



Legislation Text

File #: 23-0515, **Version:** 1

Department of Transportation recommending the Board consider the following for acquiring right of way for the Pollock Pines - Pony Express Trail Bicycle, Pedestrian, and ADA Improvements Project, Capital Improvement Program Project number 97019 / 36109010:

- 1) Authorize the Department of Transportation Director to sign Addendum 1 to the Acquisition Agreement for Public Purposes with Evan E. Bell and Lois E. Bell, Trustees, Bell Family Trust under agreement dated March 22, 2004, for Assessor's Parcel Numbers 009-180-008 and 009-180-013, the Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$28,400; and
- 2) Authorize the Department of Transportation Director to modify the Temporary Construction Easement dates, if necessary.

FUNDING: Active Transportation Program (ATP) (51%), Congestion Mitigation and Air Quality Program (18%), Transportation Development Act (3%), Regional Surface Transportation Program (28%), and Road Fund (<1%). (Local, State, and Federal Funds).

DISCUSSION / BACKGROUND

The Pollock Pines - Pony Express Trail Bicycle, Pedestrian, and Americans with Disabilities Act (ADA) Improvements Project (Project) was added to the Capital Improvement Program (CIP) in 2019, and will construct bicycle and pedestrian improvements to Pony Express Trail from Sanders Drive to Sly Park Road in the community of Pollock Pines, CA. Specific improvements include approximately 1.7 miles of Class 2 bicycle lanes on both sides of Pony Express Trail, 4,600 linear feet of new and reconstructed asphalt pedestrian path on the south side of Pony Express Trail, ADA improvements, crosswalks and signage with flashing beacons, and drainage improvements along Pony Express Trail within the Project limits. The right of way phase for the Project will impact seven (7) parcels held by five (5) property owners.

On September 21, 2021, with Legistar item 21-1310, Item 24, the Board approved the Acquisition Agreement for The Bell Family Trust property. This winter, Transportation submitted the request for a Project Right of Way (ROW) Certification. After the California Department of Transportation (Caltrans) reviewed the request for the ROW Certification, they informed Transportation that the language in the agreement is not consistent with the current Code of Federal Regulations (CFR). Caltrans requests that Transportation revise that language through an addendum before they will approve the County's ROW Certification that is necessary for federal construction funds. The nature of the proposed addendum language does not affect the acquisition square foot area or cost and only applies to the starting date for County possession and use of the property after escrow funds are deposited (instead of upon execution of the agreement), newly added statements demonstrating compliance with Title VI of the Civil Rights Act, and the modification of the temporary construction easement dates.

By providing the Director of Transportation authorization to issue this addendum, it will help expedite the process necessary to meet the Active Transportation Program (ATP) grant deadlines to obtain the Construction Authorization for the Project by June 28, 2023.

ALTERNATIVES

The Board could choose not to authorize the Director of Transportation to sign the Addendum and Transportation will bring the Addendum to the Board in a separate item for the Chair's signature. This will add significant time and jeopardize the Project's grant funds on the Project.

PRIOR BOARD ACTION

On March 16, 2021, Legistar 21-0258, Item 17, the Board authorized Transportation to commence the acquisition process for the Project.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. The total cost of the acquisition paid to the seller is \$28,400. Funding for the Project is included in Transportation's 2022 CIP, which was approved by the Board on June 14, 2022, Legistar item 22-0521, Item 48. The Project is funded by a combination of Active Transportation Program, Congestion Mitigation and Air Quality Program, Transportation Development Act, Regional Surface Transportation Program, and Road Fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation