



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/26/06
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Approval of Freeway Agreement Regarding the Caltrans I-880/92 Interchange Project

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution regarding a Freeway Agreement for the I-880/SR 92 Interchange Project.

DISCUSSION:

At the November 1, 2005 worksession, staff provided the Council with a project status report on the I-880/SR 92 Interchange Reconstruction project. This report will update some of the key issues, including schedule, as well as seek approval of a new freeway agreement that would document planned changes to I-880 and SR 92.

After many years of analysis and discussion on the I-880/SR 92 Interchange Reconstruction project, the City Council voted to support "Alternative H" for the project in March 2003 (see Exhibit A). The Federal Highway Administration (FHWA) approved the Final Environmental Impact Statement/Report (EIS/R) on December 29, 2003, and completed a Record of Decision in July 2004. The design work is now 100 percent complete, and the bid package is now being prepared for formal advertisement in October.

As noted in the November 1, 2005 Council agenda report, the California Regional Water Quality Control Board (RWQCB) had raised issues over requiring a 3:1 wetland mitigation ratio instead of the usual 2:1 ratio. After extensive negotiations, the RWQCB has agreed to issue its permit on the basis of a revised work plan, which includes some wetland credits from a Caltrans project in Foster City and payment of over \$750,000 toward future offsite storm water treatment measures to be identified by RWCQB.

Right-of-way acquisition is still continuing but is not yet complete. As previously reported, all of the 12 properties proposed for full-take have been acquired. Of the 12 homes on Peterman Avenue, 10 were deconstructed. The other two have been retained by Caltrans, since they are still determining whether the two properties can be preserved and potentially sold, with proceeds going into the project. Additional utility relocation requirements were just recently identified along Lindenwood Way, and Caltrans has been working with utility companies on the relocation of six utility poles behind houses on this street. Caltrans and PG&E have now developed a plan to underground utilities on Lindenwood. City staff has been assisting in this process to help

expedite the project. The utility pole relocation and associated undergrounding have created the need for 17 additional right-of-way actions.

At this time, Caltrans reports that all but 20 of the partial takes and/or required easements have been resolved. Most of these are related to the Lindenwood utility relocation. However, Caltrans has also indicated some difficulty in acquiring easements from Union Pacific Railroad (UPRR). The UPRR acquisition will require a condemnation hearing before the California Transportation Commission (CTC). Because of the delays in completing the right-of-way acquisition, Caltrans has agreed to implement the "At-Risk" approach for advertising as a means to expedite project delivery. In this approach, although the project is advertised before right-of-way certification is complete, the bids cannot be opened until three weeks after certification is completed. (See schedule below.) Also, the construction contract will be advertised in a fashion that should reduce the construction duration, thus minimizing further delays to the existing project schedule. Caltrans staff indicated that it will have a better understanding of construction duration once the bids are opened, since the number of working days will be factored into the bid and, subsequently, included in the contract. In this bidding approach, a fewer number of proposed working days will produce a lower total amount for bid evaluation. An example of how this can work is seen in the recent I-238 widening project advertisement, which had a required completion in 1000 working days (4 years), but the low bidder is committing to 706 working days.

Schedule

The following is the most recent schedule obtained from Caltrans and the Bay Area Transportation Authority (BATA):

Advertise ("At-Risk")	October 2006
Certify Right-of-Way (Cert. No. 2.)	December 2006
Open Bids	January 2007
Award	February 2007
Begin Construction	March 2007
Complete Construction (based on 1000 working days)	Summer 2011

Previously, Council expressed concern with the potential for overlap of the construction phases for the I-880/SR 92 interchange project, the I-238 widening project, and the Route 238 Corridor Improvement Project, which would result in considerable disruption to the travel patterns in the Central County. Exhibit B compares the current schedules for these three major projects. As Exhibit B shows, it is apparent that construction of the I-238 widening project and the I-880/SR 92 Interchange Reconstruction will be underway at the same time. Actual start of the I-238 widening project is anticipated by October 1, 2006. Caltrans has developed a traffic management program, which will, hopefully, be effective in keeping the driving public aware of changes during construction and minimizing impacts. Similarly, a coordinated traffic management plan is being developed for the I-880/SR92 Interchange Reconstruction Project.

Budget

The latest estimate for the project is \$196.4 million, although both Caltrans and BATA are reviewing the estimate in light of recent bids, such as the I-238 Project. BATA has indicated it can give Caltrans authority to advertise at that cost level.

Freeway Agreement

Caltrans has requested that the City execute a new Freeway Agreement to document the changes in I-880 and SR 92 that result from the interchange project. While the changes that affect access to and from City streets are minimal, and earlier in the process it appeared that a freeway agreement would not be needed, staff supports the proposed document, since it supersedes many existing freeway agreements signed in the 1950s and 60s and consolidates all of SR 92 and the portions of I-880 associated with the interchange into one updated document.

Although it has not been part of either the State plans or the City's General Plan for decades, during review of the proposed agreement, it was noted that the once-planned SR 92 Freeway connection through the Carlos Bee area and eventually to I-580 was still part of a 1967 Freeway Agreement. This action will effectively rescind that agreement. A copy of the proposed Freeway Agreement is attached as Exhibit C. The proposed agreement refers to the City agreeing to closure of City streets, construction of frontage roads, etc., in section 2. This, of course, does not apply to any of the interchange work but, rather, the original construction of the freeways. Staff is working with Caltrans to ensure more applicable wording is used in this section. The final agreement will be as approved by the City Attorney.

Prepared by:



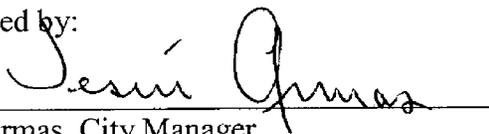
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Jesús Armas, City Manager

Exhibit A: Aerial of I-880/92 Interchange Project

Exhibit B: Comparison of Project Schedules

Exhibit C: I-880/SR 92 Freeway Agreement

DUE TO THE LENGTH OR COLOR OF
THE REFERENCED EXHIBITS, THEY
HAVE BEEN ATTACHED AS SEPARATE
LINKS.

04-ALA-92-KP 0.0/10.9 (PM 0.0/6.8)
In the City of Hayward
from west city limit to Santa Clara Street

04-ALA-880-KP 25.8/27.5 (PM 16.0/17.1)
In the City of Hayward
from Eldridge Pedestrian Overcrossing to
0.6 km north of Route 92

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____, 2006, by and between the STATE OF CALIFORNIA acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Hayward (herein referred to as "CITY"),

WITNESSETH:

WHEREAS, the highways described above have been declared to be freeways by Resolutions of the California Transportation Commission on November 18, 1943 and August 19, 1952; and

WHEREAS, STATE AND County of Alameda have entered into a Freeway Agreement dated February 9, 1951, relating to that portion of State Highway Route 880 from 0.5 kilometer (0.3 mile) south of State Highway Route 92 to Lewelling Blvd; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement dated February 9, 1951 with the County of Alameda; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated July 6, 1954, relating to that portion of State Highway Route 880 from the south city limit to Route 92; and

WHEREAS, STATE and County of Alameda have entered into a Freeway Agreement dated August 23, 1954, relating to that portion of State Highway Route 880 from Tennyson Rd to 0.48 kilometer south of State Highway Route 92; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement dated August 23, 1954, with the County of Alameda; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated August 11, 1964, relating to that portion of State Highway Route 92 from the San Mateo County line to 0.2 kilometer (0.1 mile) west of Calaroga Avenue; and

Exhibit C

WHEREAS, STATE and the County of Alameda have entered into a Freeway Agreement dated September 21, 1964, relating to that portion of State Highway Route 92 from 2.3 kilometers (1.4 miles) west of Eden Landing Road to Hesperian Boulevard; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement dated September 21, 1964, with the County of Alameda; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated September 26, 1967, relating to that portion of State Highway Route 92 from 0.5 kilometer (0.3 mile) west of Hesperian Boulevard to the East City limit at Ward Creek; and

WHEREAS, a revised plan map for such freeways has been prepared showing the proposed plan of the STATE as it affects streets of the CITY; and

WHEREAS, it is the mutual desire of the parties hereto to enter into a new Freeway Agreement in accordance with the revised plan of said freeways;

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes in their entireties said Freeway Agreements related to State Highway Route 92 dated June 6, 1961, August 11, 1964, September 21, 1964, and September 26, 1967, and portions of said Freeway Agreements related to State Highway Route 880 dated February 9, 1951, July 6, 1954, and August 23, 1954, from Eldridge Pedestrian Overcrossing to 0.6 kilometer (0.4 mile) north of State Highway Route 92.

2. CITY agrees and consents to the closing of CITY streets, relocation of CITY streets, construction of frontage roads and other local streets, and other construction affecting CITY streets, all as shown on the plan map attached hereto marked Exhibit A and made a part hereof by this reference.

3. STATE shall, in construction of the freeway and at STATE'S expense, make such changes affecting CITY streets in accordance with the plan map attached hereto marked Exhibit A.

4. STATE agrees to acquire all necessary right of way as may be required for construction, reconstruction or alteration of CITY streets, frontage roads, and other local streets, and CITY hereby authorizes STATE to acquire on its behalf all such necessary right of way.

5. It is understood between the parties that the right of way may be acquired in sections or units, and that both as to the acquisition of right of way and the construction of the freeway projects, the obligations of STATE hereunder shall be carried out at such time and for such unit or units of the projects as funds are budgeted and made lawfully available for such expenditures.

6. CITY will accept control and maintenance over each of the relocated or reconstructed CITY streets, and the frontage roads, and other STATE constructed local streets on receipt of written notice to CITY from STATE that the work thereon has been completed, except for any portion which is adopted by STATE as a part of the freeway proper. CITY will accept title to the portions of such streets lying outside the freeway limits upon relinquishment by STATE.

7. This Agreement may be modified at any time by the mutual consent of the parties hereto, as may become necessary for the best accomplishment, through STATE and CITY cooperation, of the whole freeway project for the benefit of the people of the STATE and of the CITY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers.

STATE OF CALIFORNIA
Department of Transportation

THE CITY OF HAYWARD

WILL KEMPTON
Director of Transportation

Mark Leja
Chief Design Engineer

By: _____
Jesús Armas
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Attorney (State)

By: _____
Michael O'Toole
City Attorney

Attest: _____
Angelina Reyes
City Clerk

Dated: _____

DRAFT

NH
9/25/06

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING FREEWAY AGREEMENT
BETWEEN THE STATE OF CALIFORNIA AND THE CITY
OF HAYWARD RELATING TO THAT PORTION OF STATE
ROUTE 92 FROM THE WEST CITY LIMIT TO SANTA
CLARA STREET AND STATE HIGHWAY 880 FROM THE
ELDRIDGE PEDESTRIAN OVERCROSSING TO 0.6 KM
NORTH OF THE STATE ROUTE 92/I-880 INTERCHANGE**

WHEREAS, the State of California, through its Department of Transportation, has presented an agreement entitled "Freeway Agreement" which concerns State Route 92 from the west City limit to Santa Clara Street and State Highway 880 from the Eldridge Pedestrian Overcrossing to 0.6 KM north of the State Route 92/I-880 interchange; and

WHEREAS, the City Council has considered said Agreement in full and is familiar with the content thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute the agreement on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward