State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 16-17, 2004

Reference No.: 2.4a.(2)
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **APPEARANCE**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity C-18917, which is the subject of this Appearance. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department is requesting a resolution at this time. Adoption of Resolution of Necessity C-18917 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18917 - Elk County Water District, et al.
01-Men-1-KP 54.14-Parcel 11234-1,2 - EA: 310109 - Certification Date: 06/01/04 - RTL Date: 06/01/04 - (Conventional highway - replace bridge #10-123). Authorizes condemnation of land in fee for a State highway, an easement for access for bridge inspection and maintenance. Located near the town of Elk at the south approach to Greenwood Creek Bridge on Highway 1.

SUMMARY OF ISSUES

1. Elk County Water District (ECWD) requested an appearance before the California Transportation Commission (Commission). In a letter dated January 2, 2004, Mr. Gerald Huckaby, President, ECWD, contended that the proposed highway project is not located in a manner that promotes the most public good with the least private injury, and that the property being sought is not necessary for the proposed project. These conditions are required under Sections 1240.030 and 1245.230 of the California Code of Civil Procedure in order to obtain a Resolution of Necessity for condemnation of the property.

   Mr. Huckaby also discussed the potential impact of construction of the new Greenwood Creek Bridge upon two existing shallow water wells located in the existing state right of way under encroachment permit. These wells are public utilities, not within the right of way being acquired in this transaction. As such, the wells are subject to removal at the owner's expense if they conflict with the Department's use of its right of way. Mr. Huckaby argued that the bridge replacement project could move to the west of the existing bridge and thereby avoid the existing wells.

2. Public Good: This is a safety project. The existing bridge is subject to degrading by scouring from the flow of Greenwood Creek. Replacement of the existing bridge is necessary for public safety and to perpetuate the flow of vehicular traffic on Route 1 between Fort Bragg and Mendocino.

3. Least Private Injury: The property owners' proposal to realign the bridge to the west degrades the geometrics of the highway at this point to below current design standards. A western alignment would also intrude onto State Park lands, incur increased costs and project delays and require a 4F process. The proposed alignment minimizes the need for additional right of way and improves the geometrics and safety of the highway alignment.

4. Water wells: Two existing water wells are located outside the right of way being acquired in this transaction. They are public utilities located within the existing state right of way by encroachment permit. While the installation of new bridge piers may cause turbidity or otherwise affect the aquifer flow, they are within the existing state right of way under terms of encroachment permits, and relocation will be at the utility's expense pursuant to the rules and regulations governing public utilities impacted by transportation projects. The Department has issued a notice to ECWD that the wells may need to be relocated and encouraged ECWD to proceed to obtain all necessary permits to relocate. The relocation and any compensation issues for this public utility will be handled under utility relocation provisions of Streets and Highway, Code Sec 660 et seq.

5. Access Easement: The Department has agreed to include language in a non-exclusive access easement deed (parcel 11234-2) that, subject to Commission approval, the Department would allow the required non-exclusive easement rights to revert to the property owner in the event the easement is ever no longer needed.

Attachments

RESOLUTION OF NECESSITY APPEARANCE FACT SHEET

PROJECT DATA: 01-Men-01 KP53.7/54.6

LOCATION: Highway 01 just south of Elk

LIMITS: Near Elk from 0.4 km South of Greenwood Creek Bridge # 10-123 to 0.5 KM North of Greenwood Creek Bridge

CONTRACT LIMITS: 53.7- 54.6 KP

FUNDING SOURCE: SHOPP 20.xx.201.111 FY 3/4
Programmed dollars: Construction - $7.44 million.
Right of Way - $1.25 million

NUMBER OF LANES: Existing: 2 lanes
Proposed: 2 lanes

PROPOSED MAJOR FEATURES:

INTERCHANGES: None

OTHER: Bridge width 12 meters

TRAFFIC: Existing ADT (1999): 1460
Proposed ADT (2009): 1880

PARCEL DATA:

PROPERTY OWNER: Elk County Water District

PARCEL LOCATION: SE quadrant of Greenwood Creek Bridge #10-123

PRESENT USE: Public facility-access to water wells

AREA OF PROPERTY: 3.05 acres (1.234 Ha.)

AREA REQUIRED: 0.49 acres fee acquisition
0.47 acres permanent easement

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met with the property owners at 9AM, April 2, 2004, at the Elk Fire Station. Panel members included Vern Rhinehart, Headquarters Right of Way; Linda Fong, Division of Design; and Frank Valentini, San Francisco Legal Office. The scope of the proposed highway project was explained to all in a presentation by District 1 staff. Elk County Water District staff then expressed their concerns regarding the proposed bridge replacement project at Greenwood Creek on MEN-1 in the community of Elk.

OWNER'S CONTENTIONS AND DEPARTMENT RESPONSE

Elk County Water District (ECWD) is a public utility serving the community of Elk. Mr. Charles Acker, manager of ECWD stated that the proposed bridge should be located west of the current bridge in order to prevent disturbance to existing wells located in existing state right of way under encroachment permit and the aquifer they draw from. He stated that proposed drilling for bridge piers could allow amalgam to penetrate into the surrounding strata diminishing the flow and affect the quality of the water by increasing turbidity. The project could impact the sole water source for the community of Elk, currently about 105 residential connections. Mr. Acker stated that the portion of new right of way being acquired is the best potential replacement site for new wells.

The Department explained that a westerly routing of the replacement bridge is undesirable because it fails to meet design standards. A westward shift in the alignment would tighten an existing curve at the north end of the bridge and result in a non-standard compound curve at that point. Studies of several alternatives set forth hereinafter as alternatives one through four conclude that a bridge alignment east of the present bridge is the recommended alignment. Construction of the proposed bridge in the easterly alignment will place piers about twenty feet from the existing well sites at the closest point.

The existing two water wells are located within the existing highway right of way and were installed under terms of encroachment permits that require their relocation upon notice at the public utility owner's expense. In accordance with utility relocation statutes, ECWD has been provided notice that relocation may be necessary. Utility relocation will be in accordance with public utility relocation provisions of Streets and Highways Code 660 et seq.

NEED FOR PROJECT

This is a safety project. The bridge replacement project is needed immediately to correct structural deficiency in the existing bridge. Multiple shear cracks and the potential for scouring make this project necessary. Also, the width of the existing bridge is inadequate relative to current average daily traffic since there is not room for standard width shoulders. The bridge replacement project is classified high priority in the 2002 SHOPP because it is a scour prevention project.

PROJECT PLANNING AND LOCATION

The replacement bridge will be two lanes of 3.6-meter (12 ft.) width each, with 2.4-meter (8 ft.) shoulders and an overall length of 169 meters (554 ft.). The new bridge will stand parallel to and immediately east of the existing bridge and will include a bridge rail suitable for bicycle traffic with additional width for cyclist and pedestrian traffic safety. Current construction cost estimate is $7,500,000. Advertising is planned for August 1, 2004. The environmental document was approved December 30, 2002. Project objectives include the following considerations:

- The existing bridge is structurally insufficient per the 1999 Structure Replacement and Improvements Needs Report and Caltrans Maintenance Bridge Report for District 1.
- Clear width of the existing structure is non-standard. Widening is needed.
- State Route 1 is a portion of the Pacific Coast Bike Route. Only 0.3 meter of travel way exists for bicycles. Additional width is needed for bicycle and pedestrian safety.
- Capacity for truckloads must decrease if deterioration of the existing bridge is not corrected.

Several alternatives to the bridge replacement project were studied:
Alternative 2–Repair the existing bridge in place for southbound traffic and construct a new bridge for northbound traffic: The existing bridge cannot be kept active without extensive repairs to avoid collapse in the event of scouring or seismic events. To leave the existing bridge as it is would not address traffic or safety issues and would incur extensive maintenance costs over the long-term.
Alternative 3–Repair the scouring problem only: To eliminate widening of the existing deck and not upgrade the railings would not meet project needs and is therefore an unfeasible alternative.
Alternative 4 –Widen and Rehabilitate the Existing Bridge: Studies show the cost of this alternative as $8.5 million. This alternative would require half-width traffic control on State Route 1 during construction and no detours are available. Traffic delays or circuitous routings would result on State Route 1, the major north/south highway for this area.
Alternative 1–The preferred alternative to construct a new replacement bridge and remove the existing bridge accomplishes all the objectives of the project without traffic delays and at minimum cost.

PARCEL DESCRIPTION

Right of way requirements include a fee parcel 11234-1, 0.49 acre at the southeast terminus of the proposed bridge and an adjacent, non-exclusive access easement for construction and maintenance of 0.47 acre, parcel 11234-2. The easement parcel overlays an existing unimproved access road to the area beneath the existing bridge.

NEED FOR THE PARCELS

Parcel 11234-1 is required in fee for the construction of the new bridge alignment; parcel 11234-2 is required as a non-exclusive access easement for construction and maintenance of the new bridge structure.

STATUTORY OFFER

The Department has appraised the fee interest and access easement interest of the subject property and offered the full amount of the appraisal to the property owners of record in compliance with Government Code Section 7267.2.

PANEL RECOMMENDATION

The Panel has concluded that the Department is in compliance with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project;
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The property to be condemned is necessary for the proposed project;
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the California Transportation Commission.

VERNON V. RHINEHART, Chief
Office of Project Delivery
Right of Way Division
Panel Chair

I concur with the Panel's recommendation:

J. MIKE LEONARDO
Acting Chief Engineer

Persons Attending the 2nd Level Review, April 2, 2004

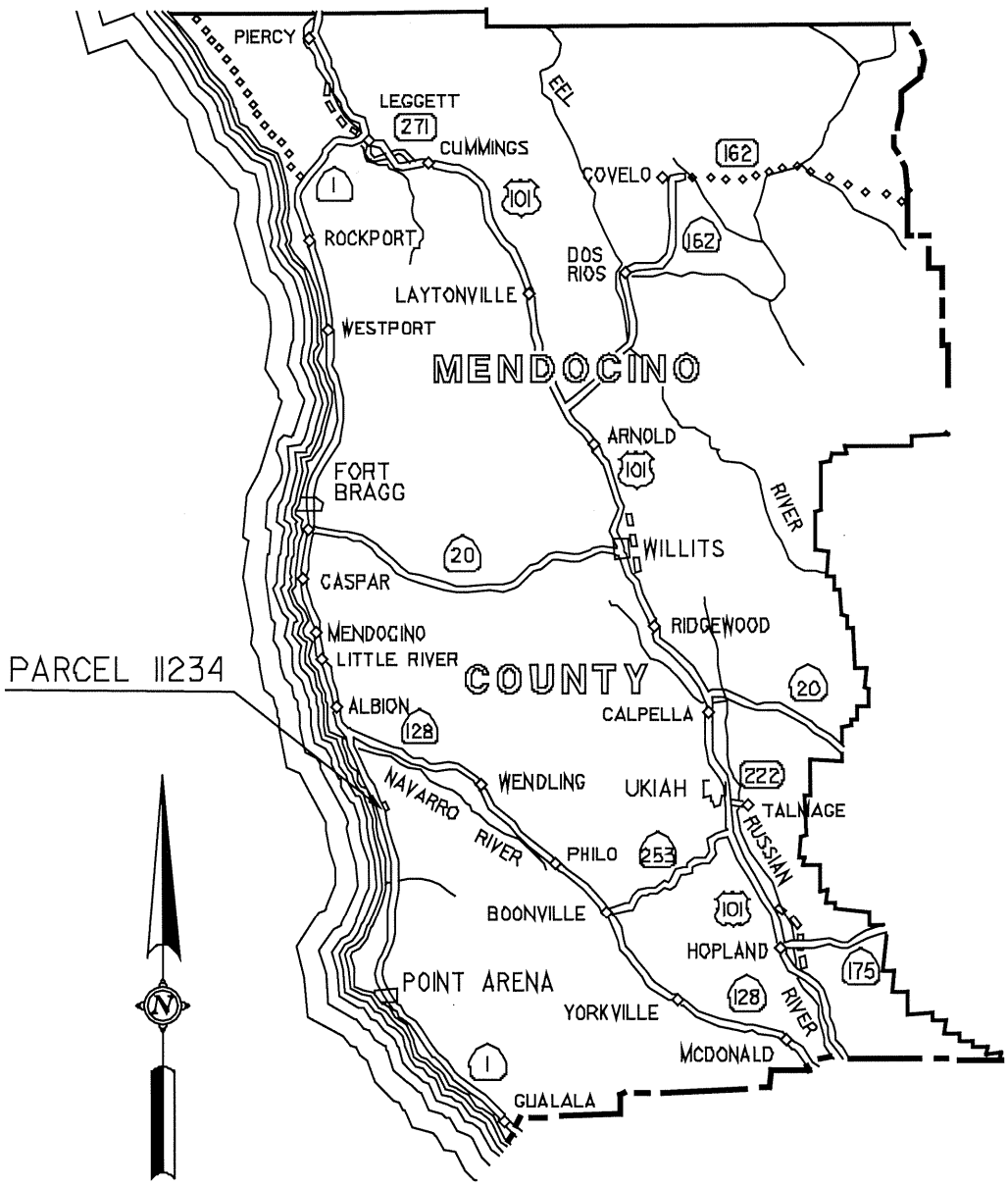
Elk County Water District:

Charles Acker – ECWD Manager
David Rapport –ECWD Attorney
Kirk Handley – ECWD Board
Steven Acker – ECWD Board

Department of Transportation:

Vern Rhinehart – HQ Right of Way, Panel Chair
Linda Fong – HQ Design, Panel Member
Frank Valentini – San Francisco Legal, Panel Member
Matt Brady – District 01 Single Focal Point
Alan Escarda – District 01 Project Manager
Heidi Sykes – District 03 Design
Jim Hall – North Region Right of Way Manager
Ed Fitzgerald – District 01 Right of Way
Chuck Carrillo –HQ Right of Way, Moderator

EXHIBIT A



SCALE IN MILES

5 0 10 20

8 0 16.1 32.2

SCALE IN KILOMETERS

LOCATION MAP

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND
HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 01

RESOLUTION OF NECESSITY

PARCEL 11234

CO	ROUTE	KP/PM
MEN	01	54.14/33.64
SHT 1 OF 2	JANUARY 2004	EA 310109

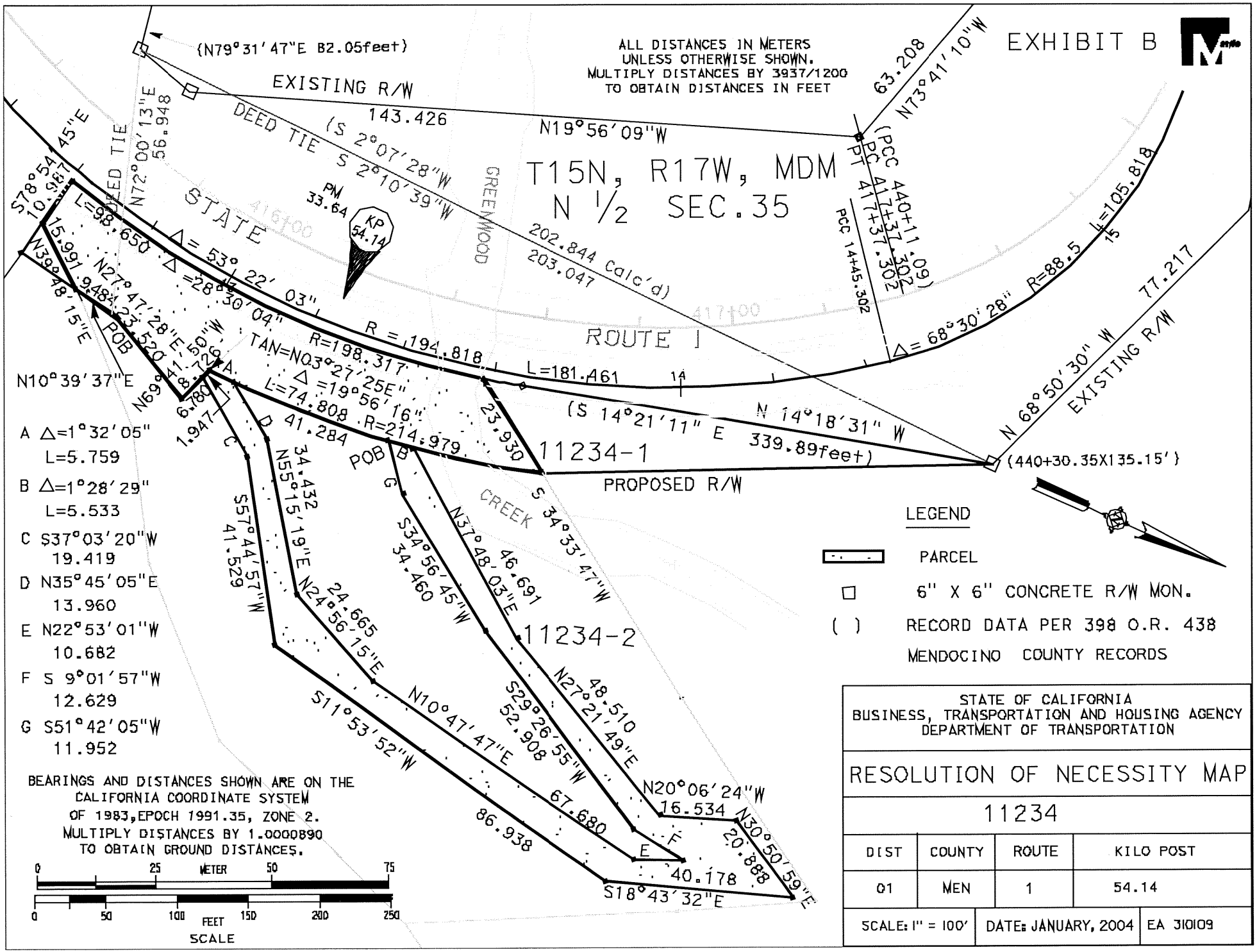


EXHIBIT B
ALL DISTANCES IN METERS
UNLESS OTHERWISE SHOWN.
MULTIPLY DISTANCES BY 3937/1200
TO OBTAIN DISTANCES IN FEET
(N79°31'47"E 82.05feet)
EXISTING R/W
143.426
N19°56'09"W
DEED TIE
(S 2°07'28"W
S 2°10'39"W
T15N, R17W, MDM
N 1/2 SEC.35
GREENWOOD
STATE
ROUTE 1
PM 33.64
KP 54.14
202.844 Calc'd)
203.047
63.208
N73°41'10"W
(PCC 440+11.09)
PC 417+37.302
PT 417+37.302
PCC 14+45.302
L=105.818
R=88.5
Δ= 68°30'28"
77.217
N 68°50'30" W
EXISTING R/W
(440+30.35X135.15')
N 14°18'31" W
(S 14°21'11" E 339.89feet)
11234-1
PROPOSED R/W
S 34°33'47"W
CREEK
11234-2
S78°54'45"E
10.987
N72°00'13"E
56.948
L=98.650
Δ= 53° 22' 03"
Δ =28°30'04"
R = 194.818
L=181.461
R=198.317
TAN=N03°27'25E"
Δ =19°56'16"
L=74.808
R=214.979
23.930
41.284
POB
N27°47'28"E
23.520
N39°48'15"E
15.991
9.484
N69°41'50"W
8.726
6.780
1.947
N10°39'37"E
A Δ=1°32'05"
L=5.759
B Δ=1°28'29"
L=5.533
C S37°03'20"W
19.419
D N35°45'05"E
13.960
E N22°53'01"W
10.682
F S 9°01'57"W
12.629
G S51°42'05"W
11.952
S57°44'57"W
41.529
N55°15'19"E
34.432
N24°56'15"E
24.665
S11°53'52"W
86.938
N10°47'47"E
67.680
S34°56'45"W
34.460
N37°48'03"E
46.691
S29°26'55"W
52.908
N27°21'49"E
48.510
N20°06'24"W
16.534
N30°50'59"E
20.888
40.178
S18°43'32"E
LEGEND
PARCEL
6" X 6" CONCRETE R/W MON.
( ) RECORD DATA PER 398 O.R. 438
MENDOCINO COUNTY RECORDS
BEARINGS AND DISTANCES SHOWN ARE ON THE
CALIFORNIA COORDINATE SYSTEM
OF 1983, EPOCH 1991.35, ZONE 2.
MULTIPLY DISTANCES BY 1.0000890
TO OBTAIN GROUND DISTANCES.
0 25 METER 50 75
0 50 100 FEET 150 200 250
SCALE
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
RESOLUTION OF NECESSITY MAP
11234
DIST 01
COUNTY MEN
ROUTE 1
KILO POST 54.14
SCALE: 1" = 100'
DATE: JANUARY, 2004
EA 310109