for all contractual matters related to the Project. CONSULTANT shall take direction **only** from SANBAG and shall regularly inform **only** SANBAG of Project progress, outstanding issues, and all Project related matters.

During the course of the Project, CONSULTANT may find occasion to meet with Caltrans, City or County representatives, the design engineer, Project consultants, or other third parties who have assisted with the Project. These entities may, from time to time, offer suggestions and/or recommendations regarding the Project or elements of the Project. While SANBAG enjoys a close relationship with and has considerable confidence in the capabilities of these other parties, CONSULTANT shall not act on any suggestions, solicited or unsolicited, without obtaining specific direction from SANBAG. All oral and written communication with outside agencies or consultants related to the Project shall be directed only to SANBAG. Distribution of Project related communication and information shall be at the sole discretion of SANBAG representatives.

K. CONSTRUCTION SITE SAFETY

In addition to the requirements specified elsewhere in this contract, the following also will apply.

1. CONSULTANT will conform to the safety provisions of the Caltrans Construction Manual.
2. CONSULTANT's field personnel will wear white hard hats with proper suspension, orange vests with reflective tape, sleeved shirt, long pants, and leather boots with ankle support and rubber soled shoes at all times while working in the field.
3. CONSULTANT will provide appropriate safety training for all CONSULTANT's personnel, including work on and near highways.
4. All safety equipment will be provided by CONSULTANT.

L. BASIS FOR SURVEY AND MONUMENT STAKING

SANBAG will designate the existing horizontal and vertical control monuments that are the basis of CONSULTANT performed surveys. SANBAG will provide the California Coordinate System values and/or elevation values for these monuments. CONSULTANT shall adjust CONSULTANT performed surveys to be the designated control monuments and the values.

Monuments established by CONSULTANT shall be marked by CONSULTANT with furnished disks, plugs, tags. In addition, CONSULTANT shall identify CONSULTANT established monuments by tagging or stamping the monuments with the license or registration number of CONSULTANT'S surveyor who is in "responsible charge" of the work.

M. PERSONNEL QUALIFICATIONS AND RESPONSIBILITIES

The quantity and qualifications of field personnel to be assigned will be determined by the scope of the Project and the degree of difficulty of required tasks to be performed. All personnel and personnel assignments are subject to approval by SANBAG. While some areas of responsibility may overlap, as a guideline, CONSULTANT personnel assigned to the Project should have the following qualifications:

1. Project Manager

- a. A minimum of six (6) years' project management experience on similar construction projects is desired.
- b. Accessible to SANBAG at all times during normal working hours.
- c. A thorough understanding of Caltrans construction practices and procedures. The Project Manager will assume the following functional responsibilities:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT personnel.
 - 2) Assign personnel to projects on an as-needed basis.
 - 3) Administer personal leave.
 - 4) Prepare monthly reports for delivery to SANBAG.

2. Resident Engineer

- a. A minimum of eight (8) years' resident engineer experience on similar construction projects is desired.
- b. Licensed Professional Civil Engineer in the State of California.
- c. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.
- d. Accessible to SANBAG at all times including weekends and holidays.

- e. A thorough understanding of Caltrans field methods, practices, and construction office procedures. The Resident Engineer will assume the following functional responsibilities:
 - 1) Monitor and provide daily direction to CONSULTANT Resident Engineers and inspection personnel.
 - 2) Assign field personnel to specific project tasks.
 - 3) Monitor and track Contractor progress.
 - 4) Prepare daily, weekly and monthly reports as required.
 - 5) Coordinate utility relocations with appropriate agencies and the utility inspector.
 - 6) Act as prime field contact between various project Contractors and SANBAG's Construction Manager.

3. Assistant Resident Engineer

- a. A minimum of four (4) years' experience on similar construction projects is desired.
- b. Licensed Professional Civil Engineer in the State of California.
- c. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.
- d. Accessible to SANBAG at all times including weekends and holidays.
- e. Thorough understanding of Caltrans field methods, practices, and construction office procedures. The Assistant Resident Engineer shall act under the direction of the Resident Engineer and will assume the following functional responsibilities:
 - 1) Monitor and provide daily direction to CONSULTANT inspection personnel.
 - 2) Assign field personnel to specific project tasks.
 - 3) Monitor and track Contractor progress.
 - 4) Prepare daily, weekly and monthly reports as required.
 - 5) Coordinate utility relocations with appropriate agencies.

4. Lead Field Inspector

- a. A minimum of six (6) years' construction inspection experience in public works or similar projects or a four-year degree in the field of civil engineering, transportation and four years of similar construction experience is desired.
- b. Knowledge of Caltrans construction practices, physical characteristics and properties of highway construction materials, and approved methods and equipment used in making physical tests of construction materials.

- c. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.
- d. Ability to direct the efforts of subordinate inspectors.
- e. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- f. Understanding of Caltrans field and construction office procedures. The Lead Field Inspector will assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of construction.
 - 2) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
 - 3) Coordinate field testing of materials to monitor compliance with Project specifications and Caltrans Quality Assurance Program.
 - 4) Maintain accurate and timely Project records. Perform quantity calculations for progress pay estimates.
 - 5) Perform analytical calculations such as basic earthwork, grading, profiles, and special staking procedures.
 - 6) Provide input for the redesign of facilities to fit existing field conditions.
 - 7) Monitor and track Contractor progress. Prepare daily, weekly, and monthly reports as required.

5. Field Inspector

- a. Two (2) years' construction inspection experience in public works or similar projects or a four-year degree in the field of civil transportation engineering is desired.
- b. Knowledge of construction practices, physical characteristics and properties of construction materials, and approved methods and equipment used in making physical tests of construction materials.
- c. Ability to work independently. Ability to make minor decisions concerning construction work in progress and to solve field and office problems.
- d. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- e. Understanding of Caltrans construction methods and practices. The Field Inspector will assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans,

specifications, and special provisions on all phases of project construction.

- 2) Assist in preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
- 3) Coordinate field testing of materials to monitor compliance with Project specifications and Caltrans Quality Assurance Program.
- 4) Perform quantity calculations for progress pay estimates and maintain Project records.
- 5) Perform analytical calculations such as basic earthwork, grading, profiles, and special staking procedures.
- 6) Provide input for the redesign of facilities to fit existing field conditions.
- 7) Perform construction materials sampling.
- 8) Perform labor compliance interviews of the Contractors' personnel.

6. Structural Representative or Lead Structural Inspector

- a. A minimum of six (6) years' of bridge or structural construction inspection as related to major public works projects and a four-year degree in civil engineering is desired.
- b. Licensed Professional Civil Engineer in the State of California.
- c. Knowledge of stress analysis, structural mechanics, and strength of materials.
- d. Knowledge of Caltrans construction practices and the physical characteristics and properties of various bridge construction materials including concrete.
- e. Experience in the following areas: foundations, pile driving, concrete prestressing, bridge deck construction, cast-in-place wall construction, falsework, and shoring.
- f. Ability to work independently. Ability to perform duties in the construction field office and effectively make decisions concerning construction work in progress and solving field problems.
- g. Ability to direct the efforts of subordinate inspectors.
- h. Ability to use an automatic level and transit for the purpose of verifying line and grade.

i. Thorough understanding of Caltrans field methods, practices, and construction office procedures. The Structural Representative shall assume the following functional responsibilities:

- 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of structural construction such as bridges, foundations, walls, falsework, shoring, and drainage structures.
- 2) Make grade, alignment, quantity, falsework, and shoring calculations.
- 3) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project. Coordinate the sampling and testing of construction materials to monitor compliance with contract specifications.
- 4) Monitor and track Contractor progress. Prepare daily, weekly, and monthly reports as required.
- 5) Coordinate with Resident Engineer, as well as the Construction Staking and Material Testing consultants.
- 6) Direct the daily activities of subordinate inspectors.

7. Structural Inspector

- a. A minimum of two (2) years' of bridge design or structural construction inspection as related to Caltrans or major public works projects or a four-year degree in civil or structural engineering is desired.
- b. Knowledge of stress analysis, structural mechanics, and strength of materials.
- c. Knowledge of construction practices and the physical characteristics and properties of various highway bridge construction materials including concrete.
- d. Experience in one or more of the following areas: pile driving, concrete prestressing, bridge deck construction, retaining wall construction, falsework, and shoring.
- e. Ability to work independently and make minor decisions concerning construction work in progress and to solve field and office problems.
- f. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- g. Understanding of Caltrans construction methods and practices. The Structural Inspector will assume the following functional responsibilities:

- 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of structural construction such as bridges, foundation, walls, falsework, shoring, and drainage structures.
- 2) Make grade, alignment, quantity, falsework, and shoring calculations.
- 3) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
- 4) Sampling and testing of construction materials to monitor compliance with contract specifications and Caltrans Quality Assurance Program.

8. Office Engineer

- a. A minimum of two (2) years' experience as an office engineer on similar construction projects is desired.
- b. Knowledge of Caltrans Office of Highway Construction forms used to administer construction projects.
- c. Knowledge of Caltrans system of document organization.
- d. Knowledge of construction records and accounting procedures.
- e. Knowledge of documentation, procedures, and reporting for federally funded projects.
- f. Knowledge of laws and regulations governing the payment of prevailing wages.
- g. The Office Engineer will assume the following functional responsibilities:
 - 1) Process monthly progress pay estimates, monthly status reports, extra work reports, and weekly statements of working days.
 - 2) Prepare and process contract change orders.
 - 3) Monitor construction budget and schedule.
 - 4) Prepare, maintain, and/or file project documents including labor and equipment records, correspondence, memoranda, meeting minutes, claims, personnel records, labor compliance reports, and daily, weekly, and monthly reports.
 - 5) Perform routine calculations and checking of quantities.
 - 6) Coordinate all office activities and functions with SANBAG representatives.

9. Materials Testing Project Manager

- a. A minimum four (4) years' project management experience on a similar highway/bridge construction project is desired.
- b. Licensed Civil Engineer in the State of California.
- c. Ability to use typical computer programs including word processing and spreadsheets.
- d. The materials testing project manager will assume the following functional responsibilities:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT's laboratory and field personnel.
 - 2) Assign personnel to projects on an as-needed basis in coordination with the Resident Engineer.
 - 3) Administer personal leave, subject to approval of the Resident Engineer.
 - 4) Prepare monthly reports for delivery to the Resident Engineer.
 - 5) Provide direction, administration, and responsibility for Materials Certification per Caltrans Construction Manual, Section 8-01.

Material testing personnel will be certified by a California Registered Civil Engineer as being experienced and competent in the test procedures required for the work involved (and possess a current certificate of proficiency (Form MR-0111) in accordance with Quality Assurance Program Manual (Section 3-5). Independent certification of Caltrans test procedures may be performed at the discretion of the SANBAG Construction Manager.

10. Materials Technicians

CONSULTANT personnel provided under this contract will have a variety of skills and experience appropriate for the level of tasks to be assigned. Field personnel shall be certified by Caltrans and should have a minimum of two (2) years' experience in conducting material sampling and testing of the type required for the projects involved and possess the following additional capabilities:

- a. Have the ability to establish specific locations for appropriate tests when construction contract administration personnel are not available.
- b. Be familiar with construction practices and be fully aware of construction activities at the Project site.

c. Have knowledge of and comply with safety and health regulations and requirements applicable to the Project.

d. Specific qualifications for technicians are as follows:

1) CONSTRUCTION TECHNICIAN I

a) Performs a variety of semi-skilled activities. Examples of duties assigned to this classification are:

- i. Conducting quality control tests such as soil densities, sieve analysis tests, operation scales and inspecting spread operations.
- ii. Sampling and transporting produced construction materials from point of application or production to testing laboratory.

b) Knowledge and Skills Required

- i. Knowledge of tools, equipment and vehicles utilized in construction.
- ii. Knowledge of standard equipment and materials used for the sampling and testing of construction material.
- iii. Knowledge of basic mathematics used in the computation of a variety of construction items.
- iv. Knowledge of record keeping, preparing of documents and reports.

2) CONSTRUCTION TECHNICIAN II

a) Performs a variety of skilled activities. Examples of duties assigned to this classification are:

- i. Inspecting minor construction items, sampling and inspection of steel reinforcement, sampling and inspection of concrete placing operation.
- ii. Collect and analyze soil samples of construction materials to determine compaction and moisture content.
- iii. Inspection and sampling of all phases of asphalt concrete and PCC paving operation, including plant inspection.
- iv. Confers with construction engineers and contractors regarding construction in progress and its conformance to specifications and construction plans.
- v. Answers questions and resolves problems.
- vi. Inspects construction in progress to ensure conformance with specification, agreements, and established requirements.
- vii. Keeps daily diary of work progress.

- viii. Prepares reports on all field inspections and submits project quantities on a daily basis.
- ix. Keeps accurate documentation for force accounts and possible claims.

b) Knowledge and Skills Required

- i. All knowledge and skills required of lower classification.
- ii. Knowledge of currently accepted methods, procedures and techniques used in highway construction inspection, survey, materials testing, and quality control equipment.
- iii. Skill in interpersonal relations as applied to contact with contractors, representatives of other governmental jurisdictions, and other SANBAG/Caltrans staff.

3) CONSTRUCTION TECHNICIAN III

a) Exercises considerable independent judgment within general Caltrans standards and guidelines. Examples of duties assigned to this classification are:

- i. Inspect Project construction on an ongoing basis to assure compliance with contract and in accordance with State and local standards.
- ii. Perform a variety of structural material tests and inspections.
- iii. Reviews construction plans and verified that these are in accordance with designated specifications and other requirements.
- iv. Participates in the preparation of completed work estimates, to calculate compensation due contractor.
- v. Examines and verifies numeric data and material specifications on project cost source documents, utilizing geometry and trigonometry calculations.
- vi. Supervises all work activities involved in construction projects, laboratory, and quality control work.
- vii. Recommends approval of proposed Project changes.

b) Knowledge and Skills Required

- i. All knowledge and skills required of lower classifications.
- ii. Knowledge of the principles and practices of Civil Engineering as applied to the construction of state highways.
- iii. Skill in analyzing and evaluating a wide variety of highly technical engineering data, including construction

- plans, field survey and quality control documents.
- iv. Skill in interpreting and implementing Caltrans standards, policies, procedures and regulations.
- v. Skill in interpersonal relations, as applied to contacts with contractors, representatives of other governmental jurisdictions, and other SANBAG/Caltrans staff.

11. Construction Surveying Project Manager

- a. A minimum four (4) years' project management experience on similar construction projects is desired.
- b. Licensed Surveyor or pre-January 1, 1982 Registered Professional Engineer in the State of California.
- c. Accessible to the Resident Engineer and SANBAG at all times during normal working hours as specified in this Scope of Services.
- d. Under the direction of the Resident Engineer, the Project Manager will be responsible for:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT survey personnel.
 - 2) Assign personnel to projects on an as-needed basis.
 - 3) Administer personal leave, subject to approval of the Resident Engineer.
 - 4) Prepare monthly reports for delivery to the Resident Engineer.

12. Field Party Chief(s)

- a. The person(s) holding the position of Party Chief shall meet at least one of the following licensing requirements:
 - 1) A licensed Land Surveyor in the State of California.
 - 2) A pre-January 1, 1982, Registered Professional Civil Engineer in the State of California.
 - 3) An experienced surveyor who serves as chief under the direction or supervision of a person who is a licensed Land Surveyor or pre-January 1, 1982 Registered Professional Civil Engineer in the State of California. The direction or supervision shall place the supervisor in "responsible charge" of the work. "Responsible Charge" is defined in Chapter 15 of the Business and Professions Code (the Land Surveyor's Act) and Title 16, Chapter 5, of the California Administrative Code (regulations adopted by the Board of Registration for Professional Engineers and Land Surveyors).
- b. The Party Chief(s) should have a minimum two (2) years' survey experience on similar construction projects and possess the following additional capabilities:

- 1) Thorough knowledge of construction survey practices and the ability to read and interpret plans and specifications.
- 2) Ability to make effective decisions concerning field problems and work in progress.
- 3) Familiarity with typical coordinate geometry computer programs.
- 4) Familiarity with safety requirements for surveying near traffic.

c. The Party Chief(s) will assume the following responsibilities:

- 1) Perform construction staking services for Project construction.
- 2) Administer day to day activities for the survey party.
- 3) Perform analytical survey calculations for items such as grading, horizontal and vertical control, right of way, and minor in-field design.
- 4) Maintain continuous communication with the Resident Engineer, field personnel, and construction administration staff.

13. Survey Crews

a. Qualifications for survey crew members should include the following:

- 1) A minimum of one (1) year of survey experience on similar construction projects is desired.
- 2) Fundamental knowledge of construction survey practices and the ability to read and interpret plans and specifications.
- 3) Ability to assist Party Chiefs and office personnel in all required surveying work.
- 4) One survey crew member must have the ability to assume temporary leadership of the survey party in the absence of the Party Chief.

b. Under the direction of the Resident Engineer and the Party Chief, the survey crew members will assume the following responsibilities:

- 1) Perform basic calculations to support construction staking.
- 2) Maintain continuous communication with Party Chiefs and office personnel.



- 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: 11

Date: August 17, 2012

Subject: Interstate 15 (I-15)/Ranchero Road Interchange Project payment approval to MNS Engineers, Inc.

Recommendations:* That the Committee recommend the Board approve payment of \$21,959.75 to MNS Engineers, Inc. for constructability review services completed prior to Board approval of Contract No. C12218.

Background: In March, 2012, San Bernardino Associated Governments (SANBAG) Board authorized Staff to release a Request for Proposal (RFP) for Construction Management, Materials Testing, and Construction Surveying (“Construction Management Contract”) associated with the construction of I-15/Ranchero Road Interchange Project. As was noted in the agenda background, due to the tight time frame the procurement process for a construction management consultant needed to start before the cooperative agreements with the City of Hesperia and California Department of Transportation (Caltrans) were executed, which is not the normal process for SANBAG.

At the time the RFP was presented to the Board, Caltrans had made SANBAG aware of the availability of Congestion Mobility Improvement Account (CMIA) funding and that to secure the funding, the project must be ready for construction by the May or at the very latest, the June 2012, California Transportation Commission (CTC) meeting. Prior to the CMIA funds being programmed, the CTC wanted assurance that such a project can be brought forward to the CTC in

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Approved
 Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.
 MDC1208a-bmf

this time frame. As a result, the City of Hesperia, Caltrans, and SANBAG staff initiated discussions regarding the potential to deliver the I-15/Ranchero Road Interchange Project to secure the CMIA savings. In consultation with these agencies, and with the intention of securing the CMIA funds for the project, a list of tasks that need to be completed and the related schedule was developed. One of these tasks was to complete constructability review of the two sets of Project Plans, Specifications and Estimates (PS&E) package prepared by the City of Hesperia to expedite the approval for both the new interchange and realigned frontage road packages. The constructability review is conducted by the construction management team. Having the construction management team complete the review makes sure the project is constructible and the team takes ownership of the project.

To expedite the process, and as had been practiced in similar situations when the schedule is critical and tight, after policy committee concurrence to recommend Board approval of Construction Management Services contract C12218, staff had requested that a Purchase Order (PO) be issued for a not-to-exceed amount of \$25,000 to the selected firm, MNS Engineers, Inc. to commence the constructability review. Since the issuing of a PO for similar services under similar conditions had not been an issue previously and since the schedule on this project was so tight, the consultant was instructed to commence the constructability review as the PO would be issued shortly. Subsequently, the PO was reviewed by the Contract Administrator, recently added to SANBAG's staff, who concluded that the issuing of a PO in this manner was not in line with standard procurement practices and should not be approved. The Administrator recommended staff seek Board approval for the payment of the services MNS Engineers, Inc. provided at the direction of staff. This agenda item is seeking such approval.

On May 2, 2012, the Board approved award of Contract No. C12218 with MNS Engineering Inc. for Construction Management services in an amount not-to-exceed \$5,652,770. The contract included the scope and the fee to complete the constructability review.

The initial constructability review was completed by MNS Engineering Inc. on May 4, 2012, and forwarded to the City of Hesperia and its designer. Constructability comments are still being addressed by the designer and Caltrans, and will be included in an addendum to the PS&E bid package.

On June 6, 2012, the Board approved the Cooperative Agreement with Caltrans and approved the project Plans, Specifications, and Estimates (PS&E), authorized the Director of Project Delivery to advertise Invitation for Bids (IFB) No. C13001, and authorized staff to proceed directly to the Board with a

recommendation to award without prior Mountain Desert Committee approval of Construction Contract No. C13001.

Staff understands that issuing a PO to a Consultant who has been recommended for contract award on the same project is not in compliance with standard procurement policies and procedures. Also, giving a notice to proceed prior to the execution of a PO or contract is outside the authority vested by the Board, not good practice, and will not be repeated.

Since staff had instructed the consultant to commence the constructability review and since the services provided were necessary, it is recommended that payment of \$21,959.75 be made to MNS Engineering, Inc. Contract No. C12218 with MNS Engineering Inc. includes sufficient budget to complete the constructability review.

Financial Impact: This item has no impact the adopted SANBAG Fiscal Year 2012/2013 budget. Task No. 0890.

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: 12

Date: August 17, 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 are: 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.

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Approved
 Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.
 MDC1208g-das
 Attachment: MDC1208g1-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 was also reviewed by the Major Projects Committee on August 9, 2012.

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



- 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: 13

Date: August 17, 2012

Subject: Amendment No. 1 to the Trade Corridors Improvement Fund (TCIF) Baseline Agreement C09109 for Lenwood Road Grade Separation Project

Recommendation:* That the Committee Recommend the Board:

1. Approve Amendment No. 1 to Contract C09019 for the Trade Corridors Improvement Fund Baseline Agreement for Lenwood Road Grade Separation Project.
2. Authorize the Executive Director to execute Amendment No. 1, including technical and administrative changes that may be necessary, following California Transportation Commission staff review. Should any policy issues arise from such changes, the Executive Director will consult with Board Officers.

Background: On September 3, 2008, the SANBAG Board approved TCIF Baseline Agreement C09019 for the Lenwood Road Grade Separation Project. The TCIF program guidelines require an amendment to the Project Baseline Agreement should the funding arrangements, delivery schedule, scope, and expected performance benefits be modified. This amendment changes the delivery schedule and updates the total project cost per the updated project funding plan approved by the SANBAG Board in October 2011.

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COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.
 MDC1208a-pc
 Attachment: C09019-01

Approved
Mountain/Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

At the time the original baseline agreement was executed, the project was in the preliminary project development phase with an estimated total project cost of \$25,075,000. Subsequently, the Project Approval and Environmental Document (PA&ED) phase was completed in July 2011, with a preferred design alternative and an updated total project cost of \$31,501,000. The majority of the cost increase is due to the additional Right-of-Way (ROW) required for the project. The total project cost increased from an original estimate of \$25M to today's estimate of \$31.5M based on the current plans that provide for a temporary bypass during construction and two roadway dedications that will provide permanent access to several of the properties.

The delay of the project delivery schedule is due to the additional time required for approval of the environmental document as well as time spent seeking federal fund obligation for the ROW phase. The Congestion Mitigation and Air Quality (CMAQ) funds were not eligible for this project because Lenwood Road is being widened to four lanes, thus increasing capacity. SANBAG located Surface Transportation Program (STP) funds to replace the CMAQ funds for ROW. The STP funds will also replace a portion of the Measure I Local funds for construction.

Although the construction start date suffered a 13 month delay, the project management team has scheduled the construction award date on the milestone schedule at June 2013, which will assure us that the project will begin construction prior to the TCIF construction contract execution deadline of December 2013. The construction completion date is scheduled for May 2015.

SANBAG staff is recommending approval of this TCIF Baseline Agreement amendment, as attached, with changes in total project cost and project schedule.

- Financial Impact:*** This item is consistent with the approved Fiscal Year 2012/2013 Budget, Task No. 0881.
- Reviewed By:*** This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item and a draft of the Amendment.
- Responsible Staff:*** Philip Chu, Transportation Programming Analyst



CONTRACT SUMMARY SHEET

Contract No. C 09019 Amendment No. 01

By and Between

California Transportation Commission, Caltrans, and SANBAG
 City of Barstow

Contract Description Baseline agreement serve as a general scope benefit project sponsor agreement. Final funding contribution will be determined by co-op agreements for each phase.

Board of Director's Meeting Date: 9/5/2012	
Overview of BOD Action: Approve Amendment #1 to TCIF Baseline Agreement for Lenwood RoadGrade Separation Project C09019-01	
Is this a Sole-Source procurement? <input type="checkbox"/> Yes <input type="checkbox"/> No	

CONTRACT OVERVIEW			
Original Contract Amount	\$	0	Original Contingency Amount
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	0	Revised Contingency Amount <i>Inclusive of prior amendments</i>
Current Amendment Amount	\$	0	Contingency Amendment
TOTAL CONTRACT VALUE	\$	0	TOTAL CONTINGENCY VALUE
TOTAL BUDGET AUTHORITY (contract value + contingency)			\$ 0

Contract Start Date 12/1/2008	Current Contract Expiration Date	Revised Contract Expiration Date
Has the contract term been amended? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - please explain. Milestone date changed		

FINANCIAL INFORMATION				
<input type="checkbox"/> Budget authority for this contract currently exists in Task No. _____.				
<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 type="checkbox"/> Local Funds	<input type="checkbox"/> TDA Funds	<input type="checkbox"/> Measure I Funds
Provide Brief Overview of the Overall Funding for the duration of the Contract:				
<input type="checkbox"/> Payable <input type="checkbox"/> Receivable				

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

Andrea Zureick	Andrea Zureick	8/8/12
Task Manager (Print Name)	Signature	Date
HELIP CATH	[Signature]	8/8/12
Project Manager (Print Name)	Signature	Date
Jeffery Hill	[Signature]	8/8/12
Contracts Manager (Print Name)	Signature	Date
[Signature]	[Signature]	8/8/12
Chief Financial Officer Signature (Print Name)	Signature	Date

**TRADE CORRIDORS IMPROVEMENT FUND
PROJECT BASELINE AGREEMENT AMENDMENT #1**

On _____, with CTC Resolution TCIF _____, attached hereto for reference, the California Transportation Commission approved a TCIF Program Amendment to revise fund programming and project schedule of TCIF Project: the Lenwood Road Grade Separation Project.

The Project Baseline Agreement provision for the Lenwood Road Grade Separation Project, effective on _____, made by and between the California Transportation Commission, the California Department of Transportation, the City of Barstow, and San Bernardino Associated Governments remain in effect except for the following sections:

4.1 Project Schedule and Cost

See Project Programming Request Form, attached as Exhibit A.

California Department of Transportation
Malcolm Dougherty, Director

California Transportation Commission
Bimla Rhinehart, Executive Director

City of Barstow
Curt Mitchell, City Manager

San Bernardino Associated Governments
Raymond Wolfe, Executive Director

APPROVED TO AS FORM:


Eileen Monaghan Teichert, SANBAG General Counsel

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 6/11)

General Instructions

<input type="checkbox"/> New Project		<input checked="" type="checkbox"/> Amendment (Existing Project)			Date:	08/06/12
District	EA	Project ID	PPNO	MPO ID	TCRP No.	
8	0G0534		1135	200622		
County	Route/Corridor	PM Bk	PM Ahd	Project Sponsor/Lead Agency		
SBD				San Bernardino Associated Governments (SANBAG)		
				MPO	Region	
				SCAG	LA	
Project Mgr/Contact		Phone		E-mail Address		
Barbara Fortman		909-884-8276		bfortman@sanbag.ca.gov		
Project Title						
Lenwood Road Railroad Grade Separation						
Location, Project Limits, Description, Scope of Work, Legislative Description						
In the city of Barstow. Construct a grade separation for BNSF lines at Lenwood Road (TCIF 64).						
Component						
		Implementing Agency			Reimbursements	
PA&ED		Barstow, City of				
PS&E		Barstow, City of				
Right of Way		SANBAG				
Construction		SANBAG				
Legislative Districts						
Assembly: 34			Senate: 18			
Congressional: 25						
Purpose and Need						
Lenwood Road is a major north/south arterial through the City of Barstow that crosses both I-15 and SR-58 and carries approximately 4,200 vehicles per day. Because of Barstow's strategic location at the intersection of these two facilities, the area adjacent to Lenwood Road is increasingly being developed as warehouse and distribution centers. Lenwood Road is the primary point of access for these facilities. Currently, truck traffic travels 8 miles out of the way to avoid the Lenwood Road at grade crossing due to the unreliability of access. An estimated 94 freight trains and two passenger trains cross Lenwood Road daily, creating substantial traffic delays and providing a physical impediment to emergency response service and						
Project Benefits						
Project Milestones					Existing	Proposed
Project Study Report Approved						
Begin Environmental (PA&ED) Phase					10/01/08	
Circulate Draft Environmental Document					04/01/10	
Draft Project Report					06/01/08	
End Environmental Phase (PA&ED Milestone)					10/01/10	
Begin Design (PS&E) Phase					01/01/11	08/19/10
End Design Phase (Ready to List for Advertisement Milestone)					01/01/12	09/01/12
Begin Right of Way Phase					10/01/10	07/28/11
End Right of Way Phase (Right of Way Certification Milestone)					12/01/11	04/19/13
Begin Construction Phase (Contract Award Milestone)					04/01/12	06/15/13
End Construction Phase (Construction Contract Acceptance Milestone)					09/01/13	05/30/15
Begin Closeout Phase					09/01/13	06/01/15
End Closeout Phase (Closeout Report)					12/01/13	12/01/15

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 6/11)

Date: 08/06/12

District	County	Route	EA	Project ID	PPNO	TCRP No.
8	SBD		0G0534		1135	
Project Title: Lenwood Road Railroad Grade Separation						

Existing Total Project Cost									Implementing Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									Barstow, City of
PS&E	2,760							2,760	Barstow, City of
R/W SUP (CT)									
CON SUP (CT)									
R/W		743						743	SANBAG
CON			21,572					21,572	SANBAG
TOTAL	2,760	743	21,572					25,075	
Proposed Total Project Cost									Implementing Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E	4,409							4,409	
R/W SUP (CT)									
CON SUP (CT)									
R/W			4,792					4,792	
CON				22,300				22,300	
TOTAL	4,409		4,792	22,300				31,501	

Fund No. 1:	State Bond - Trade Corridor Program (TCIF)								Program Code
Existing Funding									20.XX.723.000
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									Caltrans
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			6,694					6,694	
TOTAL			6,694					6,694	
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON				6,694				6,694	
TOTAL				6,694				6,694	

Fund No. 2:	Demo - High Priority Projects Program (DEMO-ST)								Program Code
Existing Funding									20.30.010.680
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									Barstow, City of
PS&E	1,200							1,200	
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL	1,200							1,200	
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON				1,200				1,200	
TOTAL				1,200				1,200	

Fund No. 3: RSTP - STP Local Regional (STPL-R)									Program Code
Existing Funding									20.30.010.810
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									San Bernardino Associated Gov
PS&E	354							354	
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL	354							354	
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W			3,450					3,450	
CON				8,839				8,839	
TOTAL			3,450	8,839				12,289	

Fund No. 4: Local Funds - Local Transportation Funds (LTF)									Program Code
Existing Funding									20.10.400.100
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									Barstow, City of
PS&E	1,206							1,206	
R/W SUP (CT)									
CON SUP (CT)									
R/W		743						743	
CON			14,878					14,878	
TOTAL	1,206	743	14,878					16,827	
Proposed Funding									Notes
E&P (PA&ED)									
PS&E	974							974	
R/W SUP (CT)									
CON SUP (CT)									
R/W			885					885	
CON				142				142	
TOTAL	974		885	142				2,001	

Fund No. 5: SANBAG Measure I									Program Code
Existing Funding									
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									SANBAG
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
E&P (PA&ED)									SANBAG Measure I
PS&E	935							935	
R/W SUP (CT)									
CON SUP (CT)									
R/W			457					457	
CON				2,161				2,161	
TOTAL	935		457	2,161				3,553	

Fund No. 6:		Railroad- BNSF							Program Code	
Existing Funding										
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency	
E&P (PA&ED)									RR-BNSF	
PS&E										
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON										
TOTAL										
Proposed Funding									Notes	
E&P (PA&ED)									RR BNSF	
PS&E										
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON					1,103			1,103		
TOTAL					1,103			1,103		

Fund No. 7:		State Prop 1B- SLPP							Program Code	
Existing Funding										
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency	
E&P (PA&ED)										
PS&E										
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON										
TOTAL										
Proposed Funding									Notes	
E&P (PA&ED)									Prop 1B- SLPP	
PS&E										
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON					2,161			2,161		
TOTAL					2,161			2,161		

Fund No. 8:		County of San Bernardino- Local							Program Code	
Existing Funding										
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency	
E&P (PA&ED)									County of SBD	
PS&E										
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON										
TOTAL										
Proposed Funding									Notes	
E&P (PA&ED)									County of San Bernardino	
PS&E	2,500							2,500	Local	
R/W SUP (CT)										
CON SUP (CT)										
R/W										
CON										
TOTAL	2,500							2,500		



- 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: 14

Date: August 17, 2012

Subject: Allocation of Funds to Morongo Basin Subarea Projects

Recommendation:* The Committee recommends that the Board of Directors allocate the following:

1. \$300,000 in Morongo Basin Major Local Highways Program (MLHP) funds to the City of Twentynine Palms for State Route (SR) 62 from Canyon to Sunrise Road.
2. \$225,000 in Morongo Basin MLHP funds to the Town of Yucca Valley for SR-62 from Apache to Palm and SR-62 from LaHonda Way to Dumosa Ave.
3. \$1,500,720 in State Local Partnership Program (SLPP) funds to the Town of Yucca Valley for SR-62 from Apache to Palm and SR-62 from LaHonda Way to Dumosa Ave.
4. \$50,000 in Morongo Basin Project Delivery and Transportation Management Systems (PD/TMS) funds to San Bernardino County for Preliminary Engineering of Lear Ave from Montezuma Dr. to Pole Line Rd.

Background: MLHP Funding The strategic plan for Measure I 2010-2040 created a process for identifying project priorities in the Rural Mountain/Desert Subareas to be funded by the 25% portion of Measure I known as the Major Local Highways Program (MLHP). These project priorities are to be used by the Mountain/Desert Committee and the SANBAG Board of Directors to make allocation decisions.

*

Approved
 Mountain Desert Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	
-----	--	-----	--	-----	---	------	--	-----	--

Check all that apply.

The Rural Mountain/Desert subarea allocations of MLHP funds are made on a case by case basis. The allocations to each jurisdiction are subject to geographic equity throughout the subarea. Funded projects are to be from a candidate project list developed by transportation planning partners in the subarea, should serve to maximize leveraging of private, local, Federal and State Dollars, and shall be made with the objective to deliver projects at the earliest possible date.

In September 2009, representatives of all agencies in the Morongo Basin subarea met and nominated projects to be eligible for Major Local Highway Program funds. The City of Twentynine Palms requested funds to be used as the City's match for a Caltrans project, SR-62 from Easy to Sunrise. The Town of Yucca Valley requested funds for two projects, SR-62 from Apache to Palm and SR-62 from West Town Limits to Airway. San Bernardino County requested funds for the Rotary Way Traffic Signal.

On January 11, 2012, the City of Twentynine Palms formally requested MLHP funds for the widening of SR-62 from Canyon to Sunrise Road (a project previously approved by the Subarea as SR-62 from Easy to Sunrise).

On June 28, 2012, the Town of Yucca Valley formally requested MLHP funds for two projects: SR-62 from Apache to Palm and SR-62 from Kickapoo Trail to Dumosa Avenue (a project previously approved by the subarea as SR-62/LaHonda to Dumosa). On July 30, 2012, the Town corrected the project name to SR-62 LaHonda to Dumosa.

PD/TMS Funding The strategic plan for Measure I 2010-2040 created a process for identifying project priorities in the Rural Mountain/Desert Subareas to be funded by the 2% portion of Measure I known as the Project Development/Traffic Management Systems Projects fund. These project priorities are to be used by the Mountain/Desert Committee and the SANBAG Board of Directors to make allocation decisions.

The funds are to be used as "seed money" to support planning and creation of long-term or permanent transportation management programs or advance project development planning for projects of significance to the subarea. This program is used to fund projects including but not limited to corridor studies, project study reports, projects to improve traffic flow and maximize use of traffic facilities.

In November, 2011, Jim Harris, the SANBAG representative from the City of Twentynine Palms, first discussed with staff the request from the Marine Corps Air Ground Combat Center for the paving of Lear Avenue up to the western gate to provide an additional entrance to the military base.

On May 24, 2012 San Bernardino County provided SANBAG with a request for Project Development/Traffic Management System (PD/TMS) funds needed for preliminary engineering for Lear Avenue/Montezuma Drive to Pole Line Road Roadway Improvements. This project may be eligible for a grant from the Defense Department Access Road Program and once the design has been completed, the County will seek Federal Funds for construction in cooperation with the base.

SLPP Funding On January 5, 2011, the Board of Directors approved Policy 35000, Allocation of Proposition 1B State-Local Partnership Program (SLPP) Funds. A subsequent determination based on the policy's formula of 50% population/50% centerline miles indicated that the Morongo Basin subarea would receive approximately \$2.79 million in SLPP funds.

On June 28, 2012, the Town of Yucca Valley formally requested SLPP funds for two projects: SR-62 from Apache to Palm and SR-62 from Kickapoo Trail to Dumosa Avenue.

Morongo Basin Subarea Meeting On July 30, 2012, representatives from each Agency in the Morongo Basin met to discuss the priority list for the subarea. The four projects recommended for funding allocations for 2012-2013 are the four projects listed above in the recommendation.

Financial Impact: There is no financial impact at this time. A recommendation will be made to the Mountain/Desert Committee in September for approval of Funding Agreements and the necessary Budget Amendments.

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: 15

Date: August 17, 2012

Subject: Qualifying Projects in the City of Barstow as Eligible Under Measure I

Recommendation:* That the Committee recommend the Board of Directors authorize the Executive Director to sign a letter confirming that projects in the City of Barstow's Pavement Management System report are eligible projects for Measure I Local Streets funds and that such funds may be used to pay financing costs of the projects through the California Statewide Communities Development Authority Total Road Improvement Program (TRIP).

Background: The City of Barstow has identified an extensive local street improvement program through a Pavement Management System. The Pavement Management System has identified 37.42 miles of streets that require some level of reconstruction. Rather than incrementally make the street repairs and improvements over an extended period of time, the City of Barstow would like to finance the improvements so more of these critical improvements can be made at one time to take advantage of low bid prices and economies of scale.

Barstow is proposing to use its Measure I Local Streets allocation as the source of the payments for the debt service for the financing. As long as the projects being financed meet the Measure I Local Streets guidelines, then the Measure I Strategic Plan allows cities to use their Local Streets allocation to pay for financing costs.

*

Approved
Mountain/Desert Committees

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	
-----	--	-----	--	-----	---	------	--	-----	--

Check all that apply.

SANBAG staff has reviewed the proposed projects listed in the Pavement Management System and finds that they are all allowable under the Measure I strategic plan. For this reason, staff is requesting that the Executive Director be authorized to sign a letter confirming that the projects in the Pavement Management System report are eligible projects for Measure I Local Streets funds and that such funds may be used to pay financing costs of the projects through the California Statewide Communities Development Authority Total Road Improvement Program (TRIP).

Financial Impact: This item is consistent with the adopted SANBAG budget. Measure I Local Streets funds are passed directly through to each agency and Barstow's use of their funds will not impact any other SANBAG funds.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee.

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

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
IEEP	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
SRTP	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 st 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.

Approved June 2, 1993
Reaffirmed March 6, 1996