



Meeting of the Board of Directors

Location: Rancho Cordova Council Chambers
2729 Prospect Park Drive
Rancho Cordova, CA

Date: Friday, April 11, 2014 – 8:30 a.m. to 10:30 a.m.

Roll Call: Directors Hume, Mikulaco, Nottoli, Sander, Starsky

Members of the public may comment on any item on the agenda at the time that it is taken up by the Board. We ask that members of the public complete Speaker Card, submit it to the Clerk of the Board, and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of the discussion.

Public Comment: Any person wishing to address the Board on any item not on the agenda may do so at this time. After ten minutes of testimony, any additional testimony may be heard following the New Business Items.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

1. Executive Director's Report

Consent Agenda

2. Minutes of February 14, 2014, Board Meeting

3. 2014 Federal TIGER Grant Submission Recommendation (Receive & File)

a. Attachment – Staff Report

4. Motion: Project Manager RFQ/RFP Approval

a. Attachment – Staff Report

5. Motion: Approve Memorandum of Understanding with SACOG to Provide Funding for Open Space Inventory

a. Attachment – Staff Report

New Business Items

6. Motion: Federal Funding and NEPA Strategy Report

a. Attachment – Staff Report

7. Motion: Input on Right of Way, Permitting, and Development Policy Framework

a. Attachment – Staff Report

b. Attachment – Presentation

8. Adjournment

The Board may take action on any matter, however listed on this Agenda, and whether or not listed on this Agenda, to the extent permitted by applicable law. Staff Reports are subject to change without prior notice.

If requested, this agenda can be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Board Secretary for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting, should telephone or otherwise contact the Board Secretary as soon as possible. The Board Secretary may be reached at 10640 Mather Blvd., Suite 120, Mather, CA 95655 or by telephone at 916-876-9094.

Capital SouthEast Connector Board of Directors

Item # 1
Receive and File

April 11, 2014

Executive Director's Report

Issue: An Executive Director's report is filed every month on current JPA activities.

Recommendation: Receive and File

Discussion: The following is a brief status report on some of the more significant issues and activities currently being pursued by the Connector JPA staff.

Administrative

- JPA is now receiving the River Valley Times newspaper on a weekly basis, effective March 5, 2014.
- The next Board meeting is currently scheduled for Friday, May 9th. This meeting falls on the week of the Annual Cap to Cap trip. Traditionally, this meeting has been re-scheduled or canceled due to scheduling conflicts for staff and/or Board members. Staff is recommending a tentative rescheduled date of May 16th.

Project

- Staff continues to work with SACOG on funding commitments to complete the Phase 1 project. Director Sander has offered to participate in the discussions since he sits on both the JPA and SACOG Boards. Some progress has been made towards justifying the project through improved performance and cost effectiveness. Additional meetings are scheduled, but no funding commitments have been finalized.
- The requested El Dorado County amendment to the JPA charter has been approved by the three member jurisdiction cities and is currently being scheduled at Sacramento County. Once fully ratified, it will be incorporated into the joint powers agreement and will be distributed to all member jurisdictions.
- The Executive Director updated the El Dorado County Board of Supervisors on March 4th regarding the status of the requested amendment to the JPA charter regarding condemnation and indebtedness. The presentation was well received without questions or expressed concerns.
- The General Plan amendment to designate the Connector on the Sacramento County General Plan was presented to the Sacramento County Board of Supervisors on March 11th. Additional discussions with the agricultural community were requested and the requested action has been continued to provide staff, working with Chair Nottoli, clarification to farming and associated interests.
- General Plan amendment processing at the staff level are underway in the cities of Rancho Cordova and Folsom. Dates for presentations before their Planning Commissions/City Councils will be forthcoming.
- As part of a settlement agreement for a subdivision in Rancho Cordova, a large vernal pool preserve has been created south of Douglas Road that introduces a significant constraint in overall available right-of-way along Grant Line Road. Staff is working to better define the ramifications of this preserve and will report back to the Board in May.
- Consultation with the Design-Build advisor is underway with a review of project cost estimates and assumptions by the contractor/consultant as a part of the first phase of work. Once established, these project costs will be used as the basis by which a number of different approaches and variables can be tested for risk transfer, cost savings, and scheduling efficiencies.

- The first meeting (by geographic segment) of the Ag outreach process is currently scheduled for mid-May, and will be followed by the other three segments in short order. Currently, staff is compiling property owner information and designing a notification process to improve participation and understanding of the effort itself.
- The City of Elk Grove, County of Sacramento, and JPA staffs have met on several occasions to discuss the Kammerer Road project, with regards to the City of Elk Grove's desire to pursue a local project with a City-led NEPA approval process. The City will present an update on the project status and delivery, as well as the reasoning/risk assessment of the local pursuit of segments of the Connector, at the next JPA Board meeting.

Fiscal

- Funding for the 5-year Project Development budget continues to be discussed with private banking institutions and the Sacramento Transportation Authority staff. Economic growth in the region continues to play a critical role in the acceleration of revenue for this budget. Any changes on the short-term revenue projections for the project will be provided as part of the update to the Plan of Finance in August 2014.
- The Caltrans audit testing of the JPA has been completed. A draft report and cross-reference of the working papers is currently in progress, with the completed draft due to Caltrans management for review by the end of April. It is anticipated that the final report will be forwarded to the JPA shortly thereafter, and, in turn, reported to the Board.

Media

- Elk Grove Citizen:
 - February 14, 2014 - JPA to discuss habitat conservation plan
- Sacramento Business Journal
 - March 7, 2014 - Capital SouthEast Connector ready for a vote
- Sacramento Bee
 - March 11, 2014 - Sacramento supervisors delay vote on connector road after farmers protest
- River Valley Times
 - March 19, 2014 – Wilton-based CCPAC wins delay from County

Miscellaneous

- After consultation with Chair Nottoli, staff has elected not to participate in the annual Metro Chamber Cap-to-Cap trip scheduled for May. Staff believes that a Connector-specific trip later in 2014 would be a more effective use of JPA resources. Selected Board and consultant team members will be participating in the Connector-specific trip and will be provided talking points and collateral information on the Connector Project to assist in scheduled meetings.
- JPA staff made a presentation to the Sheldon Hills Homeowners Association on March 31, to answer questions regarding access and timing of construction. About 15 homeowners were present to hear an update on the project and to ask questions on the project status. The meeting was well received and staff will make sure the association is on the mailing list for future updates.

Respectfully Submitted,



Tom Zlotkowski
Executive Director

April 11, 2014

Action Minutes of the February 14, 2014, Meeting

The Capital SouthEast Connector Authority's Board of Directors met in regular session on February 14, 2014, in the Rancho Cordova Council Chambers, located at 2729 Prospect Park Drive, Rancho Cordova, CA.

Call to Order: Director Nottoli called the meeting to order at 8:41 a.m.

Roll Call: Directors Mikulaco, Sander, and Nottoli were present.

Executive Director's Report: Mr. Zlotkowski, the Executive Director of the Authority, summarized the highlights from his Executive Director's Report, including the status of the following items: welcoming the new Technical Admin Assistant, Beverly Eklund; development of the environmental studies strategy; submittal of a transportation planning grant request to Caltrans with results expected in June/July 2014; circulation of the El Dorado amendment to the JPA formation document with full adoption anticipated in early April 2014; member jurisdictions' General Plan Amendments; formal audit of the JPA by Caltrans; and the White Rock Road Ribbon cutting ceremony.

Consent Agenda

The consent agenda included: (1) minutes of January 10, 2014, meeting; (2) authorizing the Executive Director to Enter into a Contract with Moffatt & Nichol for Technical Advisory Services; (3) authorizing Amendment No. 3 to the Contract with Quincy Engineering, Inc.; (4) approving the Agricultural Working Group Scope and Timeline for Outreach Process; and (5) acceptance of the FY 2013-14 Mid-Year Budget Status Report. It was moved by Director Mikulaco, seconded by Director Sander, and passed by unanimous vote that:

THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS APPROVES THE FOLLOWING ITEMS FROM THE CONSENT AGENDA: (1) MINUTES OF THE JANUARY 10, 2014, MEETING; (2) AUTHORIZES THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH MOFFATT & NICHOL FOR TECHNICAL ADVISORY SERVICES; (3) AUTHORIZES AMENDMENT NO. 3 TO THE CONTRACT WITH QUINCY ENGINEERING, INC.; (4) APPROVING THE AGRICULTURAL WORKING GROUP SCOPE AND TIMELINE FOR OUTREACH PROCESS; AND (5) ACCEPTANCE OF FY 2013-14 MID-YEAR BUDGET STATUS REPORT.

New Business Items

Approve adjustments to the FY 2013-14 Work Plan and Schedule: Mr. Zlotkowski presented the staff report, and provided an explanation of the major adjustments in the Work Plan. No public comment on this item was received. It was moved by Director Sander, seconded by Director Mikulaco, and passed by unanimous vote that:

THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS APPROVED ADJUSTMENTS TO THE FY 2013-14 WORK PLAN AND SCHEDULE.

Authorize Amendment No. 4 to the Contract with MMS Strategies: Mr. Zlotkowski introduced Michelle Smira and Gene Endicott who provided a brief overview/presentation of some of the highlights of the work performed over 2013 and some of the lessons learned that would improve the Connector's outreach program in 2014 and beyond. A video was also presented. It was moved by Director Sander, seconded by Director Mikulaco, and passed by unanimous vote that:

THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS APPROVES AMENDMENT NO. 4 TO THE CONTRACT WITH MMS STRATEGIES.

Update on the South Sacramento Habitat Conservation Plan (SSHCP): Mr. Zlotkowski introduced Bill Ziebron, Director of the SSHCP, who provided a brief presentation and update on activities and scheduled items.

Les Bryant, resident of Sheldon property, provided public comment on the ROW Policies and Procedures asking how a community member can get involved in the decision-making before it is presented to the Board for approval. Mr. Zlotkowski provided sources of major opportunities to get involved in the process, especially for individual property owners.

Adjournment: The meeting adjourned at 9:55 a.m.

Approved By:

Attest:

Director Nottoli
Chair of the Board

Tom Zlotkowski
Board Secretary



Capital SouthEast Connector Board of Directors

Item # 3
Receive & File

April 11, 2014

Transportation Investment Generating Economic Recovery (TIGER VI) Grant

Issue: Whether to invest the effort and cost to pursue a TIGER VI Planning Grant for the Capital SouthEast Connector Project.

Recommendation: To not submit a TIGER VI Grant application for the Capital SouthEast Connector Project but to consider submitting in a future round of funding should the potential for success look more favorable.

Background: On February 26, 2014, the U.S. Department of Transportation released the Notice of Funding Availability for the sixth round of the Transportation Investment Generating Economic Recovery (TIGER VI) program. The TIGER VI program will award a total of \$600 million to fund highway, bridge, transit, port and passenger and freight rail projects. The application deadline is April 28, 2014.

The previous five rounds of the TIGER program provided over \$4.1 billion projects nationwide. TIGER's highly competitive process, galvanized by tremendous applicant interest, allowed DOT to fund 51 innovative capital projects in TIGER I, and an additional 42 capital projects in TIGER II. TIGER II also featured a new Planning Grant category and 33 planning projects were also funded through TIGER II. The JPA submitted a planning grant application to develop and apply "green" design principles to the project as part of that cycle that was not approved. In the FY 2011 round of TIGER Grants, DOT also awarded 46 capital projects in 33 states and Puerto Rico. DOT awarded 47 capital projects in 34 states and the District of Columbia in the FY 2012 round. Last year the Department announced 52 capital projects in 37 states.

The TIGER program has two defined funding categories for capital projects ("at-large" and "rural"), and one funding category for planning activities. The Capital SouthEast Connector falls in the "at-large" category, and applications must be between \$10 and \$200 million total and have a 20 percent non-federal match. For the planning grant, there is a total of \$35 million that is available nationwide for activities related to the planning, or design of a surface transportation project.

Discussion: The TIGER program is highly competitive. In review of the past TIGER cycle, there was a heavy bias toward transit projects with only 2 of 54 grants awarded to highway type improvements and no planning grants were awarded to highway improvements. The TIGER applications require extensive documentation of performance outcomes, including benefit-to-cost (B/C) analysis and project specificity. Many projects submit detailed project videos, plans, schedules, and supporting documentation to the limit of the application package maximum. Given the current status of the Connector phasing strategy and lack of a project-level environmental analysis, (where traffic studies would assist in the B/C documentation needed for the TIGER application), it seems unlikely that the existing data could be used to support an application. Staff estimates that up to \$30,000 would be required to accelerate a traffic analysis and prepare an application. Moreover, the deadline to obligate funds awarded through the TIGER program is September 30, 2016. It is unlikely that a first phase project could be environmentally cleared, designed and have right-of-way acquired in time to meet that obligation deadline. Upcoming rounds of TIGER might fit better into the overall project development schedule that is currently proposed in the Plan of Finance.

In addition to the extensive processing requirements, applicants seeking a SACOG letter of support must go through an endorsement process that has already been closed to new applications. Nine projects came forward for consideration, including six capital projects and two planning projects from local jurisdictions. Additionally, SACOG is proposing a regional planning grant application themselves. Given the competition at the local level and SACOG's previous priority ranking, it is unclear how the Connector Project would compete with other regional projects. Therefore, staff does not recommend submitting a TIGER VI Grant application for the Capital SouthEast Connector Project in this upcoming round. Once more definition on timing and location of the initial segments of construction become available, staff will provide the Board a recommendation on submitting a capital grant in upcoming rounds of the program.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tom Zlotkowski". The signature is fluid and cursive, with the first name "Tom" and last name "Zlotkowski" clearly distinguishable.

Tom Zlotkowski
Executive Director



Capital SouthEast Connector Board of Directors

Item # 4
Motion

April 11, 2014

Release of Request for Qualifications/Proposals for Project Management Services

Issue: In order to continue utilizing Project Manager Services, a Request for Qualifications/Proposals must be developed and released.

Recommendation: That the Board considers the technical needs of the Connector Project over the next several years and direct staff to issue an RFQ/P for the appropriate level of project management services.

Background: In April 2012, the Board of Directors was informed that a Request for Qualifications for a part-time Project Manager had been released and that five (5) qualified firms had responded by the submittal deadline of April 20, 2012. The intent of this process was to hire an experienced individual, knowledgeable in the area of transportation project management, to assist the Executive Director with the various technical activities associated with the Connector Project. The RFQ concentrated on the hiring of an individual that would work a minimum of 16 hours per week at the JPA offices and other hours as needed at their respective offices in the Sacramento area. The JPA also requested statements of qualifications for the services of the consulting team(s) to provide any additional services that would support the various activities of the Project Manager. It is envisioned that certain, more complex tasks would be carried out through the Project Manager by the team on a task order basis, as needed.

At your June 2012 meeting, the Board selected the firm of Drake Haglan and Associates (DHA) to provide the requested services, and authorized the Executive Director to enter into two (2) one-year contracts for that service. Since that time, DHA has provided the necessary services.

Discussion: In the past two years, the technical workload of the Connector Project has increased substantially as the details required to advance the project from concept to design have been realized. Since the JPA does not have the necessary software and equipment to produce technical drawings and engineering calculations in-house, it is also essential that the Project Manager be supported by a fully established engineering firm. The Project Manager has supported the Executive Director and provided general technical development assistance, including the preparation of the following materials:

- Technical Support Requesting SACOG Federal/State Funding Commitment
 - SACOG White Paper
 - SACOG Flexible funds request
- General Plan Amendments for the five jurisdictions
- NEPA/CEQA Strategy assessment
- Phasing Strategy Assessment
- Design-Build/Phasing Assessment
- Plan of Finance Revisions: Revenue, Cost and Phasing modifications per SACOG
- Cost reconciliation and modifications with member jurisdictions
- Preparing MTP and MTIP Update
- Obtaining a Master Agreement with Caltrans

- Project Design Guidelines Revision (yearly)
- Member Jurisdiction Alignment Modifications
- Support for Agriculture Working Group
- Assistance with Right-of-Way Policy
- Requested Presentations and Outreach support
- Kammerer Road PDT attendance
- Connector PDT materials development
- Meetings in support of various private interest activities
- Support for Board Meetings and presentations

While the Project Manager is currently available in the office for the minimum 16 hours a week, a number of task orders allowed for in the contract have been executed by the Executive Director to produce the necessary support plans and designs used in the various discussions. Additionally, the Project Manager routinely provides the JPA pro-bono hours beyond the minimum 20 hours per week required in the contract to keep the various activities and processes current. In addition to the work of the Project Manager, other work items have been performed by other engineering staff at DHA. For FY13-14, it is anticipated that the total contract expenditures for all the services performed will amount to \$220,100.

With the expiration of the current contract, and in recognition of the increasing workload, staff is recommending that the Board increase the hours and commensurate budget for Project Manager services. While previous discussions with the Board focused on the need for a full time position, staff is now recommending that a 30-hour workweek for the Project Manager position may suffice for the upcoming fiscal year. This would save the JPA approximately \$80,000 per year in salary and benefits that could be applied to other aspects of project development, while still increasing the available support time for that position by 50% from the current 20 hours/week. This added time in the office will greatly assist the activities presented above and will provide the Executive Director additional time to concentrate on jurisdictional considerations and fiscal pursuits necessary to achieve construction status.

If supported by the Board, the RFQ/P for this service will be released by May 1st, and a proposed new contract will be before your Board at the June meeting. While the current Project Manager contract expires on May 30th, staff can extend the contract an additional 60 days to provide for any transition necessary between personnel without any significant contract concerns.

Respectfully Submitted,



Tom Zlotkowski
Executive Director

Capital SouthEast Connector Board of Directors

Item # 5
Motion

April 11, 2014

Approve a Memorandum of Understanding with SACOG to Provide Funding for Open Space Inventory

Issue: To approve a Memorandum of Understanding (“MOU”) with the Sacramento Area Council of Governments (“SACOG”) to fund the development of an Open Space Inventory, consistent with the JPA’s November 2012 settlement agreement with the Environmental Council of Sacramento (“ECOS”).

Recommendation: That the Board approve the terms of the MOU and authorize the Executive Director, in cooperation with legal counsel, to finalize and execute the MOU.

Background: In November 2011, the JPA certified its Program Environmental Impact Report (“Program EIR”) and selected a general alignment for the Connector Project. In December 2011, the JPA decertified the EIR, due to an omission in the document. The JPA revised and recirculated two chapters of the Program EIR to address this issue, and to make other clarifications needed at that time due to new court decisions. The Program EIR was again certified by the JPA Board in March 2012, and a general alignment was again selected.

In April 2012, ECOS filed a writ of mandate against the JPA, challenging the validity of the Program EIR. In November 2012, after extensive settlement negotiations, the JPA entered into a settlement agreement with ECOS. One provision of the settlement agreement required the JPA to contribute up to \$300,000 to SACOG, to the extent needed, for the development of a Regional Open Space Inventory/Plan to benefit the region and the South Sacramento Habitat Conservation Plan (“SSHCP”), of which the JPA is a plan partner. SACOG was in the process of applying for grant funding to support the development of the Open Space Inventory/Plan, and the JPA’s contribution could serve as the needed local match for such grant funds.

The settlement agreement with ECOS calls for an MOU between the JPA and SACOG to transfer the funding. The settlement agreement further provides that the JPA’s funds would be available and prorated over three fiscal years, but no funds would be spent until SACOG prepared a work/finance plan for the project, for approval by ECOS and the JPA.

Discussion: SACOG has indicated that it is now ready to pursue the development of the Open Space Inventory/Plan. In light of this, counsel and staff have been working with SACOG to develop the MOU required under the settlement agreement. At the time of writing this report, counsel is still negotiating the terms of the MOU, but believes that a draft will be available and provided to the Board in advance of the meeting, or at the meeting. Staff and counsel would request that the Board approve the general terms of the MOU and authorize the Executive Director, with the assistance of counsel, to execute the MOU so that SACOG may start preparing the work/finance plan for approval by ECOS and the JPA Board.

Respectfully Submitted,



Tom Zlotkowski
Executive Director



Capital SouthEast Connector Board of Directors

Item # 6
Motion

April 11, 2014

Federal Funding and Environmental Review Strategy Report

Issue: To inform the Board of Directors on the recommended application of \$2 Million in flexible funds that was awarded from SACOG (Sacramento Area Council of Governments) to the JPA in 2013 and the resulting environmental review process(es) that would be triggered by that decision.

Recommendation: That the Board receives this report and provides direction as to the use of the SACOG flexible funds and an overall strategy in pursuit of environmental clearance for the various project segments.

Background: In latter part of 2013, SACOG staff notified the JPA of its recommendation to award \$2M of the \$6M requested by the JPA over the next three federal/state funding cycles (FY 2014/15 through FY 2018/19). At its December meeting, the SACOG Board adopted their 2013-14 Flexible Funding Program list, which contained the \$2M grant award of Federal Flexible funds to the JPA with the following conditions:

1. The JPA obtain concurrence from the member jurisdictions on where to apply the grant.
2. The JPA forwards the work plan and scope to SACOG for approval.

At your February meeting, staff reported on an anticipated meeting with staff from the member jurisdictions to develop an environmental studies strategy to apply the \$2M in flexible funds, with an expected recommendation being brought to the Board in March of this year. Since any use of federal funds on a segment requires that a full project-level NEPA (National Environmental Policy Act) review be conducted in addition to a CEQA (California Environmental Quality Act) review, it is important to select individual segments that offer the best opportunity to comply with the individual requirements of these processes. A chapter on this strategy was added to the last version of the Connector Plan of Finance (Rev 1.0) which was adopted earlier this year.

Discussion:

Federal Funding Strategy:



A Project Development Team (PDT) meeting with the member jurisdictions was held February 19, 2014, where JPA staff presented a Draft NEPA strategy with preliminary recommendations for discussion. The analysis considered logical termini and independent utility for each segment, any current allocations of federal funding on project segments, the member jurisdictions' desires to utilize federal funds on various segments, segment size/cost comparative to the amount of anticipated federal funding in the Plan of Finance, and segment environmental review complexity. Each of these factors has a varying influence on the application of the flexible funds, from an essential requirement to a desirable consideration. In addition, the segment to be selected must be approved by SACOG per the conditions of the grant award and is subject to their evaluation of the segment in terms of performance benefit, timing of construction, and consistency with their regional planning goals.

The conclusions and recommendations from the February PDT meeting are summarized below:

1. The Plan of Finance identifies the receipt of an anticipated \$93 Million in Federal Funding for the Phase 1 project. The two segments that have been allocated prior federal funding from SACOG are Segment A (Kammerer Road) and a portion of Segment B (Waterman to Bradshaw).
2. Segment A should be eliminated from consideration as the City of Elk Grove is pursuing this as a local project and the Flexible funds were awarded to the Connector Project.
3. The JPA should pursue a "CEQA only" environmental analysis on Segments C and D1 (Bond to Jackson) as they are most likely too complex, costly and difficult for the initial construction phase.
4. Pursue "CEQA only" on Segment D3/E1 (WRR to Latrobe) since a previous CEQA study was conducted.
5. Segment E2 is a low cost and easy to construct segment, comparatively. It will most likely realize construction the fastest and would complement the completion of the Silva Valley/US 50 interchange.

Based on these conclusions and recommendations, the PDT members were in agreement to recommend applying the \$2 Million in flexible funds to the El Dorado County Segment E2 (Latrobe to US 50), contingent upon the El Dorado County Board of Supervisors' desire and concurrence to begin the environmental review on this segment. As a back-up plan, the member jurisdictions agreed to pursue Segment D2 (Jackson to White Rock Road).

The table below summarizes the segments that have independent utility/logical termini and the PDT's recommendations:

SEGMENTS								
Segment A (I5 to SR 99)		Segment B (SR 99 to Bond)	Segment C/D1 (Bond to Jackson)		Segment D2 (Jackson to WRR)	Segment D3/E1 (WRR to Latrobe)		Segment E2 (Latrobe to US 50)
A1 (I-5 to Bruceville)	A2 (Bruceville to SR 99)	B (SR 99 to Bond)	C (Bond to Calvine)	D1 (Calvine to Jackson)	D2 (Jackson to WRR)	D3 (WRR to EDC)	E1 (EDC to Latrobe)	E2 (Latrobe to US 50/SVP)
THIS IS A LOCAL PURSUED PROJECT		POTENTIAL NEPA SEGMENT	POTENTIAL NEPA SEGMENT – BUT DIFFICULT		RECOMMENDED FOR NEPA FUNDING	SEGMENT IDENTIFIED FOR CEQA ONLY		RECOMMENDED FOR NEPA FUNDING
<ul style="list-style-type: none"> • NEPA Underway by Elk Grove. • Elk Grove desires this to be a local project. 		Elk Grove received \$1.6M in federal funds 1-1/2 years ago on project from Waterman to Bradshaw (about ½-segment length) to widen from 2 to 4 lanes. First phase to Mosher.	Segment too complex, costly, and difficult for initial construction phase.		Recommended for NEPA funds as a backup to Segment E2.	Folsom prefers to not federalize this segment since a previous CEQA study was completed.	Segment E2 must be combined with Segment D3 with NEPA funds.	Recommended to begin NEPA process.
		Indicates Segment not recommended for NEPA per PDT.						
		Indicates Segment already has federal funds (Segment B is only partially federally funded).						

SACOG Perspective:

Director Sander and JPA staff met with SACOG staff on March 6, 2014, to continue discussions on the commitment of the anticipated \$93M in federal funds and to introduce the PDT's recommendations to apply the \$2 Million in flexible funds to Segment E2 of the project.

On the Application of the \$2 Million:

SACOG staff expressed concerns with the PDT's recommendation of applying the \$2 Million to Segment E2 and skepticism that their Board would approve that application of the funds. The primary concern is that the JPA's proposed use of funds is inconsistent with traditional programming guidelines that separate allocations between Sacramento and El Dorado Counties. In El Dorado County, federal funds are allocated directly for distribution to their member jurisdictions from the El Dorado County Transportation Commission (EDCTC), even though they are members of SACOG. It is possible that the SACOG Board members will not support the use of these funds in El Dorado County even though they were awarded to the JPA for use on the Connector. SACOG also expressed concerns with applying these funds to the alternately recommended Segment D2 (Jackson to White Rock Road) as they feel that this segment is most likely needed post year 2025, and would not meet with their performance and priority goals.

The next steps in the process to obtain the \$2 Million in RSTP funds is for the JPA Board to approve a recommendation on where to apply the grant and to direct staff to provide SACOG a detailed scope of work on the application of these funds.

Staff is requesting that the Board provide direction on the following options:

1. Proceed with the Project Development Team's recommendation for Segment E2, with a back-up plan of Segment D2 and request formal approval of the SACOG Board recognizing this would likely require extensive dialog and justification with SACOG staff prior to any formal approval; or
2. Prepare a revised NEPA strategy to present to the Board at the May/June meeting. The revised strategy would consider alternative segments to apply the \$2 Million with the PDT members and provide an alternate recommendation to the Board. Staff is currently in the process of confirming, to the extent possible, that the "CEQA only" segments strategy is sound and fully implementable.

It should be noted that one of the significant considerations in support of the current staff recommendation towards the use of the flexible funds in El Dorado is the positive traffic relief impacts an improved White Rock Road/Connector corridor would have on US 50 in both El Dorado and Sacramento Counties. This was a recognized benefit in the successful award of 2008 State Bond funds to that same corridor, yet is not widely acknowledged by current SACOG traffic modeling forecasts.

Additional SACOG Federal/State Funding Commitment:

A significant amount of discussion was centered on the project phasing, availability and timing of state/federal funds, the fiscal constraints of the upcoming 2016 Metropolitan Transportation Plan (MTP/SCS), and the benefits of accelerating the construction of the Connector Project. These discussions resulted in the following outcomes:

- SACOG requested additional detail and revisions to the Plan of Finance for reduced developer fee contributions and other revenue projections related to the economic downturn.

- SACOG felt the \$93 Million dollar federal/state funds request in the Plan of Finance was reasonable. The primary issue remaining is the requested timing of these funds.
- It was unclear to SACOG whether revenues existed to completely fund the entire list of Connector related projects in the MTP or just to provide the normal 33% portion usually provided to projects in the plan through SACOG allocations. SACOG is checking to make sure that the MTP anticipates full funds of the projects through local, state, and federal sources. Should the full funding already be accounted for in the MTP for the originally envisioned member jurisdiction projects, substituting funds for the currently proposed Connector segments will be more supportable.
- Based on the availability of federal/state funding, SACOG requested that the Plan of Finance be modified to begin construction in 2019 with a continuous 10-year construction. Per SACOG, the Sunrise to Douglas Segment should be post 2025.

The use of federal funding on any portions of the project and the associated complexity of both the required NEPA process and the SACOG grant award process is complex and deliberate by nature. In addition, many of the assumptions used in the analysis process are variable and transitory, making the process of sequencing that much more difficult. Staff will continue to work on clarifying these aspects of the project development with the intent of supporting the current projected 2018 start of construction. It is, however, becoming evident that it is optimistic, given the current availability of funding, the current pace of discussions, and the necessary approvals. Staff will be presenting additional information regarding any possible scheduling adjustments to the Board in the upcoming months through discussions on the annual work plan, annual budget, and presentation of the revised Plan of Finance in August.

Respectfully Submitted,



Tom Zlotkowski
Executive Director



Capital SouthEast Connector Board of Directors

Item # 7
Motion

April 11, 2014

Right-of-Way, Permitting, and Development Policy Framework

Issue: To inform the Board of Directors on a Right-of-Way, Permitting, and Development Policy Framework that has been created for the Capital SouthEast Connector Project.

Purpose: To provide an overview on the Right-of-Way, Permitting, and Development Policy Framework and seek policy direction on the elements that will ultimately be contained in the Real Property and Utility Procedures section of the Project Design Guidelines for the Capital SouthEast Connector Project.

Background: The goal of a Real Property and Utility Procedures section of the Project Design Guidelines will be to:

- Promote coordination in areas with common interest among the member jurisdictions.
- Improve communication among the member jurisdictions.
- Ensure that persons required to sell land or to move their facilities because of the Connector Project are treated fairly, in an open professional manner, and that the work is performed safely.
- Provide consistent treatment of property owners and provide a uniform hearing body for appeals and unique situations.
- Establish a fair and efficient process to complete the acquisitions of property.
- Assure proper conditions are placed on private development adjacent to the Connector alignment to support the Project Design Guidelines and member jurisdiction requirements
- Establish standards for future encroachments and the relocation of existing conflicting utilities that are necessary for the Capital SouthEast Connector Project.

The attached Right-of-Way, Permitting, and Development Policy Framework was developed through the review of existing policies and procedures from various resources and other Joint Powers Authority projects that are similar to the Connector Project. These include:

- Riverside County Transportation Commission
- Orange County Transportation Commission
- Ada County Highway District
- Caltrans Right-of-Way Manual
- Federal Highway Administration Right of Way and Utility Manuals

JPA staff used elements of the aforementioned resources to identify the “best fit” policy framework that matches the particular needs of the Connector Project and its member agencies. In addition, the JPA staff has also solicited input from a right-of-way consulting firm (Overland, Pacific and Cutler), and an attorney (the Ballard Law Group), with direct experience and lessons learned in the implementation of right-of-way, utility and permitting polices from prior projects that are similar to the Connector.

On February 26, 2014, the Capital SouthEast Connector staff met with the Public Works and DOT staff from the member agencies (Project Development Team or "PDT") to present the draft of the a Right-of-Way, Permitting, and Development Policy Framework. Comments included to date were received from the City of Folsom with others pending. The attached framework is broken into several sections:

- Overarching principals that apply to all issues.
- The Acquisition Process.
- Permitting and Development Plan Review Process.

Some highlights of the Policy Framework are that the JPA shall:

- Be responsible for Right-of-Way appraisal, negotiations, acquisition, and Property Management activities along the corridor.
- Acquire Right-of-Way in the name of the JPA, with a later transfer to the jurisdictions at an appropriate time as defined in a future Reciprocal Use and Funding Agreement.
- Acquire ultimate Right-of-Way with each acquisition, where feasible.
- Obtain access rights per JPA adopted Design Guidelines and proposed General Plan Amendments.
- Be notified, to provide review and comment with member agencies on all civil design plans for tentative and final subdivision maps, environmental studies/permits, encroachment permits, new development and public construction projects adjacent or having an impact along the corridor.

Based upon your Board's policy direction today, the JPA staff will continue to work with staff from each jurisdiction to refine this framework and develop the Real Property and Utility Procedures Framework. The following process is proposed to fully develop the Real Property and Utility Policy and Procedures Section:

- Incorporate JPA Board comments today and prepare a Draft Real Property and Utility Policy Framework
- Meet with the PDT to share the Board's comments, adjust policy accordingly, and introduce the Draft Real Property and Utility Procedures Framework
- Refine Real Property and Utility Procedures Framework for PDT approval and present to the JPA Board for input
- Adjust procedures per Board direction and meet with the PDT to adjust accordingly
- Present final Real Property and Utility Policy and Procedures Section to JPA Board for adoption
- Incorporate Real Property and Utility Policy and Procedures Section into the Project Design Guidelines consistent with Reciprocal Use and Funding Agreements to be approved in the future.

It should be noted that the JPA Board's adoption of a Real Property and Utility Policy and Procedures Section will not result in the automatic implementation of such procedures by the JPA. The Boards and Councils of each member jurisdiction will also consider the policy issues addressed in the Real Property and Utility Procedures Section when they consider a Reciprocal Use and Funding Agreement with the JPA in the future.

Respectfully submitted,



Tom Zlotkowski
Executive Director



CAPITAL | SOUTHEAST
CONNECTOR
Connecting Communities

Right of Way, Permitting, and Development Policy Framework



Overarching Principals

- Promote coordination in areas with common interest and improve communication among the member jurisdictions
- Provide consistent treatment of property owners and provide a consistent hearing body for appeals and unique situations



ROW Framework

Developed “best fit” Framework through review of existing policies and procedures from various similar projects/resources:

- Riverside County Transportation Commission
- Orange County Transportation Commission
- Ada County Highway District
- Caltrans Right-of-Way Manual
- Federal Highway Administration Right of Way and Utility Manuals
- Contracts with Law Firm (Ballard) and ROW Consultant (Overland Pacific and Cutler)



The Acquisition Process

- JPA responsible for ROW appraisal, negotiations, acquisition and property management along the corridor
- Acquire ROW in the name of the JPA, with a later transfer to the jurisdictions per proposed Reciprocal Use Funding Agreement
- Acquire ultimate Right of Way, where feasible
- Obtain access rights per JPA adopted Design Guidelines, and proposed General Plan designation



The Acquisition Process

Benefits:

- Allows the JPA to manage schedule, project phasing priorities, budget, and environmental mitigation
- JPA can analyze the amount of risk to share with the Design/Build contractor
- JPA has the delegated condemnation authority, avoids impacts to member agency agendas (if so authorized per JPA amendment)



The Acquisition Process

Benefits:

- Preserves ROW, reduces cost, and avoids conflicts for the ultimate project phase
- Preserves traffic operations and enhances the safety
- Assures conformance with JPA policies and standards
- Note: Variance process will remain as outlined in the Project Design Guidelines



The Acquisition Process

Benefits:

- JPA Director to approve administrative settlements no more than 10% or \$50,000 over the approved appraisal, whichever is greater
- React quickly to settlements outside JPA Board hearings
- Effectively manage the schedule, project priorities, budget, and environmental mitigation



Permitting and Development Plan Review Process

- Be notified, review and comment with member agencies on all civil plans, tentative and final subdivision maps, environmental studies/permits, encroachment permits, new development and public construction projects adjacent or along the corridor



Permitting and Development Plan Review Process

Benefits:

- Assures conformance with JPA policies and standards
- Avoids conflicts and added project costs
- Assures no interference with JPA facilities, maintenance, and operation
- Assures environmental permits are in compliance and consistent with JPA permits
- Determine shared risk with the Design/Build contractor
- Seek cooperative opportunities
- Assure JPA financial tracking

Next Steps

- Incorporate JPA Board comments
- Prepare Draft Real Property and Utility Policy Section
- Meet with Public Works Director Committee to share Board comments, adjust policy accordingly, and introduce procedures section
- Present to Real Property and Utility Policies section for approval and introduce Procedures section to JPA Board
- Adjust Procedures per Board direction and meet with Public Works committee to adjust accordingly
- Present Real Property and Utility Section to Board for adoption
- Incorporate Real Property and Utility Section into the Project Design Guide
- Use to inform Reciprocal Use and Funding Agreements