



RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CERTAIN AGREEMENTS AND DOCUMENTS FOR THE YERBA BUENA ISLAND SOUTHGATE ROAD REALIGNMENT IMPROVEMENTS PROJECT, CONSISTING OF A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION; LICENSE AGREEMENTS WITH THE UNITED STATES COAST GUARD; UTILITY RELOCATION AGREEMENT AND AMENDMENTS TO THE MEMORANDUMS OF AGREEMENT FOR THE CONSTRUCTION PHASE WITH THE TREASURE ISLAND DEVELOPMENT AUTHORITY; AN AMENDMENT INCREASING THE RIGHT-OF-WAY MEMORANDUM OF AGREEMENT WITH THE TREASURE ISLAND DEVELOPMENT AUTHORITY BY \$1,334,760, TO A TOTAL AMOUNT NOT TO EXCEED \$5,534,760; THE RIGHT OF WAY CERTIFICATION; AND A NATIONAL ENVIRONMENTAL POLICY ACT/ CALIFORNIA ENVIRONMENTAL QUALITY ACT RE-VALIDATION AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND MODIFY AGREEMENT PAYMENT TERMS AND NON-MATERIAL AGREEMENT TERMS AND CONDITIONS

WHEREAS, The Transportation Authority is working jointly with the Treasure Island Development Authority (TIDA) and the Office of Economic and Workforce Development on the development of the I-80/Yerba Buena Island (YBI) Interchange Improvement Project; and

WHEREAS, One of the elements of the overall project is the YBI Southgate Road Realignment Improvements Project (Project); and

WHEREAS, The Project will increase the length of the on- and off-ramp on a new alignment to allow the YBI Westbound Ramps Project to function as designed, and would effectively function as an extension of the on- and off-ramps for the YBI Westbound Ramps Project; and



WHEREAS, The Transportation Authority must execute a series of agreements and documents to prepare the Project for construction; and

WHEREAS, The California Department of Transportation (Caltrans) Cooperative Agreement identifies and defines the respective Transportation Authority and Caltrans roles for Project implementation; and

WHEREAS, The United States (U.S.) Coast Guard license agreements allow for construction of the Project on U.S. Coast Guard property while right-of-way acquisition is being completed; and

WHEREAS, The TIDA utility relocation agreement confirms TIDA's approval of the relocation of the TIDA waterline required for the Project and identifies estimated costs and associated cost liability for the waterline relocation; and

WHEREAS, The TIDA Memorandum of Agreements (MOAs) for right-of-way and construction phases were entered into in 2013 for the YBI Ramps Improvement Project and establish each party's role and responsibilities, as well as the terms and conditions of TIDA repayments to the Transportation Authority; and

WHEREAS, The amendments to the TIDA MOAs for right-of-way and construction phases would add the YBI Southgate Road Realignment Improvements Project to the scope of the respective MOAs and increase the not-to-exceed amount for the right-of-way phase to \$5,534,760; and

WHEREAS, The Transportation Authority has determined that the inclusion of the Project as part of the YBI Ramps Improvement Project requires the preparation of an addendum to the I-80/YBI Ramps Improvement Project Final Environmental Impact Report/Final Environmental Impact Statement pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15164 and the preparation and execution of a National Environmental Policy Act (NEPA)/CEQA Re-validation which incorporates the required CEQA addendum in order to provide environmental clearance for the Project; and



WHEREAS, The Project needs are consistent with those established for the YBI West Bound Ramps Project purpose and need and Caltrans Legal and Headquarters Divisions have approved re-evaluation of the YBI West Bound Ramps Project, with a NEPA/CEQA Re-validation as the appropriate level of environmental documentation for the Project; and

WHEREAS, The right-of-way certification confirms that the Transportation Authority has made all necessary arrangements to clear the right-of-way for construction activities, including having executed all required licenses and right-of-way agreements and having obtained all required permits for the Project; and

WHEREAS, The total Project is estimated to cost approximately \$51 million for all phases and construction activities are anticipated to be completed by January 2021; and

WHEREAS, The Transportation Authority will be advancing Prop K funds to pay for Project costs incurred in the right-of-way and construction phases, in amounts not to exceed \$5,534,760 and \$38,002,765, respectively, until the agency receives reimbursements from a combination of federal Highway Bridge Program, state Prop 1B, Bay Area Toll Authority, and TIDA funds; and

WHEREAS, TIDA is responsible for reimbursing the Transportation Authority for all Project costs and accrued interest, less state, federal, or Bay Area Toll Authority reimbursements to the Transportation Authority; and

WHEREAS, This year's activities for the Project will be included in the Transportation Authority's mid-year budget amendment and sufficient funds will be included in future fiscal year budgets for the remaining activities; now, therefore, be it

RESOLVED, That the Transportation Authority authorizes the Executive Director to execute a cooperative agreement with Caltrans; license agreements with the U.S. Coast Guard; utility relocation agreement and amendments to the MOA for the construction phase with TIDA; an amendment increasing the right-of-way MOA with TIDA by \$1,334,760, to a total amount not to exceed



\$5,534,760; the right-of-way certification; and the NEPA/CEQA Re-validation; and be it further

RESOLVED, That the Executive Director is hereby authorized to negotiate and modify agreement payment terms and non-material agreement terms and conditions; and be it further

RESOLVED, That for the purposes of this resolution, “non-material” shall mean agreement terms and conditions other than provisions related to the overall agreement amount, terms of payment, and general scope of services; and be it further

RESOLVED, That notwithstanding the foregoing and any rule or policy of the Transportation Authority to the contrary, the Executive Director is expressly authorized to execute agreements and amendments to agreements that do not cause the total agreement value, as approved herein, to be exceeded and that do not expand the general scope of services.



Memorandum

Date: February 21, 2019
To: Transportation Authority Board
From: Eric Cordoba – Deputy Director for Capital Projects
Subject: 03/12/19 Board Meeting: Authorize the Executive Director to Execute Certain Agreements and Documents for the Yerba Buena Island Southgate Road Realignment Improvements Project, Consisting of a Cooperative Agreement with the California Department of Transportation; License Agreements with the United States Coast Guard; Utility Relocation Agreement and Amendments to the Memorandums of Agreement (MOAs) for the Construction Phase with the Treasure Island Development Authority (TIDA); an Amendment Increasing the Right-of-Way MOA with TIDA by \$1,334,760, to a Total Amount Not to Exceed \$5,534,760; the Right of Way Certification; and a National Environmental Policy Act / California Environmental Quality Act Revalidation and Authorizing the Executive Director to Negotiate and Modify Agreement Payment Terms and Non-Material Agreement Terms and Conditions

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <ul style="list-style-type: none"> • Authorize the Executive Director to execute the following agreements/documents to prepare the Yerba Buena Island (YBI) Southgate Road Realignment Improvements Project for construction: <ul style="list-style-type: none"> ○ Cooperative agreement with the California Department of Transportation (Caltrans) ○ License agreements with the United States (U.S.) Coast Guard ○ Utility relocation agreement for Treasure Island Development Authority (TIDA) waterline ○ Amendments to the Memorandums of Agreement (MOAs) with TIDA for the construction phase and amendment increasing the right-of-way phase MOA by \$1,334,760, to a total amount not to exceed \$5,534,760 ○ California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) revalidation ○ Right of Way Certification • Authorize the Executive Director to negotiate and modify agreement payment terms and non-material terms and conditions <p>SUMMARY</p> <p>We are working jointly with TIDA and the Office of Economic and Workforce Development (OEWD) on the development of the I-80/YBI Interchange Improvement Project. One of the elements of the overall</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fund Allocation <input type="checkbox"/> Fund Programming <input type="checkbox"/> Policy/Legislation <input type="checkbox"/> Plan/Study <input checked="" type="checkbox"/> Capital Project Oversight/Delivery <input type="checkbox"/> Budget/Finance <input checked="" type="checkbox"/> Contract/Agreement <input type="checkbox"/> Other: <hr/>
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project is the YBI Southgate Road Realignment Improvements Project. In order to prepare this portion of the project for construction, the Transportation Authority must execute a series of agreements and documents as described in the recommendation action listed above.	
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DISCUSSION

Background.

The scope of the I-80/YBI Interchange Improvement Project includes two major components: the I-80/YBI Ramps Improvement Project and the YBI Westside Bridges Seismic Retrofit Project. The I-80/YBI Ramps Improvement Project is comprised of two phases:

- Phase 1, which includes constructing new westbound on- and off-ramps (on the east side of YBI) to the new Eastern Span of the San Francisco-Oakland Bay Bridge; and
- Phase 2 the YBI Southgate Road Realignment Improvements Phase 2, which includes increasing the length of the on-ramp and off-ramp on a new alignment to allow the westbound ramps to function as designed.

We are in the process of completing Phase 1 and are now preparing to begin construction of Phase 2, the YBI Southgate Road Realignment Improvements Project (Project). The Project will increase the length of the on- and off-ramp on a new alignment to allow the YBI Westbound Ramps Project to function as designed. Southgate Road as realigned would effectively function as an extension of the on- and off-ramps for the YBI Westbound Ramps Project and would separate traffic heading down westbound and eastbound I-80, thereby eliminating queue spillback onto I-80 and the Level of Service F intersection. The extended ramps would provide direct access from Hillcrest Road to the westbound on-ramp and would ensure all truck turning movements are accommodated. In addition, the eastbound off-ramp is being reconstructed.

Agreements.

There are various agreements that need to be executed in order to prepare the Project for construction. Each agreement is briefly discussed below.

Caltrans Cooperative Agreement: This agreement identifies and defines the respective Transportation Authority and Caltrans roles for Project implementation. The Transportation Authority is the implementing agency for the design, right-of-way acquisition, and the construction phases for the Project, with Caltrans oversight.

U.S. Coast Guard License Agreements: These agreements allow for construction of the Project on U.S. Coast Guard property, while right-of-way acquisition is being completed. The U.S. Coast Guard relies upon its facilities on YBI to support the vital operations it conducts in the San Francisco Bay, the Pacific Ocean, and eastward along the major rivers in Northern California. These license agreements document U.S. Coast Guard requirements to construct the Project without impairing the U.S. Coast Guard's mission.

Utility Relocation Agreement with TIDA: This utility relocation agreement confirms TIDA's approval of the relocation of the TIDA waterline required for the Project. This utility relocation agreement identifies estimated costs and associated cost liability for the waterline relocation, which will be included in the scope of the upcoming Transportation Authority construction contract.

TIDA MOA Amendments for Right-of-Way and Construction Phases: In 2013, the Transportation Authority and TIDA entered into MOAs for the right-of-way phase and for the construction phase for the YBI Ramps Improvement Project, in amounts not to exceed \$4,200,000 and \$46,700,000, respectively. The MOAs establish each party's role and responsibilities, as well as the terms and conditions of TIDA repayments to the Transportation Authority for all costs incurred by the Transportation Authority on the YBI Ramps Improvement Project. The proposed amendments would add the YBI Southgate Road Realignment Improvements Project to the scope of the respective MOAs and increase the not-to-exceed amount for the right-of-way phase to \$5,534,760.

TIDA has requested that the Transportation Authority take certain actions necessary to satisfy right-of-way certification conditions for the project prior to issuing an invitation to bid for construction of the Project. The Transportation Authority agreed to take such actions provided that TIDA agreed to reimburse the Transportation Authority for, and indemnify and hold the Transportation Authority harmless from, any and all costs and liabilities incurred by the Transportation Authority. Caltrans' certification of right-of-way is also required prior to issuance of the invitation to bid. TIDA also requests that the Transportation Authority, acting on TIDA's behalf, complete the steps necessary to pursue construction of the Project, including entering into a cooperative agreement for construction services with Caltrans; procure and award a consultant contract for construction management services; issue an invitation to bid for construction work required for the Project; enter into a construction contract with the lowest responsible bidder submitting a responsive bid to construct the Project; and provide project management and administrative services during the construction phase of work. We anticipate bringing a construction contract award to the Board for approval in summer 2019. The proposed amendments would extend the term of the MOAs through June 30, 2022.

CEQA/NEPA Revalidation: The revalidation of the I-80/YBI Ramps Improvement Project Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) will provide environmental clearance for the Project. Caltrans is the NEPA lead under delegation from the Federal Highway Administration and the Transportation Authority is the CEQA lead agency for the Project. The Board approved the Final EIR/EIS for the I-80/YBI Ramps Improvement Project in December 2011 through Resolution 12-29. We secured additional funds for the YBI West Bound Ramps Project in Fiscal Year 2017, specifically for the Southgate Road Realignment Project as a "special case approach roadway." The Southgate Road improvements were determined to be essential additional work supporting the YBI West Bound Ramps Project and allowing the westbound ramps to function as designed. The Southgate Road Project improvement needs are consistent with those established for the YBI West Bound Ramps Project purpose and need. As a result, Caltrans Legal and Headquarters Divisions have approved re-evaluation of the YBI West Bound Ramps Project, with a NEPA/CEQA Revalidation as the appropriate level of environmental documentation for the Southgate Road Project Improvements.

Right-of-Way Certification: This right-of-way certification confirms that the Transportation Authority has made all necessary arrangements to clear the right-of-way for construction activities, including having executed all required licenses and right-of-way agreements and having obtained all required permits for the project.

Funding: We are actively seeking to secure all required federal, state, and regional funds for the Project, which is estimated to cost approximately \$51 million for all phases. To date, Caltrans has approved programming of approximately \$30 million of federal Highway Bridge Program and state Prop 1B funds in the Federal Transportation Improvement Program for federal Fiscal Year 2018/19 for the Project. We anticipate grant funds will be authorized in April/May 2019. BATA has also committed approximately \$11.2 million of BATA Toll Bridge Seismic Retrofit Capital Program funds, including

approximately \$4 million to cover additional construction work they asked be included as part of the Southgate construction contract. BATA is providing the funding and administering the Preliminary Engineering phase work with assistance from the Transportation Authority's project management team for design and engineering services. The overall Project funding is shown in the table below.

YBI Southgate Road Realignment Project Overall Funding Plan							
PHASE	FEDERAL HIGHWAY BRIDGE PROGRAM	STATE PROP 1B	BATA	TIDA	FUTURE BATA	FUTURE FEDERAL HIGHWAY BRIDGE PROGRAM¹	TOTAL
Preliminary Engineering	\$ -	\$ -	\$6,819,315	\$ -	\$673,967	\$ -	\$7,493,282
Right-of-way	885,300	114,700		500,000	20,137	4,014,623	5,534,760
Construction	26,861,019	2,148,445	4,431,685		523,217	4,038,399	38,002,765
TOTAL	\$27,746,319	\$2,263,145	\$11,251,000	\$500,000	\$1,217,321	\$8,053,022	\$51,030,807

The Transportation Authority will be advancing Prop K funds to pay for Project costs incurred in the right-of-way and construction phases, in amounts not to exceed \$5,534,760 and \$38,002,765, respectively, until we receive reimbursements from a combination of federal Highway Bridge Program, State Prop 1B, BATA, and TIDA funds. TIDA is responsible for reimbursing the Transportation Authority for all Project costs and accrued interest, less state, federal, or BATA reimbursements to the Transportation Authority. Interest will accrue on all outstanding unreimbursed Project costs until TIDA, state/federal agencies, and/or BATA, fully reimburses the Transportation Authority for all costs related to the Project. If the state or federal grant funds or BATA funds do not become available for some or all of the Project costs, or if the state or federal agency or BATA disallows the Transportation Authority's reimbursement claims on some or all of the Project costs, then TIDA bears the responsibility to repay the Transportation Authority for all costs incurred on the Project. Furthermore, TIDA shall indemnify the Transportation Authority and assume all liabilities incurred from entering into the agreements executed as a result of this item.

Schedule: The Project schedule is projected as follows:

- Execute Caltrans Cooperative Agreement, U.S. Coast Guard Licenses, Utility Agreement, and Right-of-Way Certification – April 2019
- Request Construction Phase Funding – April 2019
- Obtain Construction Phase Funding Allocation Approval – April/May 2019
- Advertise Construction Contract – May 2019
- Award Construction Contract – July 2019
- Begin Construction – August 2019
- Open to traffic – January 2021

¹ Future federal Highway Bridge Program funds are subject to change based on funding partners fair share split negotiation.

FINANCIAL IMPACT

This year's activities for the Project will be included in the Transportation Authority's mid-year budget amendment. Sufficient funds will be included in future fiscal year budgets for the remaining activities. All Project costs will be funded with federal Highway Bridge Program, state Prop 1B, BATA, and TIDA funds specifically designated for the Project. See Funding in Discussion section for additional details.

CAC POSITION

The CAC was briefed on this item at its February 27, 2019 meeting and opposed a motion of support for the staff recommendation. The staff recommendation was not approved by the CAC, with 3 members voting in favor and 3 members abstaining. One member clarified that their abstention was due to a possible conflict of interest and another out of a desire for the Transportation Authority to leverage its agreements with Caltrans to ensure that it operates with an ethical lens and that it cultivates a non-discriminatory workplace.

SUPPLEMENTAL MATERIALS

None.