



Memorandum

Date: April 18, 2019
To: Transportation Authority Board
From: Eric Cordoba – Deputy Director for Capital Projects
Subject: 05/14/19 Board Meeting: Authorize the Executive Director to Execute Agreements and Documents Required for the Right-of-Way Property Acquisition for the Yerba Buena Island Southgate Road Realignment Improvements Project, Including Offers to Purchase for an Aggregate Amount Not to Exceed \$5,534,760 and a Gratuitous Services Agreement, all with the United States Coast Guard, and to Execute all Agreements, Documents and Deeds Required to Transfer the Acquired Right-of-Way to the California Department of Transportation and the Treasure Island Development Authority

<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 and documents required for the right-of-way property acquisition and transfers for the construction phase of the Yerba Buena Island (YBI) Southgate Road Realignment Improvements Project: <ul style="list-style-type: none"> ○ Offers to Purchase and a Gratuitous Services Agreement with the United States (U.S.) Coast Guard ○ All agreements, documents and deeds required to transfer the acquired right-of-way to the California Department of Transportation (Caltrans) and the Treasure Island Development Authority (TIDA) • Authorize the Executive Director to negotiate agreement payment terms and non-material terms and conditions <p>SUMMARY</p> <p>The requested action is a supplement to the action taken by the Board in March to advance the YBI Southgate Road Realignment Improvements Project (Project) to the construction phase. On behalf of TIDA, the Transportation Authority will be acquiring property on YBI from the U.S. Coast Guard to enable construction of the Project according to the current schedule and for continued use of Vista Point. The Transportation Authority will subsequently be transferring the majority of the property to TIDA as soon as practicable and the remainder to Caltrans after construction is complete.</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: _____
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DISCUSSION

Background.

At its March 19, 2019 meeting, the Board gave final approval for the Executive Director to execute various agreements for the Project, including license agreements with the U.S. Coast Guard and amendments to the right-of-way and construction Memorandums of Agreements (MOAs) with TIDA. The amendment to the right-of-way MOA included an amount not to exceed \$5,534,760 for right-of-way property acquisition. TIDA has now requested that the Transportation Authority, rather than TIDA as originally anticipated, purchase the property from the U.S. Coast Guard, in lieu of TIDA purchasing the property directly, so that construction activities may continue as currently scheduled and for continued use of Vista Point. As described further below, the Transportation Authority will subsequently be transferring the majority of the property to TIDA as soon as practicable and the remainder to Caltrans after construction is complete.

Agreements.

Following the agreements approved by the Board in March, there are now additional agreements required to acquire right-of-way and prepare the Project for construction as discussed below. TIDA has requested that the Transportation Authority take these actions to satisfy right-of-way certification conditions prior to issuing an invitation to bid for construction, currently planned for June. We anticipate bringing the construction contract award to the Board for approval in September 2019, with construction activities starting in October 2019.

Offers to Purchase: Pursuant to TIDA's request, the Transportation Authority will act on behalf of TIDA to acquire real property interests from the U.S. Coast Guard for the Project right-of-way. At this point, there are two Offers to Purchase anticipated to be executed, for a total amount not to exceed \$5,534,760. The first draft Offer to Purchase will be for the acquisition of U.S. Coast Guard property Quarters 8 and Quarters 9. The title to the property will not transfer to the Transportation Authority until the lead contaminated soil is removed per the Gratuitous Services Agreement discussed below, and a No Further Action Letter (NFA) is obtained by the U.S. Coast Guard from the Department of Toxic Substance Control (or NFA equivalent is provided by U.S. Coast Guard), currently anticipated as a six-month process. The Transportation Authority and the U.S. Coast Guard will execute the second Offer to Purchase once the additional property covered by that Offer is placed on the U.S. Coast Guard's divestiture list. The right-of-way acquisition will be funded with TIDA, Bay Area Toll Authority (BATA), state and federal funds.

All obligations assumed by the Transportation Authority under the Offers to Purchase are deemed to be Transportation Authority Right-of-Way Costs, subject to TIDA's reimbursement obligation pursuant to the existing Memorandum of Agreement (MOA) with TIDA for the right-of-way phase of the Project.

Gratuitous Services Agreement: This agreement allows for removal of lead contaminated soil identified on U.S. Coast Guard property that will be acquired for the Project. This work will be completed as part of the construction of the Project on U.S. Coast Guard property, while right-of-way acquisition is being completed.

Right-of-Way Transfer: The Transportation Authority will acquire the real property interests needed for the Project. Once the Transportation Authority acquires the property, the majority of the property will be transferred to TIDA as soon as practicable and the remaining portion will be transferred to

Caltrans after construction is complete. The requested action also authorizes the Executive Director to sign the deeds and related documents to permit the transfer of property to TIDA and Caltrans.

Funding.

There are no changes to the funding plan since it was last presented to the Board in March, as shown in the table below. The property acquisition is contingent upon the authorization of federal, state and regional grant funds, currently expected in May 2019.

YBI Southgate Road Realignment Improvements Project							
Overall Funding Plan							
PHASE	FEDERAL HIGHWAY BRIDGE PROGRAM	STATE PROP 1B	BATA	TIDA	FUTURE BATA	FUTURE FEDERAL HIGHWAY BRIDGE PROGRAM ¹	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

Schedule.

The Project schedule is projected as follows:

- Execute Caltrans Cooperative Agreement, U.S. Coast Guard Agreements, Utility Agreement, and Right-of-Way Certification – April-May 2019
- Request Construction Phase Funding – June 2019
- Obtain Construction Phase Funding Allocation Approval – June 2019
- Advertise Construction Contract – June 2019
- Award Construction Contract – September 2019
- Begin Construction – October 2019
- Open to Traffic – January 2021

FINANCIAL IMPACT

The right-of-way acquisitions are included in the Transportation Authority’s Fiscal Year 2018/19 mid-year budget amendment and will be funded with federal Highway Bridge Program, state Prop 1B, BATA or TIDA funds specifically designated for the Project, as shown above.

CAC POSITION

The CAC will consider this item at its April 24, 2019 meeting.

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

Agenda Item 9

SUPPLEMENTAL MATERIALS

None.