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November 10, 2011

Board of Supervisors  
330 Fair Lane  
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**Agenda Title: DOT 11/15/11 Caltrans Coop-US 50 HOV Lanes Ph2A,  
Legistar # 11-1257**


**Meeting Date: November 15, 2011**

Dear Members of the Board:

The Department of Transportation (Department) has submitted the subject Cooperative Agreement between the County and Caltrans for the construction of the U.S. 50 HOV Lanes Phase 2A Project to the Board, recommending approval. At the time the Agreement was submitted for November 15, 2011 Board of Supervisor's Meeting Agenda, the Department and Caltrans were still seeking mutual Legal Counsel concurrence regarding an element of the Agreement.

The only remaining difference is what is set forth in Article 27, is the requirement that each Partner to the Agreement, notify and consult with the other, within 5 working days of any receipt of public records request. The Department and County Counsel are concerned that such a requirement is unnecessary and may be difficult to comply with in the event multiple requests are received in a short period of time. Subsequent to submittal of this agenda item, Caltrans has agreed to extend the notice period for Article 27 to 15 days. The Department feels this compromise is reasonably manageable and recommends approval of this Agreement with the above describe modification.

Sincerely,

  
Robert S. Slater, P.E.  
Assistant Director of Transportation