



SAN JOAQUIN COUNCIL OF GOVERNMENTS
Project Delivery Sub-Committee
SJCOG Executive Conference Room
555 East Weber Avenue
Stockton 95202

Monday, September 9, 2013
4:30 p.m.

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PARKING: For your convenience, parking is available at the COG Regional Center off of American marked "Visitor" on the North Side Of the Parking Lot.

A G E N D A

1. Roll Call and Introductions:
2. Public Comments:
3. Approve Minutes of July 22, 2013:
Additional Material: Minutes of July 22, 2013
Recommended Action: Approve as submitted
4. State Route 4 Crosstown Extension to Navy Drive Expert Witness List:
Additional Material: Staff Report
Recommended Action: Action
5. Public Art on State Highway Projects:
Additional Material: Staff Report
Recommended Action: Information
6. Status of Major Highway Projects:
Additional Material: Project Matrix
Recommended Action: Information
7. Caltrans Executive Report (No Staff Report):
8. Executive Director's Report:
9. Other Matters of Business:

10. Adjourn to the Next Meeting of Committee:
Next Regularly Scheduled Meeting: October 14, 2013

NOTE:

The agenda packet is available for public inspection in the SJCOG Office at 555 E. Weber Avenue during normal business hours. These documents are also available on the San Joaquin Council of Governments website at www.sjcog.org subject to staff's ability to post the documents before the meeting.

PARKING:

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Stockton, CA 95202

Monday, July 22, 2013

MINUTES

1. The meeting was called to order at 5:05 by Chairman Larry Hansen.

Present:

Supervisor Steve Bestolarides, San Joaquin County; Councilman Jeff Laugero, City of Escalon; Councilman Larry Hansen, City of Lodi; Councilman Moses Zapien, City of Stockton.

Others Present:

Andrew T. Chesley, Executive Director; Steve Dial, Deputy Executive Director/CFO; Kevin Sheridan, Project Manager; Dinah Bortner, Caltrans; Rosie Vargas, Office Services Supervisor.

2. **Public Comments:** None

3. **Approve Minutes of August 13, 2012:**

It was moved/seconded (Bestolarides/Laugero) to approve the minutes of August 13, 2012. Motion passed unanimously 3/0 by voice vote.

Councilman Moses Zapien entered the meeting

4. **Policy Consideration of Letter of Credit**

Mr. Dial presented this item asking the committee members if they would be interested in offering a Letter of Credit for private companies that have been affected by Measure K projects that have displaced them through the right away negotiation process. Mr. Dial discussed the current situation with a property owner asking COG for a \$4 million letter of credit; however staff has not received enough information for collateral in case they defaulted.

Councilman Hansen asked if someone defaulted where the source of funds would come from. Mr. Dial said it would be the Measure K Congestion Relief funds.

Supervisor Bestolarides stated he would rather pay more money and settle than becoming a partner with a letter of credit.

Mr. Chesley stated staff wants to get this company off the property. The business owners run a good trucking business, but they are having a challenge with the process.

Councilman Hansen expressed his concerns on a letter of credit unless staff can demonstrate minimal risk.

Mr. Dial stated this item went to the Executive Committee and they suggested the trucking company get assistance on how to put the package together.

Mr. Dial stated a proposal will be presented to the Board if staff can provide a high level of security and the risk level is low

This item was for discussion only, no action was taken.

5. **Highway 4 (Crosstown) Western Extension to Navy Drive Project Right of Way Consultant Agreement Amendment**

Mr. Sheridan presented this item stating there is an increase in the relocation assistance program to help commercial owners get out. Staff's recommendation is to shift the \$75,000 from the existing contract to further support Caltrans for activities associated with the Eminent Domain process.

Councilman Hansen asked about the start of construction for the project. Mr. Sheridan stated the end of September or October receive bids and award by November. Councilman Hansen asked for the projected construction. Mr. Sheridan said two and a half years.

It was moved/seconded (Bestolarides/Laugero) to recommend the SJCOG Board to authorize the Executive Director to approve contract amendment #4 with Bender Rosenthal, Inc., modifying the scope of services and extending term of the agreement. Motion passed unanimously 4/0 by voice vote.

6. **Cooperative Agreement with Caltrans for Interstate 5 Rehabilitation Construction Project Freeway Service Patrol (FSP)**

Mr. Sheridan stated this item is to allow staff to enter into a contract with Caltrans to reimburse \$1 million to SJCOG for the FSP services with Mike's Towing on I-5.

Councilman Hansen asked about the completion date of the two phases of the project. Mr. Sheridan stated it's anticipated prior to the HOV project.

It was moved/seconded (Bestolarides/Laugero) to authorize the Executive Director to execute a Cooperative Agreement with Caltrans not to exceed \$1,000,000 for the I-5 rehabilitation project. Motion passed unanimously 4/0 by voice vote.

7. **Status of Major Highway Projects**

Mr. Sheridan gave an update on the projects stating all are exceeding expectations. Mr. Sheridan reported that the Highway 12 Improvement project is open and staff is working with Caltrans on the ribbon cutting. Mr. Sheridan stated

there will be a number of cooperative agreement amendments going to the Board to reflect the actual amounts and add language to bill the state for 99 South Stockton, Manteca Widening and I-5.

Mr. Chesley discussed the schedule issues with the work on Swain Road and March Lane stating it's taking longer than specified.

This item was for information only no action was taken.

8. Caltrans Executive Report

Ms. Bortner reported on the SHOPP program stating there is a statewide issues that there the funding for this year looks like there's more money than projects. So there are projects that may be advanced four years out.

Ms. Bortner announced Carrie Bowen is being assigned to an interim assignment to Los Angeles District office until they hire a new director and Amarjeet Benipal will be assigned as the D-10 Director for about 3 to 4 months. His first day is August 1st.

9. Executive Director's Report

None.

10. Other Matters of Business

None.

11. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:10 p.m. to Monday, August 12, 2013.

STAFF REPORT

SUBJECT: Highway 4 Western Extension to Navy Drive Right of Way Expert Witness List of Firms

RECOMMENDED ACTION: Request PDC to Recommend to the SJCOG Board to Authorize the Executive Director to Amend the List of Firms for Reimbursement Agreements with Multiple Expert Witness Contractors for the Caltrans Right of Way Acquisition Process

DISCUSSION:

OVERVIEW:

In July 2013 the SJCOG Board approved a list of firms to be contracted with for Expert Witness services on the State Route 4 Crosstown Freeway Extension to Navy Drive project. The need for different expert witness testimony is dynamic based on Caltrans needs to resolve issues related to acquiring properties for the project. Therefore SJCOG staff is requesting that the PDC recommend to the SJCOG Board to authorize the Executive Director to add names of firms to the list of names for Expert Witness contractors when requested by Caltrans. The need for expert witness testimony is time sensitive.

As the need for expert witness testimony continues through the settlement and condemnation process. Caltrans has identified the need to expand the expert witness firms to the list of names that were previously approved of by the Board. There are a range of expert witnesses needed to fulfill the legal process, and at times more than one maybe be called upon to provide testimony for the same property.

BACKGROUND:

Caltrans is the Implementing Agency for the SR 4 Western Extension project, in partnership with SJCOG. Caltrans is responsible for acquiring the necessary Right-of-Way (ROW) for the project which at times requires condemnation. SJCOG is responsible for paying for the ROW phase. As the implementing agency Caltrans performed all of the procurement requirements through the State's legal process.

Over the course of Measure K and Measure K Renewal, in order to shorten project delivery

times and be more efficient in contracting, SJCOG has made a practice of sharing our lists of consultants and contractors that have been vetted through a credible and transparent procurement process. Conversely, SJCOG has taken advantage of our member agency's procurement processes to gain access to contractor and consultant lists. Caltrans uses a department-approved procurement process to identify expert witnesses and assures SJCOG these contractors were vetted through that process.

RECOMMENDATION:

SJCOG staff recommends to the PDC to recommend to the SJCOG Board to authorize the Executive Director, to add when requested by Caltrans, to enter into the expert witness contracts as identified by Caltrans for the condemnation parcels. The cost for these contracts is covered under the existing SJCOG/Caltrans Cooperative Agreement. The current list of firms previously approve of are:

Crockett & Associates
Burchard & Rinehart
Girbovan
Desmond, Marcello & Amster
Ruggeri-Jensen-Azar
TiG Transportation (WINTCH)

New firm(s) being requested to add to the list:
TBD (other)

FISCAL IMPACT:

These costs are ultimately a project total cost and were included within the overall project total costs. These costs are captured for the project in the Measure K Renewal strategic program and approved previously by the SJCOG Board as part of the Caltrans ROW Cooperative Agreement.

Prepared by: Kevin Sheridan, Project Manager

STAFF REPORT

SUBJECT: Public Art on State Highway Projects

RECOMMENDED ACTION: Information

DISCUSSION:

OVERVIEW:

This report describes two separate state policies applicable to state highway projects. One is a policy under the Proposition 1B Program (which targets performance-based benefits) and the other is a stand-alone Caltrans policy on Transportation Art (which targets aesthetics and beautification.) The purpose of the report is to apply these two separate policies on the state highway projects and then evaluate the implications of these policies on public art within the state highway projects. When analyzed comprehensively, staff will demonstrate that these policies are distinct and unique when applied to state highway projects. The policies will therefore have different outcomes to state highway projects than, as an example, locally funded interchange projects. This outcome is that public art is not a mandated element for state highway improvements.

BACKGROUND:

Staff has examined the highway improvement projects on State Route 99, Interstate(s) 5 & 205, and State Route 4 (the extension to Navy Drive). As a requirement of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA—for federally funded projects), all these state highway projects are required to evaluate visual impacts and aesthetics during the environmental & preliminary design phase. This evaluation needs to be satisfied in order to achieve the needed environmental approvals and clearance. Common to all projects is that this environmental review process included public meetings to get public input and comment on the project's environmental analysis, conclusions, and findings. This public input is mandated in the environmental laws and regulations. It should be noted that aesthetic improvements (which may be required as part of environmental mitigations), in many cases, are oftentimes improvements that do not rise to the level of being deemed as public art.

Another commonality of the state highway projects is that they are funded through the Measure K Renewal Program. In concert with local funds, Measure K Renewal dollars were used to match and leverage state funding sources made available by the Proposition 1B (Prop 1B) program. The significance of the Prop 1B Program dollars means that all these projects had to comply with Prop 1B guidelines to maintain eligibility for reimbursement of expenditures.

First, it should be pointed out that Prop 1B guidelines do not specifically allow for public art or beautification elements. Rather, Prop 1B are primarily “performance-based” measures that target mobility improvements and related congestion relief benefits. Furthermore, to demonstrate these benefits for Prop 1B eligibility, a cost/benefit analysis was performed prior to approval to satisfy the performance ratio needing to be met after the construction of the project. This ratio is based on performance improvements on the state highway system or major access routes to the state highway system.

To demonstrate the emphasis of performance based eligibility for Prop 1B funds, staff has provided an excerpt of the Prop 1B language as follows:

Mobility improvement and other project benefits.

The basic Prop 1B policy objective is to improve performance on highly congested travel corridors. Improvements may be on the state highway system or on major access routes to the state highway system on the local road system that relieve congestion by expanding capacity, enhancing operations, or otherwise improving travel times within high-congestion travel corridors. To include a project in the Prop 1B program, the Commission must find that it “improves mobility in a high-congestion corridor by improving travel times or reducing the number of daily vehicle hours of delay, improves the connectivity of the state highway system between rural, suburban, and urban areas, or improves the operation or safety of a highway or road segment.

It is clear to SJCOG staff that the Prop 1B policy objective, with its performance-based structure, made public art elements ineligible for Prop 1B reimbursement.

However, the Department of Transportation has a policy on Transportation Art. This policy is limited because it is not a funding eligibility policy as the above-described Prop 1B language. But rather, the purpose of the Transportation Art policy is to provide a structure and process of incorporating public art in state highway projects, should a public agency choose to finance this as part of the state highway project. This policy was derived from the Department’s Context Sensitive Solution Directive which was intended to give an opportunity for the state to partner with local stakeholders in establishing a clear process to meet the aesthetic expectation of both the immediate community and public. The Department’s policy on the State Highway system specifically states:

Transportation Art Policy.

The Department will encourage and promote enrichment of the cultural and visual environment for transportation system users and local communities by facilitating and coordinating the placement of artwork by others, within the state transportation right-of-way, through the encroachment permit process.

The permit applicant for transportation art shall be the responsible local public agency (city or county) supporting the proposed art and representing the community impacted by the art. The public agency shall issue a resolution recommending approval of the proposed transportation art and requesting installation on State right-of-way. A “double permit” (as

described in the Department's Encroachment Permits Manual) may be issued to the artist for installation maintenance, and removal of the artwork.

A major point in this Transportation Art policy is that the clear role of funding the public art and maintaining the public art falls on the shoulders of the public agency proposing the public art and not the State of California. Specifically, the Department is devoid of maintenance responsibility (for public transportation art) by requiring that the public agency (county or city) apply for an encroachment permit to support the proposed art work, and further requiring that the public agency be responsible for the maintenance, and removal of the art work if the permittee is unable to continue supporting the art work.

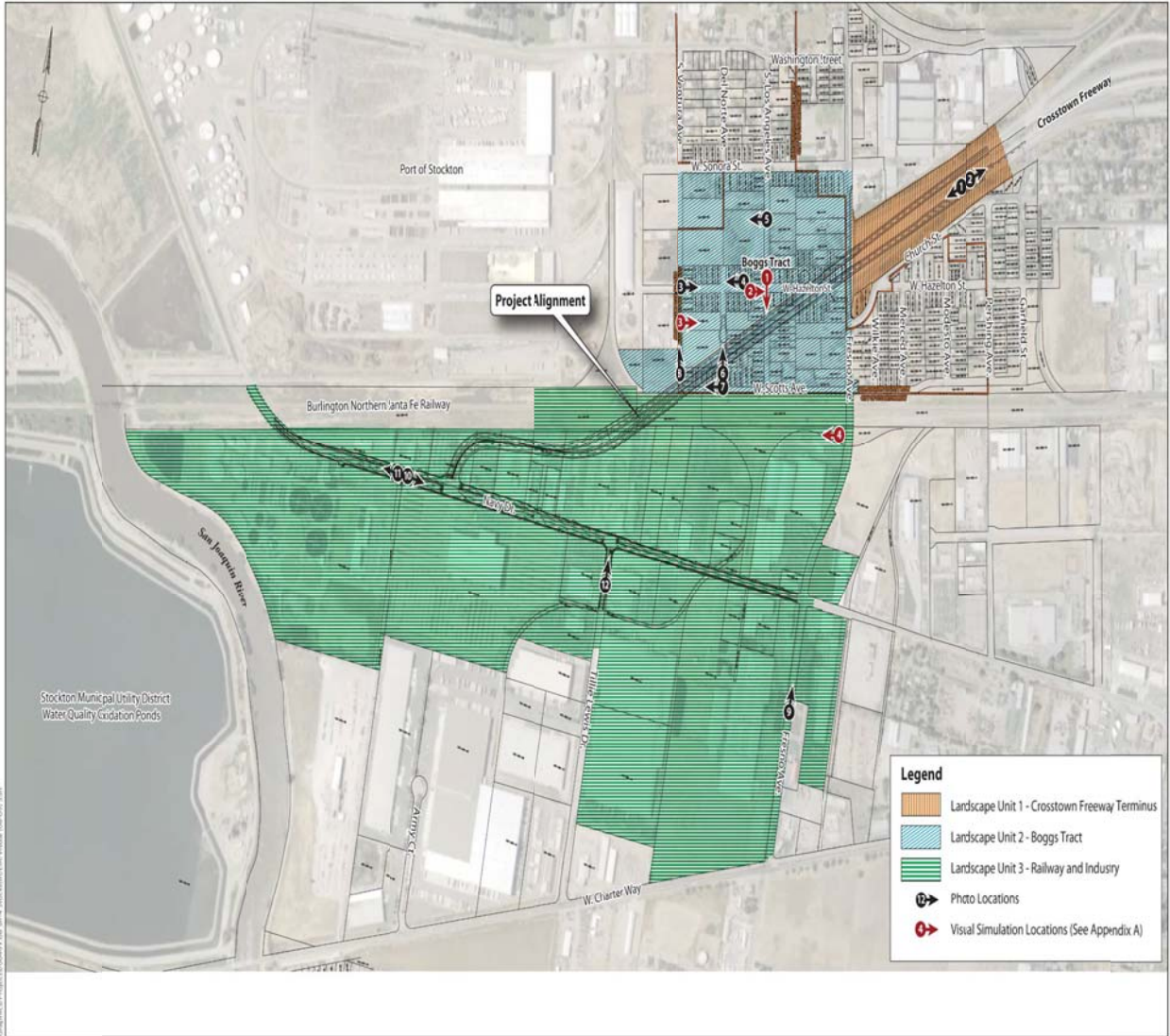
In the transportation projects identified in this staff report, the policies for the Prop 1B and a contribution agreement policy for Transportation Art were adhered to. Prop 1B cannot finance public transportation art and no permit application with outside funding was submitted to construct and maintain the public art. As a result, no additional public art components were designed into the projects.

There are aesthetic improvements on the state highway projects.

As indicated earlier, these policies were fully evaluated for each project and in all cases the resources were not available to incorporate additional public art over and beyond what the projects could provide that were designable and maintainable while meeting the Prop 1B performance criteria.

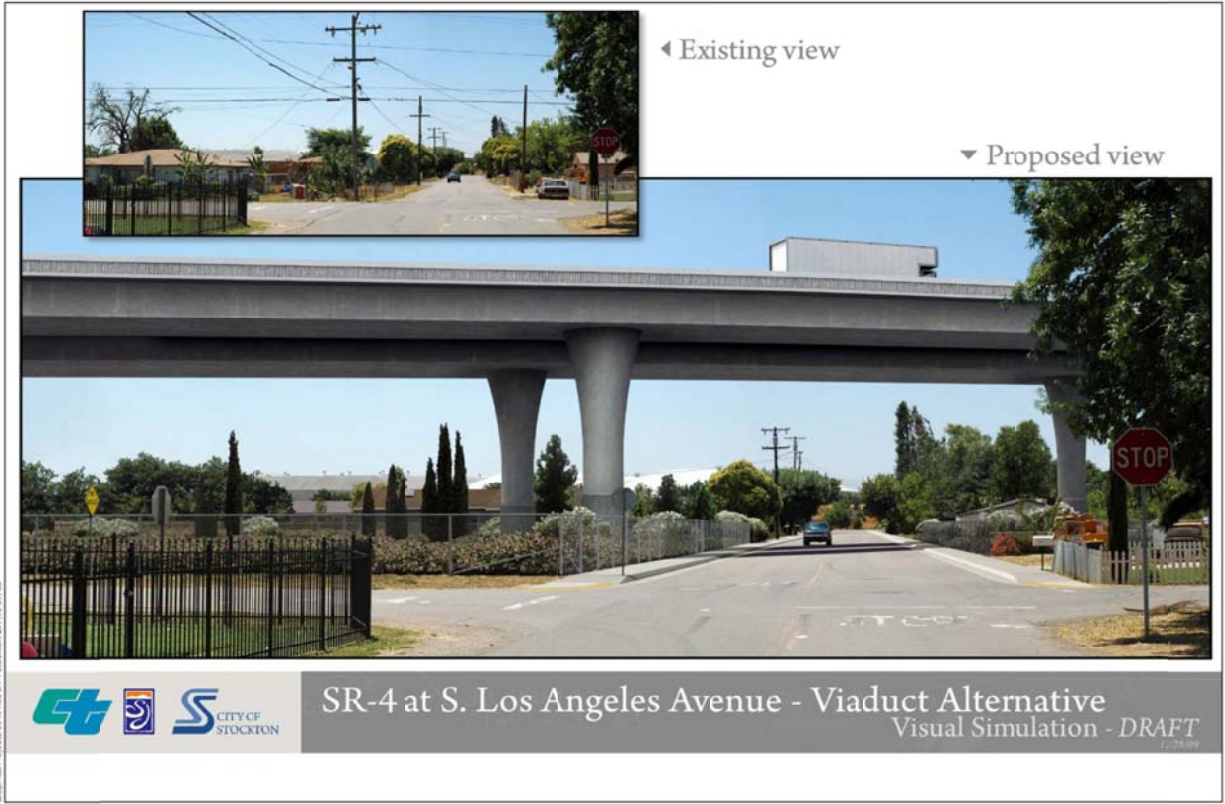
However, this did not relieve the necessity to evaluate the visual aesthetics and landscaping identified and analyzed during the environmental and preliminary design phases. The project development teams looked at various aesthetic treatments to all of the bridge/interchange structures and soundwalls. The project development teams had to reach agreement and make recommendations that took into consideration the design features and ability to maintain the visual features once constructed in place on a long term scale.

For example, on the State Route 4 Extension to Navy Drive project from the analysis in the Final Environmental Impact Report. During the environmental phase alternatives were shown at numerous public meetings to gain consensus on the alternative that the public was most supportive of. In the environmental document, three landscape units are visually distinctive in the project area: (1) Crosstown Freeway Terminus, (2) Boggs Tract, and (3) Industry/Warehouse and Railroad. To summarize, the visual impact analysis concludes that view point areas 1 & 3 are non-residential areas, and area 2 is the residential community of Boggs Tract. The viewer groups in this area are accustomed to heavy traffic accessing the port industry and commercial businesses on Navy Drive. These units are shown below:

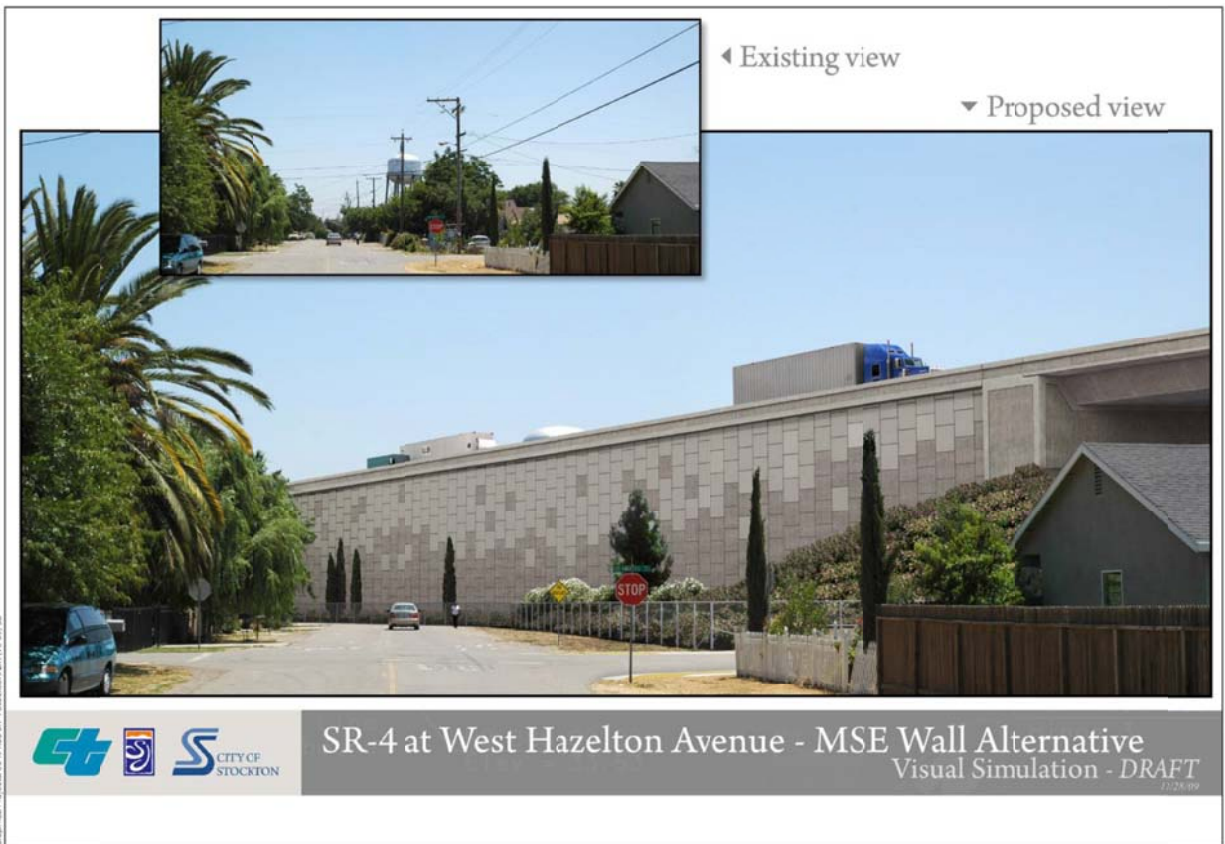


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From the public meetings it was concluded that an elevated structure known as a viaduct would be the preference of the Bogg's Tract Community as it maintained openness visually. See below



In comparison to the above Viaduct alternative the Material Stabilized Engineered (MSE) wall was rejected due to the visual impact associated with the view of the wall.



There was also significant concern of using an MSE wall to construct the project in that there would be a greater potential to attract graffiti and transients in the community where none currently exists. For all of the above, fencing and landscaping will be completed as part of the project improvements.

SUMMARY AND CONCLUSION:

In conclusion, a public agency (not the state) can choose to incorporate additional public art as a part of transportation projects on the State Highway system. However, the financing opportunity was simply not available for the state highway projects. The Prop 1B funding policies focused on performance benefits and the Transportation Art Policy of Caltrans put the burden of financing on the public agency, not the state. Measure K, local funds, and non-Prop 1B financing enabled the visual aesthetics and landscaping elements required as part of environmental mitigation for all state highway projects to be constructed. Again, this limited funding simply did not provide an opportunity to incorporate additional visual enhancements to the projects.

STAFF REPORT

SUBJECT: Status of Major Highway Projects

RECOMMENDED ACTION: Project Matrix

DISSCUSSION:

Attached to this staff report is a project matrix developed as a project management communication tool to provide updates on the current delivery status of projects on the state highway system. For these major highway projects, SJCOG is an implementing agency, financial sponsor, or both and shares in the responsibility in helping to insure the successful delivery of the projects identified.

Please see project notes section on the spread sheet for related information.

Project Highlight- The State Route 12 Ribbon Cutting Ceremony and Dana Cowell Memorial Dedication has been scheduled for 11 a.m. September 27, 2013 at Tower Park.

Funding for the \$20 million project came from the State Highway Transportation Improvement Program (STIP). Construction of this project began in May 2012. The project improvements, from I-5 to Terminous, included intersection improvement, left turn channelization, lane extension, and ITS. A major component of the project is an access road from westbound Highway 12 at the intersection of Glasscock Road/Tower Park Way. This access road eliminates the need for left hand turns, which improves safety for motorists. Instead of turning left, westbound drivers will make a right turn onto Glasscock Road and then make a quick left turn onto the access road. The access road then curves under the freeway to Tower Park Way.



Other planned improvements along the Highway 12 corridor include a rehabilitation of Bouldin Island, which includes a concrete barrier from the Potato Slough Bridge west to the county line, shoulder improvements, and a five-mile roadway replacement. This Caltrans project is being funded through the State Highway Operation and Protection Program (SHOPP) and is anticipated to go into construction in fall 2013.

Prepared By: Kevin Sheridan, Project Manager

Major Highway Project in Construction

Project Exceeding Expectations
 Project Meeting Expectations
 Project Not Meeting Expectations

Project Description	Total Project Cost (millions)	Existing Funding Commitment	Measure K		RTIF		Other Local	PROP 1B					STIP		Other State	Federal Funds	Project Phase	Begin Construction Date	Comments
			Measure K Highway	Measure K Local	RTIF Highway	RTIF Local		TCIF	CMIA	Route 99	HRCSA	SLPP	STIP Local (RIP)	STIP State (IIP)					
Highway 12 Improvements (I-5 to Terminous) Intersection Improvement, left turn channelization, lane extension, and ITS.	20.5	20.5											20.5				Construction	May 2012	Project construction complete. Newly reconfigured Glasscock Road Intersection now open to traffic. Ribbon cutting and Dana Cowell Memorial dedication set for Sept. 27 at the Tower Park location near Glasscock Road Intersection
Highway Bouldin Island Rehabilitation (Caltrans SHOPP) shoulder widening to 10' and pavement rehab from Terminous to Moke River	56.33	56.33													56.33 SHOPP		Design	Summer/Fall 2013	Caltrans preparing to go to construction in October. Project information will coincide with the ribbon cutting ceremony on Sept. 27.
Western Extension Highway 4 (Crosstown Freeway) Extend Crosstown Freeway from Fresno Ave to Navy Drive.	193.64	193.64	93.82		3			96.82									Complete RW & Design Summer 2013	Nov 2013	The project construction contract advertised on August 19. SJCOG and Caltrans working on finalizing utility agreements to update the Right of Way Certification before the Bid Opening in late October. SJCOG and Caltrans to finalize remaining Right of Way activities and contaminated soil remediation.
Route 99 South Stockton (Crosstown Freeway to Arch Road) Inside widening to 6 lanes, interchange modification/construction, and auxilliary lanes	214.46	214.46	36.56	11						132.26			16.01				Construction	February 2013	Golden Gate MLK Interchange and BNSF Railroad Structure construction on going. Bridge local street overcrossings being prepped for inside widening of the highway. Clark Drive access to 99 closed.
Route 99 Manteca (Arch Road to Rt. 120) Inside widening to 6 lanes, interchange modifications/construction.	154.84	154.84	22.53	10						89.54							Construction	Phases 1 & 2 Summer/Fall 2012, Phase 3 Winter 2012	Project split into three construction phases. Construction on going for all phases. Phase 1 Hwy. 99 inside widening, Phase 2 French Camp Interchange, Phase 3 Lathrop Road/Main Street Interchange. Northbound 99 Main Street On-ramp permanently closed on July 8. Detour in effect until Lathrop Interchange is completed.
I-5 North Stockton Widening Inside widening to 8 lanes from Country Club to Hammer Lane with some auxiliary lanes and HOV lane option beginning at Charter Way.	119.5	119.5	44.22							33.35					32.8 SHOPP for Construction		Construction	August 2011	Stage I to widen the median and bridges complete, Swain Road opened Aug 2013. Stage II to shift traffic to the median Northbound from Country Club to Hammer Lane complete.
I-205 Auxiliary Lanes construct 2 aux lanes between Mt. House and 11th Street and (5) Accel/Decl lanes at Grant Line, Tracy Blvd., and Holly Dr.	19.72	19.72	10.65							9.07							Construction.	April 2011	Construction completed April 2013.
I-5 French Camp Road Interchange Modify and reconstruct Interchange	48.90	48.9	9.2	.50			21								14.4 RSTP & IMD		Construction	January 2013	Construction contractors are Bay Cities/Myers Inc. Joint Venture. Partnering meetings being held between Contractors, City of Stockton, and SJCOG staff. Construction on going. City of Stockton working with Caltrans to open the Sperry Road prior to the French Camp Interchange being completed.
Sperry Road Extension and realignment of approximately 5,300 linear feet of Sperry Road from Performance Drive to French Camp Road	47.90	47.90		9.2		1.5	13.50	23.7									Construction	June 2011	The project is about 90% complete with anticipated completion by October 2013. City of Stockton working with Caltrans to open earlier than anticipated
North Stockton Grade Separations Constructing two roadway overpass on Eight Mile Road and an underpass crossing at Lower Sacramento Road	71.20	55.2		27.8			16.3 City & 2.6 UPRR				19.3	5.1					Construction	January 2011	Lower Sacramento Road 100% complete, the two Grade Separations on 8-Mile Road are completing the Landscape with anticipated completion by September 2013
Total =	946.99	930.99	216.98	58.50	3.00	1.50	53.40	120.52	42.42	221.80	19.30	24.91	70.29	1.56	89.13	14.40			
			275.48		4.50		53.40			428.95			160.98		14.40				