

AGENDA WITH ANALYSIS

NOTICE OF MEETING STATE PUBLIC WORKS BOARD Friday, September 9, 2016

**The STATE PUBLIC WORKS BOARD will meet on
Friday, September 9, 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.

Attachment

Pursuant to section 11125 of the Government Code, notice of all Board meetings will be given at least ten days in advance and such notice must include a copy of the agenda. Members of the Public may address the Board prior to it taking action on any matter in the agenda.

This notice and the Board agenda for the current month are available on the Internet at: <http://www.spwb.ca.gov>.

Individuals who need disability-related accommodation, including auxiliary aids for effective participation at this public meeting are invited to make their requests and preferences known to Karessa Belben at (916) 445-9694 or e-mail to karessa.belben@dof.ca.gov five days prior to the meeting.

STATE PUBLIC WORKS BOARD

Friday
September 9, 2016
10:00 a.m.
Room 113

State Capitol
Sacramento, California

- I.** Roll Call

- II.** Approval of minutes from the August 12, 2016 meeting

- III.** Action Items Page 3

- IV.** Other Business Page 9

- V.** Reportables Page 10

ACTION ITEMS

ACTION ITEM—1

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA 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)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code

Consider authorizing site selection of four assessor's parcels in full or in part.

Madera and Kern Counties	
High Speed Rail Authority Parcel Number	Assessor's Parcel Number or Property Location Description
MF-20-1241	Burlington Northern Santa Fe Right of Way between APN 032-440-025 and 037-060-021
MF-20-1243	Avenue 18½ between parcels 036-240-006 and 036-232-017
FB-15-0303	071-060-16
FB-15-0303	072-180-20

ACTION ITEMS

STAFF ANALYSIS ITEM—1

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

Action Requested

If approved, the requested action would authorize site selection of four assessor's parcels 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 from Madera 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 1,400 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

To date, the Board has site-selected approximately 1,400 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.

Site selection of the Burlington Northern Santa Fe (BNSF) property in Madera County (MF-20-1241) is necessary to build a barrier between the BNSF line and the HSTS just north of the Fresno River. Site selection of the Avenue 18½ property in Madera County is necessary for the HSTS track in the previously extended northern terminus of IOS-1. Site selection of the two remaining two properties, APN 071-060-16 and 072-180-20 are for temporary construction easements associated with the realignment of the BNSF railroad's right-of-way in Kern County between Prospect Avenue and Jack Avenue.

For these properties, the CEQA and NEPA processes were completed in 2012 or 2014. 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 four assessor's parcels in full or in part.

ACTION ITEMS

ACTION ITEM—2

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA, FRESNO, KINGS, 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)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

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

- 1. Yasin Property (Fresno County)**
Authority Parcel Number: FB-10-0861-1
Assessor Parcel Number: 478-102-22
- 2. Shafter Wasco Ginning Company Property (Kern County)**
Authority Parcel Numbers: FB-15-0321-1, FB-15-0321-2, and FB-15-0321-3
Assessor Parcel Numbers: 089-070-43 and 089-070-44

ITEM PULLED

- 3. Warner Capital Property (Fresno County)**
Authority Parcel Numbers: MF-10-0268-1 and MF-10-0268-2
Assessor Parcel Number: 504-103-10
- 4. Ramirez Property (Kern County)**
Authority Parcel Numbers: FB-15-0173-1, FB-15-0173-2, FB-15-0173-03-01 and FB-15-0173-04-01
Assessor Parcel Numbers: 030-422-02 and 030-422-05
- 5. Allen Property (Kings County)**
Authority Parcel Numbers: FB-16-0313-1, FB-16-0313-2, FB-16-0313-3, FB-16-0313-01-01, and FB-16-0313-02-01
Assessor Parcel Number: 034-040-007
- 6. Desmond Property (Madera County)**
Authority Parcel Numbers: MF-20-1152-1 and MF-20-1152-02-01
Assessor Parcel Number: 036-240-009
- 7. DCTN3 Property (Fresno County)**
Authority Parcel Number: MF-10-0270-1
Assessor Parcel Number: 504-091-49s

8. Brimager Property (Madera County)

Authority Parcel Numbers: MF-20-1147-1 and MF-20-1147-2

Assessor Parcel Number: 036-240-011

9. Sandoval-Cruz Property (Madera County)

Authority Parcel Numbers: MF-20-1146-1, MF-20-1146-2, and MF-20-1146-01-01

Assessor Parcel Number: 036-240-012

ACTION ITEMS

STAFF ANALYSIS ITEM—2

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

Action Requested

Adopt eight Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Kings and Kern counties, totaling approximately 5.8 acres.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno and relocation of railroad lines, the construction of bridges over the San Joaquin and Fresno Rivers as well as other waterways, several dozen grade separations, multiple viaducts and trenches, and the acquisition of approximately 1,400 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 February 2015 and June 2016, 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 August 19, 2016 and August 22, 2016, 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. Yasin Property (Fresno County)
Authority Parcel Number: FB-10-0861-1
Assessor Parcel Number: 478-102-22
Full Acquisition: approximately 0.11 acre in fee

This property will be needed for the construction of HSTS drainage ditches between E. California Avenue and E. Florence Avenue.

2. Shafter Wasco Ginning Company Property (Kern County)
Authority Parcel Numbers: FB-15-0321-1, FB-15-0321-2, and FB-15-0321-3
Assessor Parcel Numbers: 089-070-43 and 089-070-44

ITEM PULLED

3. Warner Capital Property (Fresno County)
Authority Parcel Numbers: MF-10-0268-1 and MF-10-0268-2
Assessor Parcel Number: 504-103-10
Partial Acquisition: approximately 0.55 acre total (0.21 acre in fee and 0.34 acre in easement)

This property will be needed for the realignment of Herndon Avenue.

4. Ramirez Property (Kern County)
Authority Parcel Numbers: FB-15-0173-1, FB-15-0173-2, FB-15-0173-03-01 and FB-15-0173-04-01
Assessor Parcel Numbers: 030-422-02 and 030-422-05
Full Acquisition: approximately 0.92 acre in fee

This property will be needed for the construction of the HSTS between 6th Street and Poso Avenue.

5. Allen Property (Kings County)
Authority Parcel Numbers: FB-16-0313-1, FB-16-0313-2, FB-16-0313-3, FB-16-0313-01-01, and FB-16-0313-02-01
Assessor Parcel Number: 034-040-007
Full Acquisition: approximately 2.53 acres in fee

This property will be needed for the construction of the HSTS between Newark Avenue and Niles Avenue and for a road to connect Niles Avenue with Van Dorsten Avenue.

6. Desmond Property (Madera County)
Authority Parcel Numbers: MF-20-1152-1 and MF-20-1152-02-01
Assessor Parcel Number: 036-240-009
Full Acquisition: approximately 0.60 acre in fee

This property will be needed for the construction of the HSTS between Road 26 and Avenue 18 1/2.

7. DCTN3 Property (Fresno County)
Authority Parcel Number: MF-10-0270-1
Assessor Parcel Number: 504-091-49s
Partial Acquisition: approximately 0.08 acre in fee

This property will be needed for the realignment of Herndon Avenue.

8. Brimager Property (Madera County)
Authority Parcel Numbers: MF-20-1147-1 and MF-20-1147-2
Assessor Parcel Number: 036-240-011
Full Acquisition: approximately 0.48 acre in fee

This property will be needed for the construction of the HSTS between Road 26 and Avenue 18 1/2.

9. Sandoval-Cruz Property (Madera County
Authority Parcel Numbers: MF-20-1146-1, MF-20-1146-2, and MF-20-1146-01-01
Assessor Parcel Number: 036-240-012
Full Acquisition: approximately 0.55 acre in fee

This property will be needed for the construction of the HSTS between Road 26 and Avenue 18 1/2.

Staff Recommendation: **Adopt eight Resolutions of Necessity authorizing the use of eminent domain to acquire properties totaling approximately 5.8 acres.**

OTHER BUSINESS

NONE