



AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Friday, January 15, 2016**

**The STATE PUBLIC WORKS BOARD will meet on
Friday, January 15, 2016, at 10:00 a.m. in Room 113,
State Capitol, Sacramento, California.**

Departments with requests for preliminary plan approval are reminded to contact their respective capital outlay analyst for an appointment to review plans. Plan review should be scheduled either on the screening meeting date or before that date.

PLEASE NOTE: Departments with preliminary plans, after Department of Finance staff review, please offer a briefing to the Legislative Analyst's Office.

Attachment

STATE PUBLIC WORKS BOARD

Friday

January 15, 2016

10:00 a.m.

Room 113

State Capitol

Sacramento, California

I.	Roll Call		
II.	Approval of minutes from the December 11, 2015 meeting		
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BOND ITEMS

BOND ITEM—1

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
SAN LUIS OBISPO UNIT HEADQUARTERS REPLACEMENT
SAN LUIS OBISPO COUNTY**

Authority: Chapters 10 and 11, Statutes of 2015, Item 3540-301-0668 (1)

Consider adoption of a resolution to:

1. Authorize actions to be taken to provide for interim financing and declare the official intent of the Board to reimburse certain capital expenditures from the Public Buildings Construction Fund from the proceeds of the sale of bonds.
2. Authorize the sale of lease revenue bonds.
3. Approve the form of and authorize the execution and delivery of a Project Delivery Agreement between the Department of General Services and the Board, with the consent of the Department of Forestry and Fire Protection.
4. Approve other related actions in connection with the authorization, issuance, sale, and delivery of said revenue bonds.

Total Bond Appropriation

\$36,912,000

BOND ITEMS

STAFF ANALYSIS ITEM—1

Department of Forestry and Fire Protection
San Luis Obispo Unit Headquarters Replacement
San Luis Obispo County

Action Requested

If approved, the requested action would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, approve the form of and authorize the execution and delivery of a Project Delivery Agreement, and approve other related actions.

Scope Description

This project is within scope. This project includes the demolition of the existing buildings and related improvements and the design and construction of a new unit headquarters. The new unit headquarters will include an administration building, a combined barracks/mess

hall/apparatus/dozer/SCBA repair and refill/ and physical training space building, a 4-bay auto shop with wash rack, a service center/warehouse building, a storage building, and a generator building with emergency generator. Site work includes phased demolition of the existing buildings and related improvements; grading; paving of roads and parking area; retaining walls; water distribution, waste water collection and disposal, and drainage systems; erosion control measures; hose wash rack; fencing; gates; pump test pit; and all necessary appurtenances. The project also includes a new access road to the site from Santa Rosa Street, as well as at the entrance to the site from Highway 1, including the driveway approach and signals at the adjacent intersections.

Funding and Project Cost Verification

This project is within costs. Chapters 10 and 11, Statutes of 2015, Item 3540-301-0668 (1) appropriates \$36,912,000 lease revenue bond financing authority for design and construction of this project.

\$36,912,000	total authorized project costs
\$36,912,000	total estimated project costs
\$36,912,000	project costs to be allocated: \$1,900,000 preliminary plans, \$1,900,000 working drawings, and \$33,112,000 construction (\$27,141,000 contract, \$1,357,000 contingency, \$1,900,000 A&E, \$2,634,000 other project costs, and \$80,000 agency retained items)

CEQA

Environmental review and the appropriate CEQA documentation for this project will be completed prior to seeking approval of preliminary plans.

Real Estate Due Diligence

Real estate due diligence for this project will be completed prior to seeking approval of preliminary plans.

Project Schedule

Approve preliminary plans	February 2017
Complete working drawings	February 2018
Start construction	August 2018
Complete construction	September 2020

Staff Recommendation: Adopt resolution.

CONSENT ITEMS

CONSENT ITEM—1

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW SONORA COURTHOUSE
TUOLUMNE COUNTY**

*Authority: Sections 70371.5 and 70371.7 of the Government Code
Chapter 25, Statutes of 2014, Item 0250-301-3138 (13)
Chapter 10, Statutes of 2015, Item 0250-301-3138 (6)*

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
New Sonora Courthouse
Tuolumne County

Action Requested

If approved, the requested action will approve preliminary plans.

Scope Description

This project is within scope. The authorized scope for this project includes construction of a new five-courtroom, approximately 60,000 building gross square feet facility in the City of Sonora, Tuolumne County. The project will consolidate court operations from three facilities and will relieve the current space shortfall, improve security, and replace inadequate and obsolete buildings in Tuolumne County. The project will replace operations at the Historic Courthouse on West Yaney Street, and the Washington Street Branch and Jury Assembly Room on North Washington Street. To improve security, this project will include entrance screening with one screening station and a building security control room.

Funding and Cost Verification

This project is within cost. A total of \$8,712,000 Immediate and Critical Needs Account has been appropriated for this project. Based on the completed preliminary plans, the estimated total project costs are consistent with the authorized project costs as shown below.

\$ 8,712,000	Total authorized project costs
\$64,157,000	Total estimated project costs
\$ 4,646,000	Project costs previously allocated: \$1,597,000 acquisition and \$3,049,000 preliminary plans
\$59,511,000	Project costs to be allocated: \$4,066,000 working drawings and \$55,445,000 construction (\$47,734,000 contract, \$2,439,000 contingency, \$1,046,000 A&E, and \$4,226,000 other)

CEQA

A Notice of Determination was filed with the State Clearinghouse on November 23, 2011, and the 30-day statute of limitations expired without challenge.

Real Estate Due Diligence

A Real Estate Due Diligence letter for this project was completed on December 3, 2015 and no issues that would adversely affect the beneficial use and quiet enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	January 2016
Complete working drawings	November 2016
Start construction	August 2017
Complete construction	November 2019

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—2

**CALIFORNIA TAHOE CONSERVANCY (3125)
UPPER TRUCKEE RIVER RESTORATION—SPRINGMEYER PROPERTY
EI DORADO COUNTY
DGS Parcel Number 10856**

*Authority: Chapter 25, Statutes of 2014, Item 3125-301-0005(1)
Chapters 10 and 11, Statutes of 2015, Item 3125-301-0005(1)
Chapters 10 and 11, Statutes of 2015, Item 3125-301-6051(1)
Section 2787(d) of the Fish and Game Code*

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Department of General Services
California Tahoe Conservancy
Upper Truckee River Restoration—Springmeyer Property

Action requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. The Legislature has approved capital outlay funding for, among other purposes, the acquisition of interests in lands consistent with Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund), Proposition 84 (Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006), and the continuous appropriation to the Habitat Conservation Fund under Proposition 117, without specifying particular projects or parcels. This request will authorize site selection of fee simple interest in approximately four acres of developed land located adjacent to Lake Tahoe Boulevard immediately northeast of the South Upper Truckee River. The acquisition of this parcel will allow for public access to the Upper Truckee River and for restoration of riparian and forest vegetation, creating more suitable fish and wildlife habitat.

Funding and Cost Verification

This project is within cost. Chapter 25, Statutes of 2014, Item 3125-301-0005(1), Chapters 10 and 11, Statutes of 2015, Item 3125-301-0005(1), Chapters 10 and 11, Statutes of 2015, Item 3125-301-6051(1), and Proposition 117, Statutes of 1990 will provide funds for this acquisition, if approved. The balances of the appropriations identified are sufficient to acquire the subject property in accordance with legislative intent. Up to \$40,000 of the Proposition 117 funds would pay for transaction costs, including DGS for work on site selection and acquisition.

CEQA

A Notice of Determination was filed December 18, 2015, and the 30-day statute of limitations will expire on January 17, 2016.

Project Schedule

The anticipated close of escrow is June 2016.

Condition of Property

On August 19th, 2015, DGS Environmental Services Section (ESS) staff visited the subject property owned by the Springmeyer family to assess the general condition of the parcel totaling approximately four acres of developed land. The Property is located at 2401 Lake Tahoe Boulevard, South Lake Tahoe, El Dorado County, California.

The property is vegetated with trees and grasses and borders the Upper Truckee River to the east. Improvements on the parcel include a cabin, a small commercial building, asphalt paved parking area, fencing, a shed, and remnants of old concrete pathways. In addition, the location is the site of an old small amusement park with no residual structures other than the concrete pathways. The main access to the property is through a driveway located off Lake Tahoe Boulevard. There is also a bicycle trail located in the most northwesterly corner of the property.

According to the CTC, the property appears to be compatible with the intended use of the CTC for conservation purposes. Based upon the site visit, discussions with the property owners, and CTC staff, ESS staff found no potentially adverse recognized environmental conditions (REC's) and no further investigation is recommended.

Other

- The purchase price will not exceed estimated fair market value as determined by an appraisal approved by DGS.
- The property's land use is under the jurisdiction of the City of Lake Tahoe and the Tahoe Regional Planning Agency (TRPA).
- The property is located within the Overflight Zone, Safety Area 2, of the Lake Tahoe Airport which limits its use. CTC's use of the subject property is compatible with its location within the Airport Overflight Zone.
- CTC is planning to keep the improvements on the property to have maximum flexibility on future uses.
- The cabin that is located on the property is used as a vacation rental by the property owners. The TRPA is in the process of determining whether the cabin is a historical structure. The determination was not made as of the date of valuation of the appraisal. If the cabin is deemed historic, CTC will appropriately either preserve it or work with the State Office of Historic Preservation as needed to determine the best outcome.
- CTC will incorporate management of this parcel along with the other 4,800+ parcels owned, and any changes to public access, use, development, resources or habitat protection will be addressed through the normal budget process. CTC does not anticipate any additional resources will be needed to manage the property in its current state.
- CTC is not aware of any lawsuits pending concerning the property.
- There is no implied dedication or relocation assistance impacting the property.
- The proposed acquisition is consistent with the state's planning priorities (Ch. 1016, Statutes of 2002). No development is currently planned for this parcel and state ownership will help ensure that this property is protected and will limit incompatible development in this area.

Staff Recommendation: Authorize site selection

CONSENT ITEMS

CONSENT ITEM—3

**CALIFORNIA MILITARY DEPARTMENT (8940)
ONTARIO ARMORY RENOVATION
SAN BERNARDINO COUNTY**

Authority: Chapters 10 and 11, Statutes of 2015, Items 8940-301-0001 (4) and 8940-301-0890 (2)

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

California Military Department
Ontario Armory Renovation
San Bernardino County

Action Requested

If approved, the requested action will approve preliminary plans.

Scope Description

This project is within scope. The authorized scope for this project includes the renovation of the 10,664 square foot Ontario Readiness Center, a National Guard armory constructed in 1950. The armory is located on 2.5 acres in San Bernardino County. The renovation will address seismic and fire/life/safety deficiencies and includes upgrades to electrical and energy systems, HVAC systems, plumbing, bathroom, kitchen, roofing, windows/doors, storage vaults, security fencing, Anti-Terrorism Force Protection improvements, and paving work. In addition, renovations will allow for separate shower and bathroom facilities for men and women.

Funding and Cost Verification

This project is within cost. A total of \$2,188,000 has been appropriated for this project. Based on the completed preliminary plans, the estimated total project costs are consistent with the authorized project costs as shown below.

\$2,188,000 Total authorized project costs (\$1,094,000 General Fund and \$1,094,000 federal funds)

\$2,188,000 Total estimated project costs (\$1,094,000 General Fund and \$1,094,000 federal funds)

\$2,188,000 Project costs previously allocated: \$88,000 preliminary plans, \$130,000 working drawings, \$1,970,000 construction (\$1,762,000 contract, \$98,000 contingency, \$60,000 A&E, and \$50,000 equipment)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on September 11, 2015, and the 30-day statute of limitations expired without challenge.

Real Estate Due Diligence

The Military Department's Real Estate Division completed a preliminary real estate due diligence evaluation, and no issues that would adversely affect the quiet enjoyment and beneficial use of the project were identified. The property is under lease with the City of Ontario through 2047. Final due diligence will be completed prior to approval of working drawings.

Project Schedule

Approve preliminary plans	January 2016
Complete working drawings	April 2016
Start construction	June 2016
Complete construction	August 2017

Staff Recommendation: Approve preliminary plans.

ACTION ITEMS

ACTION ITEM—1

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA AND FRESNO COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)*

Consider authorizing acquisition for the following properties:

- 1. Baltimore Aircoil Property**
Authority Parcel Number: MF-20-1014
Assessor Parcel Number: 035-162-026
- 2. Erreca Property**
Authority Parcel Numbers: FB-10-0482 and FB-10-0483
Assessor Parcel Numbers: 450-260-12 and 450-260-13
- 3. Lazarus Property**
Authority Parcel Number: FB-10-0288
Assessor Parcel Number: 334-330-24
- 4. Evanski Property**
Authority Parcel Number: FB-10-0219
Assessor Parcel Number: 479-140-08 and 479-140-09
- 5. Mahal Property**
Authority Parcel Number: FB-10-0705
Assessor Parcel Number: 338-110-46
- 6. Freshko Property**
Authority Parcel Numbers: FB-10-0257 and FB-10-0259
Assessor Parcel Numbers: 330-021-19S and 330-021-21S
(ITEM PULLED)
- 7. Dalpar Investments Property**
Authority Parcel Number: FB-10-0551
Assessor Parcel Number: 466-205-18
(ITEM PULLED)

ACTION ITEMS

STAFF ANALYSIS ITEM—1

High Speed Rail Authority
Initial Operating Segment, Section 1
Madera County

Action Requested

If approved, the requested action would authorize acquisition of five properties for the High Speed Rail project.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting near Madera (north of Fresno) and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno, construction of a bridge over the San Joaquin River, several grade separations, two viaducts and the acquisition of approximately 1,300 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1.

CEQA

In order to choose the HSTS preferred alignment and identify the parcels to be acquired, the Authority, in accordance with CEQA and the National Environmental Protection Act (NEPA), has completed and certified both a Program level and Project level Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The parcels subject to this Easement Acquisition Agreement are within either the Merced to Fresno or Fresno to Bakersfield design segment. For these two design segments, the CEQA and NEPA processes were completed in 2012 and 2014, respectively.

Contracts Requiring Board Approval

The Board has adopted a resolution delegating acquisition authority to designated staff for certain HSTS acquisitions that conform to a Board-approved standard contract. The Right-of-Way contracts for the properties that are listed below fall outside the scope of this delegation, because they contain non-standard clauses substantively different from the standard contract. Therefore, Board approval is required for the acquisitions.

Baltimore Aircoil:

- The property to be acquired is a triangular shaped 0.132 acre parcel adjacent to Ave. 15.5 in Madera County. In addition to this parcel, Baltimore Aircoil owns another 4.9 acre lot near the acquisition area. Currently, access to the 4.9 acre parcel is achieved by traveling through the acquisition area, and then through another area owned by neighboring company, Strong Capital.

- Clause 15 of the Right-of-Way contract for this property provides a perpetual and permanent non-exclusive access easement on the property. Caltrans and DGS staff, respectively, have reviewed and approved the clause.
- Board staff has reviewed this clause and recommends approval, as it provides Strong Capital access through the easement that Baltimore Aircoil has reserved for itself, thus preventing Strong Capital from being landlocked after acquisition.

Erreca:

- The property to be acquired is a 14,409 square foot parcel, which contains a 9,750 square foot office/warehouse building. The acquisition is needed for the widening of East Belmont Avenue for an overpass.
- Clause 6(A) of the Right-of-Way contract for this property declares that the state may not seek to recover cleanup costs on the property, if any, relating to the presence of asbestos and removes a standard clause that would allow for such cost recovery. Caltrans and DGS staff, respectively, have reviewed and approved the clause.
- Board staff has reviewed this clause and recommends approval, as the property owner is unaware of any asbestos in the subject structure, and therefore the removal of this clause poses minimal risk to the state.

Lazarus:

- The property to be acquired is a 276,028 square foot parcel of vacant land improved by well and irrigation systems, and a 995 square foot temporary construction easement that is currently used as grazing land for cattle.
- Clause 7 of the Right-of-Way contract for this property allows the owner to use the existing irrigation system on acquired state property until a replacement well is drilled or until a specified date. The state cannot interfere with or in any way preclude such use under the proposed clause, potentially creating a liability to the state. Caltrans and DGS staff, respectively, have reviewed and approved the clause.
- Board staff has reviewed this clause and recommends approval, as it provides the owner with uninterrupted access to his wells, thus mitigating any damages to his operation. This language is being proposed as a standard optional clause in Action Item 5 of this agenda.

Evanski:

- The property to be acquired is a 4.27 acre industrial property with a warehouse/service center utilized for refurbishing propane tanks.
- Clause 2 of the Right-of-Way contract requires the state to purchase additional interests in real property located at 2884 S. Cherry Avenue and 7621 E. Elm Avenue, as part of a complete compensation package. Those parcels were previously site-selected by the Board.
- Clause 8 of the Right-of-Way contract provides that upon the close of escrow, owner shall assign the existing lease between the owner and Weir Floway, Inc., to the state.
- Clause 9 of the Right-of-Way contract declares that owner shall retain possession of the parcel for no more than 6 months after close of escrow, at no cost, to allow time for owner to relocate business.
- Clause 11 requires that the Authority and the PWB acknowledge and approve owner's entitlement to relocation benefits – this includes the cost of moving owner's entire operation from California to Oregon.
- Caltrans and DGS staff, respectively, have reviewed and approved the clauses. Board staff has also reviewed these clauses and recommends approval, as without these accommodations, the owner would lose his business as he cannot renew his permits in his current location. Further, the business is a complicated operation that

will require strict adherence to local rules and ordinances, and therefore the six month allowance for transition is reasonable.

Mahal:

- The property to be acquired is 132,455 square feet in fee, 32,117 square feet for a permanent easement, and 763 square feet for a temporary construction easement. This is a partial acquisition of a 23.74 acre vineyard.
- Clause 11 of the Right-of-Way contract authorizes the sale of two state-owned excess parcels totaling 1.18 acres to owner through a grant deed. The parcels will allow the owner to relocate his well and pump. Caltrans and DGS staff, respectively, have reviewed and approved the clause.
- Board staff has reviewed this clause and recommends approval, as without this accommodation the well and pump would need to be relocated to productive farm land, thereby impacting the owner's operation.

Staff Recommendation: Staff recommends that the Board approve the above acquisition contracts, 1 through 5.

ACTION ITEMS

ACTION ITEM—2

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA, FRESNO AND KERN COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)*

Consider authorizing site selection of 14 properties in full or in part:

Exhibit A of Action Item 2	
High Speed Rail Authority Parcel Number	Property Description
Madera County	
MF-20-9512	Canal between Assessor Parcel Numbers (APNs) 047-240-007 and 047-240-004, on the High Speed Train (HST) line
MF-20-9513	Canal between APNs 047-240-004 and 047-240-003 on the HST line
MF-20-9515	Canal north of Ave. 10 between APNs 047-240-004 and 047-240-003 on the Ave. 10 grade separation
MF-20-9516	Canal south of Ave. 10 between APNs 047-320-009 and 047-320-010 on the Ave. 10 grade separation
MF-20-9517	Canal between APNs 047-320-005 and 047-320-010 on the HST line
MF-20-9519	Canal north of Ave. 9 between APNs 047-320-005 and 047-330-005 on the Ave. 9 grade separation
MF-20-9522	Canal south of Ave. 8 between APNs 048-190-011 and 048-190-028 on the HST line
MF-20-9527	Canal north of Ave. 7 between APNs 048-200-002 and 048-200-008 on the Ave. 7 grade separation.
MF-20-9528	Canal south of Ave. 10 between APNs 047-320-009 and 047-320-010, adjacent to the Ave. 10 grade separation
Fresno County	
FB-10-0864	BNSF @ E. Church Ave. and adjacent to S. East Ave.
FB-10-0865	BNSF @ E. Central Ave. and adjacent to APNs 330-031-70S and 330-021-11S
FB-10-0867	444-241-24
FB-10-0868	450-031-23
Kern County	
FB-15-0030	059-280-14

ACTION ITEMS

STAFF ANALYSIS ITEM—2

High Speed Rail Authority
Initial Operating Segment, Section 1
Fresno County

Action Requested

If approved, the requested action would site selection of 14 properties in full or in part.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting near Madera (north of Fresno) and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno, construction of a bridge over the San Joaquin River, several grade separations, two viaducts and the acquisition of approximately 1,300 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.85 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase I Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase I Blended System. The IOS-1 is a component of the Phase I Blended System.

Background

To date, the Board has site-selected approximately 1,300 parcels comprising approximately 120 miles from Madera to near Bakersfield. This total does not reflect properties associated with Right-of-Way transfer agreements with local government.

Of the 14 properties proposed for site selection, 9 of them, all in Madera County and within the HSTS, are canals owned by the federal Bureau of Reclamation, 2 are located on the existing Burlington Northern Santa Fe (BNSF) rail line in Fresno County, but require easements in order for the High Speed Rail Authority to be able to access the HSTS, 2 others in Fresno County are needed to provide adequate turning radii at the intersection of W. McKinley Avenue and N. West Ave, and the parcel in Kern County is for an easement over the existing BNSF rail line at the planned McCombs Road grade separation. Staff notes that FB-10-0865 includes portions of APNs 330-010-09U and 330-010-10U in addition to the part over Central Avenue referenced in Exhibit A.

For these properties, the CEQA and NEPA processes were completed in 2012. Consistent with corridor based projects, minimal real estate due diligence has occurred to date as the alignment determines which properties must be acquired and any abatement or title issues will be resolved during or shortly after acquisition.

Staff Recommendation: Authorize site selection of 14 properties in full or in part.

ACTION ITEMS

ACTION ITEM—3

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
FRESNO COUNTY**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 15854 of the Government Code*

Consider amending Resolution of Necessity 2014-0149 adopted on December 12, 2014 authorizing the use of eminent domain (condemnation) to acquire the following property:

**DSS, L.P. Property (Fresno County)
Assessor Parcel Numbers: 508-110-09 and 508-110-13s
Authority Parcel Numbers: MF-10-0070-1, MF-10-0070-2 and MF-10-0180-1**

ACTION ITEMS

STAFF ANALYSIS ITEM—3

High Speed Rail Authority
Initial Operating Segment, Section 1
Fresno County

Action Requested

If approved, the requested action would amend Resolution of Necessity 2014-0149, authorizing the use of eminent domain (condemnation) to acquire the DSS, L.P. Property in Fresno County.

On December 12, 2014, the Board adopted Resolution of Necessity 2014-0149, authorizing the use of eminent domain to acquire the DSS, L.P. Property in Fresno County. After the Resolution of Necessity was adopted, the High Speed Rail Authority (Authority) notified the Board that a design change had occurred in the area of the DSS property, adding a right turn pocket onto Golden State Boulevard. As a result, additional parcels are needed for the HSTS and the original Resolution of Necessity needs to be amended accordingly. This amended Resolution of Necessity encompasses the increasing size of the parcels from 796 square feet in fee and 665 square feet of Temporary Construction Easement to 1,461 square feet in fee and 1,592 square feet in Temporary Construction Easement. The property owner is stipulating to the adoption of an amended RON, and to immediate possession.

Staff Recommendation: Approve the amendment of Resolution of Necessity 2014-0149, authorizing the use of eminent domain (condemnation) to acquire the DSS, L.P. Property in Fresno County.

ACTION ITEMS

ACTION ITEM—4

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA, FRESNO, AND KINGS COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 15854 of the Government Code*

Consider the adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire the following properties:

1. Efird Property (Fresno County)

Authority Parcel Numbers: FB-10-0427-1, FB-10-0427-2 and FB-10-0427-3
Assessor Parcel Number: 385-110-38

2. Silva Property (Kings County)

Authority Parcel Numbers: FB-16-0070-1 and FB-16-0070-01-01
Assessor Parcel Number: 014-130-007

3. J.G. Boswell Property (Kings County)

Authority Parcel Numbers: FB-16-0254-1, FB-16-0254-2, FB-16-0254-3, and FB-16-0254-01-01
Assessor Parcel Number: 028-290-043

4. Boswell Property (Fresno County)

Authority Parcel Numbers: FB-10-0445-1 and FB-10-0445-01-01
Assessor Parcel Number: 385-170-33S

5. Lamoure Property (Fresno County)

Authority Parcel Numbers: FB-10-0121-1 and FB-10-0121-01-01
Assessor Parcel Number: 465-040-21S

6. Center Point LLC Property (Madera County)

Authority Parcel Numbers: MF-20-0914-1, MV-20-0914-2, MF-20-0914-3, MF-20-0914-4, and
MF-20-0914-01-01
Assessor Parcel Number: 047-240-003

ACTION ITEMS

STAFF ANALYSIS ITEM—4

High Speed Rail Authority
Initial Operating Segment, Section 1
Madera, Fresno, and Kings Counties

Action Requested

If approved, the requested action would approve the adoption of six Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno, and Kings counties.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting near Madera (north of Fresno) and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno, construction of a bridge over the San Joaquin River, several grade separations, two viaducts and the acquisition of approximately 1,300 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase I Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase I Blended System. The IOS-1 is a component of the Phase I Blended System.

Background

In order to adopt a Resolution of Necessity that is required to initiate the eminent domain proceedings, the Board must consider that the following conditions have been met:

- (A) The public interest and necessity require the project;
- (B) The project is planned or 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; and,
- (D) The offer required by Government Code section 7267.2 has been made to the owner or owners of record.

In 2008 the voters of California approved Proposition 1a, authorizing monies from the High-Speed Passenger Train Bond fund in support of this Project. In 2009 and 2010 the federal government approved funds in support of the portion of this Project extending from San Francisco to Anaheim, and in 2012 and 2014, through Chapter 152, Statutes of 2012 and Chapter 25, Statutes of 2014, the Legislature appropriated funds for the acquisition and design-build phases of the IOS-1 of the Project, extending from Madera to just north of Bakersfield.

The Property Acquisition Law, commencing with section 15850 of the Government Code, authorizes the Board to select and acquire in the name of the State of California (State) with the consent of the State agency concerned, the fee or any lesser right or interest in any real property necessary for any State purpose or function. This law also authorizes the Board to acquire property by condemnation, in the manner provided for in Title 7 (commencing at section 1230.010) of Part 3 of the Code of Civil Procedure.

Each of the properties is within the right of way for IOS-1 and was site selected at previous Board meetings. The site selections took place after an environmental review process where it was determined that any alternative alignment would include the selected parcels, or where a preferred alignment had already been approved by both the High Speed Rail Authority Board and the Federal Railroad Administration. Acquisition of these properties will allow the High Speed Rail Authority to move forward with construction of the HSTS.

Between March 2014 and August 2015, the various owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. Negotiations to acquire the properties are continuing; however, in order to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain is required.

On December 23, 2015 and December 29, 2015, Notices of Intent to adopt a Resolution of Necessity were mailed to the respective property owners. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

Property Specific Information:

1. Efir Property (Fresno County)

Authority Parcel Numbers: FB-10-0427-1, FB-10-0427-2 and FB-10-0427-3

Assessor Parcel Number: 385-110-38

Partial Acquisition: 7.63 acres total (7.07 acres in fee and 0.56 acre in easement)

This property will be needed for a radio site and the construction of the HSTS between E. Kamm Avenue and E. Conejo Avenue.

2. Silva Property (Kings County)

Authority Parcel Numbers: FB-16-0070-1 and FB-16-0070-01-01

Assessor Parcel Number: 014-130-007

Partial Acquisition: 5.68 acres in fee

This property will be needed for the construction of the HSTS between Fargo Avenue and Grangeville Boulevard.

3. J.G. Boswell Property (Kings County)

Authority Parcel Numbers: FB-16-0254-1, FB-16-0254-2, FB-16-0254-3, and FB-16-0254-01-01

Assessor Parcel Number: 028-290-043

Partial Acquisition: 17.38 acres total (16.67 acres in fee and 0.71 acre in easement)

This property will be needed for the construction of the HSTS between Lansing Avenue and Nevada Avenue and the Nevada Avenue grade separation

4. Boswell Property (Fresno County)

Authority Parcel Numbers: FB-10-0445-1 and FB-10-0445-01-01

Assessor Parcel Number: 385-170-33S

Partial Acquisition: 0.76 acre in fee

This property will be needed for the realignment of E. Clarkson Avenue along the west side of the HSTS.

5. Lamoure Property (Fresno County)

Authority Parcel Numbers: FB-10-0121-1 and FB-10-0121-01-01

Assessor Parcel Number: 465-040-21S

Full Acquisition: 0.84 acre in fee

This property will be needed for the construction of the HSTS between Tuolumne Street and Merced Street.

6. Center Point LLC Property (Madera County)

Authority Parcel Numbers: MF-20-0914-1, MF-20-0914-2, MF-20-0914-3, MF-20-0914-4, and MF-20-0914-01-01

Assessor Parcel Number: 047-240-003

Partial Acquisition: 12.07 acres in fee

This property will be needed for the construction of the HSTS between Avenue 11 and Avenue 10 and for both the Avenue 11 and Avenue 10 grade separations.

Staff Recommendation: **Adopt six Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno and Kern counties.**

ACTION ITEMS

ACTION ITEM—5

CALIFORNIA HIGH SPEED RAIL AUTHORITY (2665) VARIOUS COUNTIES

Consider approving minor updates to Exhibits to the Right-Of-Way Contracts and Possession and Use Agreements authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

ACTION ITEMS

STAFF ANALYSIS ITEM—5

California High Speed Rail Authority
Various Counties

Action Requested

If approved, the requested action would approve minor updates to Exhibits to the Right-Of-Way Contracts and Agreements for Possession and Use authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

The State Public Works Board (Board) is required by law to perform various functions or approvals in relation to its capital outlay oversight responsibilities and bond issuance obligations. In an effort to improve the efficiency of these processes, the Board has approved the delegation of certain functions and approvals to its duly appointed Executive Director and Deputy Directors.

At its November 6, 2012 meeting, the Board approved the adoption of a resolution approving a form acquisition agreement and the delegation of authority to execute certain contracts for the acquisition of property for the High Speed Rail Project. In addition, at its April 15, 2013 meeting, the Board approved a form of Agreement for Possession and Use, Optional Clauses, and Memorandum of Agreement for Possession and Use and the delegation of authority to execute agreements and memoranda for the possession and use of property for the California High Speed Rail Project. On November 6, 2015, the Board rescinded both of those resolutions and approved new resolutions providing for additional delegations, updating contract language, and adding new contract forms as necessary. This request would update the Exhibits to those resolutions to include minor changes and clean-up edits as follows:

- Right-Of-Way Contract - Revised Exhibit B, Optional Clauses, Clause 8.05.13.00: Updated clauses A and B to reflect appropriate language.
- Right-Of-Way Contract after an Agreement for Possession and Use has been Executed - Revised Exhibit D: Language in clause 2(A) updated to conform with the changes made in 8.05.13.00 (B).
- Agreement for Possession and Use – Revised Exhibit A: Unnecessary language in clause 6(A) removed from agreement.

- Alternate Agreement for Possession and Use when it is determined that Improvements Pertaining to Realty (IPR's), Cost to Cure (CTC), or Construction Contract Work (CCW) must be included in the agreement – Exhibit D: Unnecessary language in clause 6(A) removed from agreement.
- Right-Of-Way Contract – Revised Exhibits A, C and D: clause 1C updated to read AGREEMENT instead of CONTRACT.
- Right-Of-Way Contract Optional Clauses – Revised Exhibit B: Clause 8.05.12.01, changed Grantor's to OWNER's.
- Right-Of-Way Contract - Exhibit D: 1) clause 2A – added reference to optional clause 8.05.13.00; 2) clause 7 – added reference to order of possession, and 3) clause 8 – Added to reference dismissal of eminent domain action.

Staff Recommendation: Approve minor updates to Exhibits to the Right-Of-Way Contracts and Agreements for Possession and Use authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

OTHER BUSINESS

OTHER BUSINESS—1

RESOLUTION OF THE STATE PUBLIC WORKS BOARD AUTHORIZING THE DELEGATION OF CERTAIN FUNCTIONS AND APPROVALS TO STAFF

Consider the adoption of a resolution authorizing the delegation of certain functions and approvals to staff, which would replace a prior resolution approved August 8, 2008 authorizing the delegation of similar actions, to ensure administrative efficiencies.