

DATE: June 17, 2008

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization to Request that Caltrans Initiate the Process for Relinquishment of Specific State Highways within the City

RECOMMENDATION

That Council adopts the attached resolution requesting that Caltrans initiate the process for the relinquishment of portions of SR 238, SR 92, and SR 185 in the City of Hayward; and authorizing the City Manager to execute all future agreements relative to relinquishments in accordance with State law.

BACKGROUND

On November 27, 2007, Council approved the Route 238 Corridor Improvement Project and certified the final Environmental Impact Report. The Draft and Final Environmental Impact Reports for the project state the project cannot be constructed according to Caltrans standards and, therefore, Caltrans will need to relinquish to the City the State Highways (see attached Exhibit A) impacted by the project. These include the following:

- SR 238 (Foothill Boulevard) – I-580 to Jackson Street
- SR 238 (Mission Boulevard) – Jackson Street to Industrial Parkway
- SR 92 (Jackson Street) – Watkins Street to SR 185 (Mission Boulevard)
- SR 185 - Foothill Boulevard/Jackson Street to the north City Limits

Relinquishment allows the City to construct the project to City standards and control traffic operations, such as signals, without Caltrans involvement along this corridor. Improvements to signal timing and coordination, particularly on Mission and Foothill Boulevards, can be more readily implemented, thereby enabling City staff to respond to changing traffic patterns and requests from the public. One disadvantage, as previously noted, is that the City will become responsible for maintaining these routes, which are currently maintained by Caltrans.

DISCUSSION

Caltrans has been very interested in relinquishing to the City all of the state highway miles within the City limits. However, the City has expressed concerns over the magnitude of the relinquishment that Caltrans is seeking, as compared to the City's ability to reconstruct and/or maintain the sections being considered.

The City and Caltrans have been holding ongoing discussions regarding the relinquishment. Thus far, City staff and Caltrans have agreed to the following:

- The entirety of the roadways incorporated into the approved Route 238 Corridor Improvement Project will be relinquished to the City as soon as possible; certainly before start of construction. The City and Caltrans will begin the actions necessary to complete the relinquishment process. A question remaining is the timing of the relinquishment of the section of Route 185 from downtown at "A" Street, north to the City limits of Hayward. This section remains problematic for the City due to its current poor condition and the funding needed to improve conditions prior to relinquishment. On the other hand, Caltrans has insisted that this portion of Route 185 should be relinquished at the same time as the rest of Mission Blvd. and points to the project's Draft EIR, which clearly indicated the City was considering relinquishment of all State highways in the City.
- Relinquishment of Route 92, from Santa Clara to Watkins Street, will occur after completion of the Route 238 improvements or the Route 92/I-880 interchange, whichever occurs later.
- The parties will discuss relinquishment of the remaining southern portion of Route 238 beyond Industrial Parkway within the City limits of Hayward at a future time.

In order to ensure the added responsibilities required by the relinquishment do not unduly impact City resources, City staff has proposed that the City and Caltrans work together to get approval from the Alameda County Transportation Authority (ACTA) to include the improvements of this portion of Route 185 as part of the Route 238 Corridor Improvement Project. Staff believes that the contingency portion of the \$111 million budget may be adequate for this purpose. The next steps in this process would include estimating the cost for the necessary improvements and seeking approval from ACTA to add them to the official scope of the project. It is anticipated that no additional environmental issues will be raised by this change as it would be, essentially, similar to our major street maintenance projects that usually qualify under a CEQA categorical exemption.

It should be emphasized that the relinquishment process can be quite lengthy as it involves negotiations with Caltrans, action by the California legislature, and action by the California Transportation Commission to rescind the existing State Routes. Consequently, it is important for this process to begin as soon as possible in order to have the necessary segments relinquished before construction of the Route 238 Corridor Improvement Project. As discussed with Caltrans, a typical step to begin this type of relinquishment is with a resolution requesting that Caltrans begin the necessary Project Scope Summary Report (PSSR), environmental review, and right-of-way mapping. Therefore, it is requested that Council adopt the attached resolution also authorizing the City Manager to execute future agreements with Caltrans regarding these relinquishments in a manner consistent with state law.

FISCAL IMPACT

As noted in previous reports, the responsibility for annual maintenance of landscaping and traffic signals, as well as the funding for periodic pavement maintenance for just the Route 238 Corridor Improvement Project state highways will require approximately \$600,000 annually. Adding the approximate 0.56 mile of Route 185 will add approximately \$52,000 to this annual requirement. Approximately \$11 million is expended by the City annually towards the maintenance of streets, including landscaping, traffic signals, and streetlights Citywide and originates from various sources, most notably in the CIP within the Gas Tax, Measure B, Street System Improvements, and Transportation System Improvement funds. Of this total, about \$3.6 million is General Fund support for street and landscape maintenance functions. The City will continue to explore opportunities to reduce and/or fund these future costs. As these segments will now be under control of the City, they will be eligible for rehabilitation funding, which will become available in the reauthorization of the federal transportation legislation.

PUBLIC CONTACT

Staff continues to brief all interested parties and those potentially affected by the Route 238 Corridor Improvement Project.

SCHEDULE

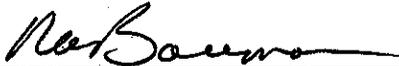
The final design and right-of-way acquisition phase of the Route 238 Corridor Improvement Project has already begun and is anticipated to be completed by 2010, with construction beginning in mid-2010 and completion expected by the end of 2012. Staff will continue coordination with Caltrans on the relinquishment process and, within the next six months, will request from ACTA approval to include the rehabilitation of Route 185.

Prepared by:



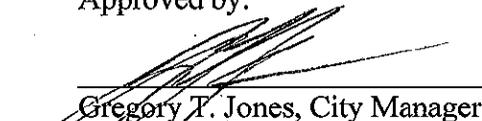
Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:


Gregory T. Jones, City Manager

Attachments:

Exhibit A: State Highway Map
Draft Resolution

**THE REFERENCED EXHIBIT(S) IS/ARE
ATTACHED AS A SEPARATE LINK**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

*me
6/11/08*

RESOLUTION REQUESTING THAT CALTRANS INITIATE THE PROCESS TO RELINQUISH PORTIONS OF STATE ROUTES 238, 92, AND 185 IN THE CITY OF HAYWARD AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE RELINQUISHMENT OF THE STATE ROUTES

WHEREAS, on November 27, 2007, the City Council of the City of Hayward certified the final Environmental Impact Report (the "FEIR") for the Route 238 Corridor Improvement Project (the "Project") and approved the Project; and

WHEREAS, the FEIR determined that the Project is not capable of being constructed according to Caltrans standards, and, therefore, the state highways located within the City's jurisdictional boundaries must be relinquished by Caltrans in order for the Project to be completed, which state highways include portions of State Routes 238, 92, and 185; and

WHEREAS, City staff and Caltrans staff have had preliminary discussions to identify the most cost effective and efficient method for the relinquishment of said state highways; and

WHEREAS, it is imperative to initiate the process of relinquishment as soon as possible in order to have all the necessary segments of the state highways relinquished prior to the construction of the Project.

BE IT RESOLVED by the City Council of the City of Hayward that Caltrans is hereby requested to initiate the process of relinquishment of those portions of State Routes 238, 92, and 185 within the jurisdiction of the City and that the City Manager is hereby authorized and directed to negotiate and execute all documents necessary to effectuate the relinquishment of the said state routes, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:
MAYOR:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward