OFFICE OF THE CITY MANAGER

TO: Honorable Mayor and City Council
FROM: Alan Tandy, City Manager

Subject: General Information

Good News:

Congratulations are due to Nick Fidler and the Public Works Department, which will be recognized as an accredited member of the American Public Works Association (A.P.W.A) during the City Council meeting on November 4th.

A.P.W.A recognizes Public Works Departments that strive for excellence and “plan, build, maintain, and improve” communities in which they reside. Though many Public Work Departments are associated with A.P.W.A, only a select few are accredited. The City of Bakersfield will be the 104th agency to receive this honor.

As part of the accreditation process, Public Works Staff had to evaluate its ability to carry out its services by examining its policies, programs and procedures. Public Works staff was diligent in its self-assessment and made important changes that enabled the Department to more effectively serve the citizens of Bakersfield.

We appreciate the hard work Nick and his team put into this process, and congratulate them for their accomplishment.
The California High-Speed Rail Authority will be holding its second Community Open House Meeting to discuss the Bakersfield F Street Station Alignment (BFSSA) on Thursday, November 5th at the Marriott beginning at 4:00 p.m.

As a result of a settlement agreement between the City and California High-Speed Rail Authority, this locally-generated alternative has been developed in cooperation with the City and will be studied along with the approved Bakersfield Hybrid Alternative in a supplemental environmental document. The Authority has been working with the cities of Bakersfield and Shafter, as well as local residents, stakeholders and regulatory agencies to refine an alignment that includes a station at the intersection of F Street and Golden State Avenue. Please see the attachment for more details.

Councilmember Parlier was recently interviewed by the Bakersfield Association of Realtors. Attached is the article for your convenience.

**TRIP:**

**Nighttime Closures on Eastbound State Route 58 Continue Next Week**

**Nighttime Closure of Northbound State Route 99/Ming Avenue Off-Ramp**

Paving work will continue on State Route 58 next week, requiring nighttime closures of the eastbound lanes between Real Road and H Street. This work is expected to occur Sunday night, November 1st through Thursday night, November 5th, between the hours of 9 p.m. and 5 a.m., weather permitting.

The paving work will require the closure of the two inside eastbound lanes between Real Road and H Street. One eastbound lane will remain open to motorists entering State Route 58 from the northbound State Route 99 connector ramp. Eastbound State Route 58 access from Real Road will be closed, but motorists will be able to use the southbound State Route 99 on-ramp from Real Road. Motorists can access eastbound State Route 58 by using Brundage Lane and entering the freeway at H Street. Westbound lanes are expected to remain open while crews are working in the eastbound lanes.

Motorists are also advised that the northbound State Route 99 to Ming Avenue off-ramp will be closed during nighttime hours next week, Sunday November 1st through Thursday, November 5th, between the hours of 9 p.m. and 5 a.m. The ramp is expected to be open to traffic during daytime hours.
General Information
October 30, 2015

Traffic Control on State Route 178 – Alfred Harrell Highway to Miramonte Drive

Night Work at State Route 178/Canteria Drive

Motorists should anticipate delays while driving on State Route 178 next week, November 2nd - 6th. The contractor for the State Route Widening Project will be working on drainage systems and will need to close all but one lane of the roadway, between Alfred Harrell Highway and Miramonte Drive, to perform this work. Motorists should anticipate having to stop for up to five minutes, Monday through Friday, between the hours of 8 a.m. and 4 p.m. This work affects both directions of travel on State Route 178. Flagging personnel will conduct traffic control while work is underway, but at least one lane will be open to traffic in each direction during non-work hours.

Motorists should also anticipate nighttime delays on State Route 178 at Canteria Drive, Monday through Wednesday between the hours of 8 p.m. and 6 a.m., while the contractor repaves the intersection. This work affects all directions of travel and flagging personnel will be conducting traffic control through the intersection while operations are underway. All lanes are expected to be open during daytime hours.

REMINDER: Nighttime Closures on State Route 99
Hosking Avenue Bridge Falsework Removal

The contractor for the State Route 99/Hosking Avenue Interchange is in the process of removing the falsework (temporary support structure) from the new bridge, which will require nighttime freeway closures during the first two weeks of November.

Weather permitting, full closures of all southbound lanes, between Panama Lane and State Route 119 (Taft Highway), are expected to begin Sunday night, November 1st. The contractor expects to start closing southbound lanes at 9 p.m. and motorists should anticipate delays. All lanes are expected to be closed by 11 p.m. and to remain closed until 5 a.m. During the freeway closure, southbound traffic will exit State Route 99 at Panama Lane and continue southbound on South H Street. Motorists can re-enter the freeway at State Route 119. Northbound traffic will remain on State Route 99 while this work is underway. Removal of falsework above the southbound lanes is expected to take between two and four nights to complete. All lanes are expected to reopen in time for the morning commute.

Once falsework has been removed above the southbound lanes, work will shift to the northbound lanes. Removing falsework above the northbound lanes may also take two to four days to complete. Nighttime freeway closures will be in effect for all northbound lanes, between State Route 119 (Taft Highway) and Panama Lane, from 11 p.m. to 5 a.m., but the contractor expects to begin closing lanes at 9 p.m. During the full closure, northbound traffic will exit State Route 99 at State Route 119 and continue north on South H Street. Traffic can re-enter the freeway at Panama Lane. Southbound traffic will remain on State Route 99, and all lanes are expected to reopen in time for the morning commute.
Council Referral

- **Councilmember Maxwell**
  - **Centennial Corridor, Early Acquisition Process** – Attached you will find a response to a series of questions posed by Councilmember Maxwell, regarding the early acquisition process for the Centennial Corridor project.

Reports:

For your convenience, the following report is attached:

- Streets Division work schedule for the week of November 2<sup>nd</sup>

Event Notifications:

Attached is the Event Calendar for Rabobank Arena Theater and Convention Center.

AT:cb
cc: Department Heads
    Roberta Gafford, City Clerk
Join us at a Community Open House Meeting

HOSTED BY THE AUTHORITY AND THE FEDERAL RAILROAD ADMINISTRATION

AUSPICIO POR LA AUTORIDAD Y LA ADMINISTRACIÓN FEDERAL DE VÍAS FERROVIARIAS

Thursday, November 5, 2015 Jueves, 5 de noviembre 2015
4:00 p.m. - 7:00 p.m.

Presentation at 5:30 p.m. Presentación a las 5:30 p.m.
Rabobank Arena - Convention Center
1001 Truxtun Avenue, Bakersfield, CA 93301
Parking lot is located at the corner of N Street and 14th Street

Bakersfield F Street Station Alignment Alineación de la Estación F Street en Bakersfield

COMMUNITY OPEN HOUSE MEETING NOTICE
Bakersfield F Street Station Alignment

Join us to learn about recent alignment refinements and additional conceptual station information.

The Bakersfield F Street Station Alignment (BFSSA) is located between the cities of Shafter and Bakersfield in the Central Valley and is being studied as part of the draft Fresno to Bakersfield supplemental environmental document, which will include the identification of resources protected by Section 106 of the National Historic Preservation Act of 1966 and Section 4(f) of the Department of Transportation Act of 1966. The Authority has been working with the cities of Bakersfield and Shafter, as well as local residents, stakeholders, and regulatory agencies, to refine an alignment that includes a station at the intersection of F Street and Golden State Avenue.

The California High-Speed Rail Authority is implementing a statewide rail modernization plan that will meet the state’s 21st Century transportation needs.

www.hsr.ca.gov | (559) 445-6776
facebook.com/CaliforniaHighSpeedRail
twitter.com/cahsrail
youtube.com/CAHighSpeedRail

AVISOS DE TALLER PÚBLICO INFORMATIVO
Alineación de la Estación F Street en Bakersfield

Participe en el taller público informativo sobre los recientes refinamientos de alineación y conceptos de estación adicionales.

La Alineación de la Estación F Street en Bakersfield (BFSSA) está situada entre las ciudades de Shafter y Bakersfield en el Valle Central y se está estudiando como parte del documento ambiental suplementario de Fresno a Bakersfield, que incluye la identificación de los recursos protegidos por el Artículo 106 de la Ley de Preservación Histórica Nacional de 1966 y la Sección 4(f) del Departamento de Transporte, Ley de 1966. La Autoridad ha estado trabajando con las ciudades de Bakersfield y Shafter, así como con residentes locales, partes interesadas y agencias reguladoras, para refinarse un alineación que incluya una estación en la intersección de la Calle F / Avenida Golden State.

www.hsr.ca.gov | (559) 445-6776 | fresno_bakersfield@hsr.ca.gov
It’s about first Impressions
Parlier, speaks of Prosperity through Presentation and Partnerships

BY CHRIS PARLIER, BAKERSFIELD COUNCIL MEMBER, WARD 7

It is said that you only have seven seconds to make a good impression. So, how long does a city have to make that initial impression on new visitors, employers or potential investors? How you personally present yourself through dress and posture can affect impressions of those you first encounter. People also tend to make those same snap judgments of a community during their first visit. In other words — presentation is everything.

Municipal leaders have a responsibility to ensure that this goal is met through uniformed or themed planning concepts along with meeting various infrastructure needs. However, it goes deeper than that, and “the devil is in the details.” The city’s management team has made exceptional strides over the years in promoting these concepts and positive images. This means that all things should consistently work together to support the impression that a community is the total package; recalling an old Bakersfield slogan: “A Place to Sun, Fun, Stay, Play.”

When visitors come to a new city for the first time, an informal interview is taking place to see if they want to come back again, or potentially remain for the rest of their lives, adopting that new city as their new home. But this potential hiring process can only truly be accomplished through growing partnerships with private entities and organizations. By creating these joint partnerships, a table can be set for new concepts and visions to be more readily adopted, which can further enhance community buy-in for new ideas.

There are several examples of these assorted partnerships taking place within Bakersfield. The Bakersfield Downtown Business Association (DBA) is just one example of an organization partnering with the city to help improve business and residential growth at the city’s core, while adopting welcoming slogans and development themes.

In my area of the city (South Bakersfield), I have developed strong relationships with businesses such as Valley Plaza and the Auto Mall. This allows me to see how mutual needs and partnerships can help both the city and these businesses, while simultaneously increasing the perception of a safe and flourishing community. Other private organizations, including the Kern Economic Development Corporation, along with the various local Chambers of Commerce, continually help to facilitate mutual ideas of public/private benefit.

On the city side, we can additionally help picture frame our community with our willingness to perform not only needed repairs, but also detailed work, recognizing that small things also count. Like the one broken planter box being repaired, or the abandoned car or graffiti getting promptly removed. However, bold ideas are also necessary, and large capital investments are required to support future regional growth and development through dynamic projects like the Thomas Roads Improvement Project (TRIP). Projects like this will further help transition passing traveler’s impressions of Bakersfield as a modern and vibrant community, so that they are enticed into a great city to Sun, Fun, Stay and Play.
You asked several significant questions with respect to the early acquisition program on the Centennial Corridor project. Answers follow below and in related attachments. I apologize for the overall volume of material, but it is layered. There is a summary, as well as support material that can be reviewed at any level desired.

Question #1 - What is the authority by which Caltrans has approved the spending of Federal Money for the early acquisition of property before the FEIR has been released? Could staff please send me a copy of the law or statute?

The early acquisition process is authorized by federal legislation and is codified at 23 U.S.C §108(d). This transportation legislation is known as the Moving Ahead for Progress in the 21st Century Act (MAP-21), and is designed to accelerate project delivery for local public agencies. On July 6, 2012, Congress authorized both State Departments of Transportation and eligible local public agencies to perform certain early acquisition activities for voluntary right-of-way acquisitions prior to completion of the environmental review process and to obtain full reimbursement of eligible expenditures. The purposes of early acquisition include expediting project delivery, maximizing funding, creating jobs, and reducing hardship for those who own property in the proposed path of a project and encounter difficulties when they seek to sell their property before final project approval. Early acquisition allows owners to voluntarily sell and relocate if they wish. Section 1302 of MAP-21 entitled “Advance Acquisition for Real Property Interests” added provisions to 23 U.S.C §108 which broaden early acquisition activities and federal funding eligibility. To be eligible for early acquisition, the City had to demonstrate that the criteria from Section 1302 were met.

A copy of the Federal Statute is attached.
Question #2 - Was this authority reviewed by legal counsel to substantiate this authority considering it is juxtaposition to the CEQA laws, that a project where properties are to be taken are not to be purchased until after the FEIR has been approved in order to preserve the environment? Please send me a copy of any such legal opinion. If no opinion exists, please send me the basis for this decision and who made it.

The federal legislation that created the early acquisition program was new. The TRIP Program applied for it on November 19, 2012. The Federal Highway Administration (FHWA) and Caltrans were establishing the rules under which it would be administered until September 19, 2013, when the guidelines were finalized. A copy of the guidelines is attached. Caltrans issued the attached letter dated January 28, 2014 providing recommendation to FHWA, in support of Bakersfield, to move forward with Early Acquisition. Caltrans and FHWA approved Bakersfield’s request for authorization to spend federal funds for the early acquisition of right-of-way for the Centennial Corridor Project in the form of an E-76 on February 21, 2014. A copy of the approved E-76 is attached.

Attorneys for both the FHWA and Caltrans worked on the regulations as well as the review of the Bakersfield request for authorization application. Because it was a “new” law, the level of scrutiny was very high.

While complex in nature, the new legislation, the rules created for its use and the approvals given to Bakersfield, specifically dealt with CEQA and NEPA issues. A categorical exemption was issued in November 2013 that gave Bakersfield the authorization to proceed to property acquisition in advance of environmental approval under the basis that the acquisition of right-of-way was determined not to have a significant effect on the human environment either individually or cumulatively and that no development or demolition will be conducted until all required environmental processes are completed for the project. Copies of the Notice of Exemption and a Right-of-Way Cooperative Agreement, which were executed through Caltrans, are attached.

The City Attorney’s Office also reviewed and approved the Administrative Report, which went to the City Council on March 5, 2014, which recommended the Early Release of Funds program and the appropriation of the $165 million for it. The recommendation was approved by the City Council by a 7-0 vote.

Question #3 - Do we stand in a position that we may have violated the use of Federal Funds by spending these funds inappropriately?

No violation in the use of Federal Funds has occurred. The early acquisition of right-of-way for the Centennial Corridor Project was approved by FHWA and Caltrans for $165 million with the issuance of the E-76 on February 14, 2014. In addition, a Real Estate Acquisition Management Plan (RAMP) was established for the Centennial Corridor Project to monitor and manage the right-of-way activities. During the acquisition process, all property acquisitions have been closely monitored to insure compliance with Title VI and the Uniform Act, that the property
owners are aware that all acquisitions are being made on a voluntary basis without the threat of condemnation and that the property owners will receive the same level of benefits/compensation as they would if they waited for the environmental process to be completed.

Some of the purposes for which Congress enacted the new law were to expedite project delivery and reduce costs for transportation projects. That was the case in Bakersfield. It also afforded all of those “living under the cloud” of the future project to voluntarily sell and move, if they wished. Over 145 property owners have done so.

The City Council meeting of March 5, 2014, when Council approval for participation in the program was granted, contained very detailed summaries of the program both in the Administrative Report and in a presentation given to City Council. Both are attached as reference.

Does a department of the State of California such as Caltrans have this kind of control over these funds?

Per Cooperative Agreement 06-1539, dated February 8, 2013, between the City of Bakersfield and Caltrans, all costs associated with completing the Project, unless otherwise noted, are the responsibility of the City. However, if the City uses state or federal funds that have been administered by Caltrans on any part of the Project, Caltrans has the right to ensure that the funds have been spent correctly on the items that they are being billed for.
Subtitle C—Acceleration of Project Delivery

SEC. 1301. DECLARATION OF POLICY AND PROJECT DELIVERY INITIATIVE.

(a) In General.—It is the policy of the United States that—

1. it is in the national interest for the Department, State departments of transportation, transit agencies, and all other recipients of Federal transportation funds—

(A) to accelerate project delivery and reduce costs; and

(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater private sector involvement in project financing and delivery while enhancing safety and protecting the environment;

2. delay in the delivery of transportation projects increases project costs, harms the economy of the United States, and impedes the travel of the people of the United States and the shipment of goods for the conduct of commerce; and

3. the Secretary shall identify and promote the deployment of innovation aimed at reducing the time and money required to deliver transportation projects while enhancing safety and protecting the environment.

(b) Project Delivery Initiative.—

1. In General.—To advance the policy described in subsection (a), the Secretary shall carry out a project delivery initiative under this section.

2. Purposes.—The purposes of the project delivery initiative shall be—

(A) to develop and advance the use of best practices to accelerate project delivery and reduce costs across all modes of transportation and expedite the deployment of technology and innovation;

(B) to implement provisions of law designed to accelerate project delivery; and

(C) to select eligible projects for applying experimental features to test innovative project delivery techniques.

3. Advancing the Use of Best Practices.—

(A) In General.—In carrying out the initiative under this section, the Secretary shall identify and advance best practices to reduce delivery time and project costs, from planning through construction, for transportation projects and programs of projects regardless of mode and project size.

(B) Administration.—To advance the use of best practices, the Secretary shall—

(i) engage interested parties, affected communities, resource agencies, and other stakeholders to gather information regarding opportunities for accelerating project delivery and reducing costs;

(ii) establish a clearinghouse for the collection, documentation, and advancement of existing and new innovative approaches and best practices;
(iii) disseminate information through a variety of means to transportation stakeholders on new innovative approaches and best practices; and
(iv) provide technical assistance to assist transportation stakeholders in the use of flexibility authority to resolve project delays and accelerate project delivery if feasible.

(4) IMPLEMENTATION OF ACCELERATED PROJECT DELIVERY.—The Secretary shall ensure that the provisions of this subtitle designed to accelerate project delivery are fully implemented, including—
(A) expanding eligibility of early acquisition of property prior to completion of environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(B) allowing the use of the construction manager or general contractor method of contracting in the Federal-aid highway system; and
(C) establishing a demonstration program to streamline the relocation process by permitting a lump-sum payment for acquisition and relocation if elected by the displaced occupant.

(c) EXPEDITED PROJECT DELIVERY.—Section 101(b) of title 23, United States Code, is amended by adding at the end the following:

"(4) EXPEDITED PROJECT DELIVERY.—
"(A) IN GENERAL.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process.
"(B) POLICY OF THE UNITED STATES.—Accordingly, it is the policy of the United States that—
"(i) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;
"(ii) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;
"(iii) project sponsors shall not be prohibited from carrying out preconstruction project development activities concurrently with the environmental review process;
"(iv) programmatic approaches shall be used to reduce the need for project-by-project reviews and decisions by Federal agencies; and
"(v) the Secretary shall identify opportunities for project sponsors to assume responsibilities of the Secretary where such responsibilities can be assumed in a manner that protects public health, the environment, and public participation."

SEC. 1202. ADVANCE ACQUISITION OF REAL PROPERTY INTERESTS.

(a) REAL PROPERTY INTERESTS.—Section 108 of title 23, United States Code, is amended—
(1) by striking "real property" each place it appears and inserting "real property interests";
(2) by striking "right-of-way" each place it appears and inserting "real property interest"; and
(3) by striking "rights-of-way" each place it appears and inserting "real property interests".

(b) STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108(c) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "EARLY ACQUISITION OF RIGHTS-OF-WAY" and inserting "STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as so redesignated)—

(A) in the heading, by striking "GENERAL RULE" and inserting "ELIGIBILITY FOR REIMBURSEMENT"; and

(B) by striking "Subject to paragraph (2)" and inserting "Subject to paragraph (3)";

(4) by inserting before paragraph (2) (as so redesignated) the following:

"(1) IN GENERAL.—A State may carry out, at the expense of the State, acquisitions of interests in real property for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project by the State or any Federal agency; and

(5) in paragraph (3) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking "in paragraph (1)" and inserting "in paragraph (2)"; and

(B) in subparagraph (G), by striking "both the Secretary and the Administrator of the Environmental Protection Agency have concurred" and inserting "the Secretary has determined".

(c) FEDERALLY FUNDED ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108 of title 23, United States Code, is amended by adding at the end the following:

"(d) FEDERALLY FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—

"(1) DEFINITION OF ACQUISITION OF A REAL PROPERTY INTEREST.—In this subsection, the term 'acquisition of a real property interest' includes the acquisition of—

"(A) any interest in land; or

"(B) a contractual right to acquire any interest in land; or

"(C) any other similar action to acquire or preserve rights-of-way for a transportation facility.

"(2) AUTHORIZATION.—The Secretary may authorize the use of funds apportioned to a State under this title for the acquisition of a real property interest by a State.

"(3) STATE CERTIFICATION.—A State requesting Federal funding for an acquisition of a real property interest shall certify in writing, with concurrence by the Secretary, that—

"(A) the State has authority to acquire the real property interest under State law; and

"(B) the acquisition of the real property interest—

"(i) is for a transportation purpose;

"(ii) will not cause any significant adverse environmental impact;
“(iii) will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project;
“(iv) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process;
“(v) is consistent with the State transportation planning process under section 135;
“(vi) complies with other applicable Federal laws (including regulations);
“(vii) will be acquired through negotiation, without the threat of condemnation; and
“(viii) will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(4) ENVIRONMENTAL COMPLIANCE.—
“(A) IN GENERAL.—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition of the real property interest.
“(B) INDEPENDENT UTILITY.—The acquisition of a real property interest—
“(i) shall be treated as having independent utility for purposes of the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
“(ii) shall not limit consideration of alternatives for future transportation improvements with respect to the real property interest.

“(5) PROGRAMMING.—
“(A) IN GENERAL.—The acquisition of a real property interest for which Federal funding is requested shall be included as a project in an applicable transportation improvement program under sections 134 and 135 and sections 5303 and 5504 of title 49.
“(B) ACQUISITION PROJECT.—The acquisition project may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.

“(6) DEVELOPMENT.—Real property interests acquired under this subsection may not be developed in anticipation of a project until all required environmental reviews for the project have been completed.
“(7) REIMBURSEMENT.—If Federal-aid reimbursement is made for real property interests acquired early under this section and the real property interests are not subsequently incorporated into a project eligible for surface transportation funds within the time allowed by subsection (a)(2), the Secretary shall offset the amount reimbursed against funds apportioned to the State.
“(8) OTHER REQUIREMENTS AND CONDITIONS.—
“(A) APPLICABLE LAW.—The acquisition of a real property interest shall be carried out in compliance with all requirements applicable to the acquisition of real property interests for federally funded transportation projects.

“(B) ADDITIONAL CONDITIONS.—The Secretary may establish such other conditions or restrictions on acquisitions under this subsection as the Secretary determines to be appropriate.”

SEC. 1303. LETTING OF CONTRACTS.

(a) EFFICIENCIES IN CONTRACTING.—Section 112(b) of title 23, United States Code, is amended by adding at the end the following:

“(4) METHOD OF CONTRACTING.—

“(A) IN GENERAL.—

“(i) 2-PHASE CONTRACT.—A contracting agency may award a 2-phase contract to a construction manager or general contractor for preconstruction and construction services.

“(ii) PRECONSTRUCTION SERVICES PHASE.—In the preconstruction services phase of a contract under this paragraph, the contractor shall provide the contracting agency with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

“(iii) AGREEMENT.—Prior to the start of the construction services phase, the contracting agency and the contractor may agree to a price and other factors specified in regulation for the construction of the project or a portion of the project.

“(iv) CONSTRUCTION PHASE.—If an agreement is reached under clause (iii), the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and in compliance with the other factors specified in the agreement.

“(B) SELECTION.—A contract shall be awarded to a contractor under this paragraph using a competitive selection process based on qualifications, experience, best value, or any other combination of factors considered appropriate by the contracting agency.

“(C) TIMING.—

“(i) RELATIONSHIP TO NEPA PROCESS.—Prior to the completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may—

“(I) issue requests for proposals;

“(II) proceed with the award of a contract for preconstruction services under subparagraph (A)(ii); and

“(III) issue notices to proceed with a preliminary design and any work related to preliminary design, to the extent that those actions do not limit any reasonable range of alternatives.

“(ii) CONSTRUCTION SERVICES PHASE.—A contracting agency shall not proceed with the award of the construction services phase of a contract under subparagraph (A)(iv) and shall not proceed, or permit...
Memorandum

To: DISTRICT DIRECTORS
DEPUTY DISTRICT DIRECTORS, Environmental
DEPUTY DISTRICT DIRECTORS, Project Management
DEPUTY DISTRICT DIRECTORS, Right of Way
REGION CHIEFS, Environmental
REGION CHIEFS, Project Management
REGION CHIEFS, Right of Way

Date: September 19, 2013

File: Acquisitions/Local Programs

From: BRENT L. GREEN
Chief
Division of Right of Way and Land Surveys

BRUCE APRIL
Chief (Acting)
Division of Environmental Analysis

Subject: Early Acquisition Options under 23 United States Code 108 (MAP 21)

With the California Department of Transportation’s (Caltrans’) assumption of the Federal Highways Administration (FHWA) National Environmental Policy Act of 1969 (NEPA) responsibilities, and the recent enactment of 23 USC 108, [Moving Ahead for Progress in the 21st Century (MAP 21)], congressional legislation, both Caltrans and eligible local public agencies have the ability to utilize early acquisition flexibilities as of October 2, 2012.

Section 1302 of MAP 21 entitled “ADVANCE ACQUISITION FOR REAL PROPERTY INTERESTS” added provisions to 23 U.S.C. 108 which broaden early acquisition activities and federal funding eligibility. Prior to MAP 21, eligible local public agencies could fund and perform early acquisition activities subject to certain criteria, and receive only soft match Federal-Aid dollars for construction. The primary changes to early acquisition flexibilities are the addition of Caltrans’ eligibility, and provisions for both reimbursement and up-front federal funding options.

Together, 23 USC 108 and 23 Code of Federal Regulations (CFR) 710.501, 710.503 and 771.113 provide the following five options for early acquisition:

1. 23 CFR 711.113 (d)(4) and 23 CFR 710.501 (a) – (Pre-existing option) no federal dollars – Acquisitions must comply with Title VI and Uniform Act provisions and have no adverse influence on the Environmental Document.

2. 23 CFR 710.501 (b) – (Pre-existing option) soft match credit – Acquisitions need no prior approval from FHWA, but do require at time of soft match/submittal of the E-76 FHWA concurrence that the Environmental Document was not influenced by the early acquisition(s).

"Caltrans improves mobility across California"
3. 23 CFR 710.501 (c) – (Revised option) reimbursement – Acquisitions require prior approval from FHWA where the State must demonstrate to the Secretary of the U.S. Department of Transportation:
   a. Compliance with the Uniform Act and Title VI;
   b. Prior to the early acquisition, the Governor of the State of California certifies the parcel(s) as being consistent with the State’s mandatory comprehensive and coordinated land use, environment and transportation planning process under State law;
   c. Prior to the early acquisition, the Governor determines the parcel(s) to be consistent with the State transportation planning processes pursuant to section 23 USC 135;
   d. The alternative for which the parcel is acquired is selected by the State considering the environmental impacts of various alternatives;
   e. Prior to federal reimbursement being sought (submittal of E-76), NEPA has been completed;
   f. Prior to federal reimbursement being issued, the Secretary has determined that the early acquisition did not influence the environmental assessment of the project, the decision relative to the need to construct the project, or the selection of the project design or location.

4. 23 CFR 710.501 (d) – (New option) direct federal funding – This option creates a new project for Early Acquisition activities only. Parcel(s) must be used for a transportation project within 20 years of acquisition or federal funding must be returned, conditioned as follows:
   a. Programming: The early acquisition project must be included in the TIP/STIP under 23 U.S.C. 134 and 135. It may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.
   b. Environmental Compliance: The early acquisition project must be reviewed under NEPA and shall be treated as having independent utility. A Categorical Exclusion for the early acquisition project might meet this requirement according to guidance provided by the Federal Highway Administration (FHWA). The early acquisition shall not limit consideration of alternatives for future transportation improvements with respect to the real property interest.
   c. Development: Early acquisition properties may not be developed, i.e. demolished, in anticipation of the ultimate project until all required environmental reviews for the project have been completed.
   d. Certification: The Department and/or Local Agency requesting Federal funding for an acquisition of a real property interest shall certify in writing, with concurrence by the Secretary, that:
      A. the Department and/or Local Agency has authority to acquire the real property interest under State law; and
      B. the acquisition of the real property interest—
         i. is for a transportation purpose;
         ii. will not cause any significant adverse environmental impact;
iii. will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project;

iv. does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process;

v. is consistent with the State transportation planning process under 23 USC 135;

vi. complies with other applicable Federal laws (including regulations);

vii. will be acquired through negotiation, without the threat of condemnation; and

viii. will not result in a reduction or elimination of benefits of assistance to a displaced person required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4601 et seq.) as amended and title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d et seq.).

5. 23 CFR 710.503 – (Pre-existing option) reimbursement - Hardship and Protection - prior FHWA approval is required.

Some of the above noted conditions are also subject to state law which is controlling if more restrictive. As such, please use the existing policy located in the Caltrans Right of Way Manual in Chapter 17, Local Programs, 17-EX-20. Additionally, it is expected that some of the approvals and certifications required by the change in law will be delegated. Until further notice, this memorandum serves as interim guidance to allow the revised and new activities described above in addition to the existing policy.

c: KSutliff
JCaputo
DYoumans
HQ Right of Way Office Chiefs

*Caltrans improves mobility across California*
Memorandum

To: BRENT GREEN
   Chief
   Division of Right of Way

From: LORI GUINAN
   Right of Way Branch Chief (Acting)

Date: January 28, 2014

File: 06-KER-58
      EA-06-48469
      Centennial Corridor
      FPN-NCIipl-5109(210)

Subject: EARLY ACQUISITION – CITY OF BAKERSFIELD CENTENNIAL CORRIDOR PROJECT

Transmitted herein is the City of Bakersfield’s request and documents to support the City’s request for approval for early acquisition on the Centennial Corridor Freeway Project. This project will be an extension of State Route 58 within the City of Bakersfield.

It is anticipated that the City and/or their consultants will begin acquisition of full-acquisition parcels for the Centennial Corridor Project from voluntary willing sellers upon approval of the early acquisition. The Caltrans Right of Way Manual delegates to Local Public Agencies (LPA), at their discretion, the right to select private sector consultants to perform right of way functions. The RW Manual includes criteria outlining minimum levels of experience/expectation needed by consultants in order to be considered for selection. The RW Manual further states that work samples must be provided (by prospective consultants) and reviewed by the LPA. Lastly, the RW Manual also includes verbiage to the effect that the “LPA must also advertise and seek competitive bids from consultants who meet the prescribed selection criteria”. Said selection criteria are outlined in Right of Way Manual Chapter 17, Acquisitions, page 17.06 – 3. Per January 28, 2014 letter from Don Anderson, City of Bakersfield (attached), it appears as if the City has performed their due diligence in their consultant selection.

District 6 and Central Region Right of Way are in full support of the City’s request for early acquisition.

Recommended for FHWA Concurrence:

BRENT GREEN
   Chief
   Division of Right of Way

Concur:

MELANI MILLARD
   Realty Officer

"Caltrans Improves mobility across California"
**PROJECT LOCATION:** IN AND THROUGH BAKERSFIELD FROM I-5 TO SR 58 AT COTTONWOOD - CENTENNIAL CORRIDOR

**TYPE OF WORK:** R/W AQUISITION (TC)

**PREV AUTH / AGREE DATES:**
- PE: 
- R/W: 
- CON: 
- SPR: 
- MCS: 
- OTH: 

**ENV STATUS / DT:** DELEG TO STATE SEC 6005 12/17/2013

**RW STATUS / DT:**
- INV RTE: 
- OTH: 

**INV RTE:**
- BEG MP: 21.2
- END MP: 26.2

**FEDERAL REMARKS**

02/14/2014  Project description: In and through Bakersfield from I-5 to SR 58 at Cottonwood Road.

**02/14/2014**  This is an early acquisition of R/W for the Centennial corridor project. FHWA concurrence letter attached per MAP-21 guidelines. Early acquisition process necessitated the issuance of a new Federal project number( stand alone NCIIPL-5109(210)). Project Study report approved January 2012.

A coop agreement # 06-1539 is in the District’s file

PE for this project started under NCIIPL-5109(106) for PE/environmental. A NEPA determination was cleared for the preferred alternative only under NCIIPL-5109(106). A complete environmental determination for the entire corridor will be forthcoming in the near future. Final environmental document will be used for the construction phase.

02/14/2014  ** This request is to obligate $165,000,000 of LY50 Funds for the early acquisition of R/W under the conditions of the NEPA documents and the provisions of MAP 21.

02/14/2014  Seq#1: Obligate $165,000,000.00 of LY50. Agency is using TC in lieu of local match. This is an early acquisition of R/W for the Centennial corridor project. FHWA concurrence letter attached per MAP-21 guidelines. Early acquisition process necessitated the issuance of a new Federal project number, stand alone NCIIPL-5109(210). This request is part of a larger project NCIIPL-5109(106). DEMOID# CA749.
**AUTHORIZATION**

Authorization to proceed with request: R/W

For: R/W Acquisition.

Document type: AAGR

Prepared in FADS by: Almasri, Fayad

Reviewed in FADS by: Mafi, Pedram

Submitted in FADS by: Jensen, Chris

Processed in FADS by: Fogle, Jerilynn

Approved in FMIS by: Mary Cunningham

Prepared on: 02/14/2014

Reviewed on: 02/14/2014

Submitted on: 02/14/2014

Processed on: 02/21/2014

Approved on: 02/21/2014

---

**SIGNATURE HISTORY FOR PROJECT NUMBER 5109(210) AS OF 02/24/2014**

**FHWA FMIS 4.0 SIGNATURE HISTORY**

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<th>SIGNED ON</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Jerilynn Fogle</td>
<td>02/18/2014</td>
</tr>
<tr>
<td></td>
<td>Dominic V. Hoang</td>
<td>02/21/2014</td>
</tr>
<tr>
<td></td>
<td>Mary Cunningham</td>
<td>02/21/2014</td>
</tr>
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</table>

**FHWA FMIS 3.0 SIGNATURE HISTORY**

**CALTRANS SIGNATURE HISTORY**

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<th>SIGNED ON</th>
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<tr>
<td>Auth/Agree</td>
<td>Jensen, Chris</td>
<td>02/14/2014</td>
</tr>
</tbody>
</table>
Notice of Exemption

To: Office of Planning and Research
   1400 Tenth Street, Room 121
   Sacramento, CA 95814

From: City of Bakersfield
   Planning Department
   1715 Chester Avenue
   Bakersfield, CA 93301

Project Title: Centennial Corridor Project

Project Location - Specific: City of Bakersfield. Centennial Corridor Alternative B; SR-58 Corridor (Centennial Corridor)

extended from I-5 at Stockdale Highway to the SR-58 at Cottonwood Road. 58-PM Y3 1.7 to PM 55.6 / 99-PM 21.2 to PM 26.2

Project Location - City: Bakersfield

Project Location - County: Kern County

Description of Nature, Purpose, and Beneficiaries of Project:
The purpose is to acquire 422 Right of Way acquisition properties along the SR-58 Corridor (Centennial Corridor Project) and provide a continuous route along the existing SR-58 (East) westward to the Westside Parkway.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: City of Bakersfield

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption. State type and section number: CEQA General Rule-15061 (b) (3)
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Acquisition of real property interest for the project will not have significant effect on the environment either individual or cumulatively (CCR 15061 [b] [3]). Additional under 23 USC 108 (d), no development or demolition will be conducted until all required environmental processes are completed for the project.

Lead Agency: City of Bakersfield

Contact Person: Raul Rojas (Public Works Director)

Area Code/Telephone/Extension: 661-326-3596

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: [Signature]

Date: 11/4/13

Title: PLANNING DIRECTOR

Date received for filing at OPR: [Date]

Notice of Environmental Document
Posted by County Clerk on 11/5/13
and for 30 days thereafter, Pursuant to Section 21152(C), Public Resources Code

Revised October 1989

APPENDICES • 151
CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM
City of Bakersfield

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities)

Enter project description in this text box. Use Continuation Sheet, if necessary

EA:06-48460 / FED ID: (See Attach. Continuation Sheet for Project Description)

CEQA COMPLIANCE (for State Projects only)
Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):
- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CEQA DETERMINATION
☐ Exempt by Statute. (PRC 21080(b); 14 CCR 15260 et seq.)
Based on an examination of this proposal, supporting information, and the above statements, the project is:
☐ Categorically Exempt. Class ___ (PRC 21084; 14 CCR 15300 et seq.)
☐ Categorically Exempt. General Rule exemption. [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3]).

Signature: ___________________________ Date: ____________
Environmental Branch Chief

NEPA COMPLIANCE
In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:
- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b) (http://www.fhwa.dot.gov/ops/23cr771.htm - sec 771.117).

In non-attainment or maintenance areas for Federal air quality standards, it is determined that this project comes from a currently conforming Regional Transportation Plan and Transportation Improvement Program or is exempt from regional conformity.

CALTRANS NEPA DETERMINATION
☐ Section 6004: The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:
  - 23 CFR 771 activity (a)
  - 23 CFR 771 activity (b)
  - Activity ___ listed in the MOU between FHWA and the State

☐ Section 6005: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 326.

Signature: ___________________________ Date: ____________
Environmental Branch Chief

Signature: ___________________________ Date: ____________
Project Manager/DLA Engineer

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g. air quality studies, documentation of exemption from regional conformity, or use of CD Protocol; §106 commitments; § 4(f); § 7 results; Wetlands Finding; Floodplain Finding; additional studies, and design conditions). Revised July 3, 2007
**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**

<table>
<thead>
<tr>
<th>06-KER-58-PM T31.7/R55.6, 06-48469</th>
<th>06-KER-99-PM 21.2/26.2</th>
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<tr>
<td>Dist.-Co.-Rte. (or Local Agency)</td>
<td>P M./P. M.</td>
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<td>E A/Project No.</td>
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<td></td>
<td>Federal-Aid Project No. (Local Project)/Project No.</td>
</tr>
</tbody>
</table>

**PROJECT DESCRIPTION:** (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)

The California Department of Transportation (Caltrans) proposes early acquisition of right-of-way in accordance with MAP-21 SEC. 1302(c) which allows for hardship and protective acquisitions. The properties will be used to establish a new alignment for State Route 58 from Interstate 5 via the Westside Parkway to Cottonwood Road. Improvements to State Route 99 would also be made to accommodate the connection with State Route 58. A list of properties to be acquired is attached.

**CEQA COMPLIANCE** (for State Projects only)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply (See 14 CCR 15300 et seq.):
- This project falls within exempt class 3, 4, 5, 6 and/or 11, and it does not impact an environmental resource of hazardous or critical concern when designated, precisely mapped, and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 (“Corleese List”).
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION** (Check one)

- Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)
- Categorically Exempt. Class (PRC 21084; 14 CCR 15300 et seq.)
- Categorically Exempt. General Rule exemption. (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15081[b][3].)

Print Name: Environmental Branch Chief
Print Name: Project Manager/DLA Engineer

**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:
- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

**CALTRANS NEPA DETERMINATION** (Check one)

- 23 USC 326: The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated June 07, 2013, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:
  - 23 CFR 771.117(c): activity (c)(12)
  - 23 CFR 771.117(d): activity (d)(12)

- 23 USC 327: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under 23 USC 327.

**Signature**

**Date**

**Signature**

**Date**

Date of Categorical Exclusion Checklist completion: 12-17-13

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

June 7, 2013
Categorical Exemption page 1 of 2: Project Description - The entire Centennial Corridor Project extends from Interstate 5 at Stockdale Highway to State Route 58 at Cottonwood Road and is divided into three segments. Segment 1 is the eastern segment that would connect the Westside Parkway (Segment 2) to the existing State Route 58 freeway east of State Route 99 to Cottonwood Road. Segment 2 is the Westside Parkway which extends from Heath Road to Mohawk Street. Segment 3 extends from Interstate 5 to Heath Road. Segment 1 would require 422 acquisitions. These acquisitions include but are not limited to: single and multi-family residential properties, commercial properties, public land and other such related properties. The Project's Early Acquisition of Right of Way is critical to the success of the project.
Categorical Exclusion Checklist

1. Does Project Qualify for SAFETEA-LU Section 6004 Categorical Exclusion (check applicable box)?

1.1 Activity listed in 23 CFR 771.117(c):

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</tbody>
</table>

---OR---

1
1.2. **Activity listed in examples in 23 CFR 771.117(d):**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>Transportation corridor fringe parking facilities.</td>
<td>10</td>
</tr>
<tr>
<td>5</td>
<td>Construction of new truck weigh stations or rest areas.</td>
<td>11</td>
</tr>
<tr>
<td>6</td>
<td>Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.</td>
<td>12</td>
</tr>
</tbody>
</table>

---OR---
1.3 Appendix A of MOU for State Assumption of Responsibilities for Categorical Exclusions:

<table>
<thead>
<tr>
<th></th>
<th>Construction, modification, or repair of storm water treatment devices (e.g., detention basins, bioswales, media filters, infiltration basins), protection measures such as slope stabilization, and other erosion control measures</th>
<th>Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>2</td>
<td>□ Replacement, modification, or repair of culverts or other drainage facilities.</td>
<td>□ Air space leases that are subject to Subpart D, Part 710, Title 23, Code of Federal Regulations.</td>
</tr>
<tr>
<td>3</td>
<td>□ Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife (e.g., revegetation of disturbed areas with native plant species; stream or riverbank revegetation; construction of new, or maintenance of existing fish passage conveyances or structures; restoration or creation of wetlands).</td>
<td>□ Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes.</td>
</tr>
<tr>
<td>4</td>
<td>□ Routine repair of facilities due to storm damage, including permanent repair to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls).</td>
<td></td>
</tr>
</tbody>
</table>

2. If project does qualify under the Section 6004 above, does project include any unusual circumstances?

| Yes □ No □ | Significant environmental impacts; |
| Yes □ No □ | Substantial controversy on environmental grounds; |
| Yes □ No □ | Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or |
| Yes □ No □ | Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action |

If you answered “yes” to any of the items above, then we must conduct appropriate environmental studies to determine if the 6004 CE classification is proper.

If you answered “no” to all of the above, prepare and approve the categorical exclusion using the Categorical Exemption/Categorical Exclusion (CE/CE) form. Remember a Senior Environmental Planner must sign the CE form.

---OR---
3. If the project does not qualify under Section 6004 above, the project may still be eligible for exclusion under 6005.

3.1 Does the project include any unusual circumstances?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Significant environmental impacts;</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>Substantial controversy on environmental grounds;</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action</td>
</tr>
</tbody>
</table>

If you answered “yes” to any of the items above, then we must conduct appropriate environmental studies to determine if the CE classification is proper. If you answered “no” to all of the above, prepare the CE/CE form and check the 6005 box.

Note that under 6005, project-level conformity is determined by FHWA and must be concluded prior to, and included in the approval of the CE classification.
4. Have all other federal environmental laws, regulations, and executive orders been complied with?  

<table>
<thead>
<tr>
<th>Environmental Statutory or Regulatory Compliance</th>
<th>Does Project Trigger Statute or Regulation?</th>
<th>Date and type of Technical Study or Memo to File or Field Survey</th>
<th>Outcome of Agency Coordination (Concurrence Type and Date)</th>
<th>Notes, Documentation Reference &amp;/or Explanation</th>
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<td>Historic Preservation (Section 106)</td>
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<td>Executive Order on Floodplains</td>
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<td>Wetland Protection</td>
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<td>Coastal Zone</td>
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<td>Wild and Scenic Rivers</td>
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<td>Section 4(f)</td>
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<td>Endangered Species (Section 7 FESA) Effect</td>
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<td>☐ Likely to adversely effect</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Farmland Protection</td>
<td>No</td>
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<tr>
<td>Noise (23 CFR 772)</td>
<td>No</td>
<td>No</td>
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<td>Hazardous Waste/Material</td>
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<td>Environmental Justice</td>
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<tr>
<td>Project-Level Air Quality (CO, PM Hotspot and MSAT)</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Other (i.e., Visual)</td>
<td>No</td>
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5. Environmental Permits anticipated

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<tr>
<td>404 (USACE)</td>
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<tr>
<td>☐ Nationwide #</td>
<td>No</td>
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<tr>
<td>☐ Individual</td>
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<td>Section 401 Certification</td>
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<td>Coastal Development Permit</td>
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<td>1602 Streambed Alteration</td>
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<td>Other (list):</td>
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1 Be sure that the proposed CE type is concordant with all regulatory compliance required for the action.
6. Is project exempt from air quality conformity?

PROJECTS EXEMPT FROM CONFORMITY DETERMINATION
AS PER 40 CFR 93.126

Safety
☑ Railroad/highway crossing
☑ Hazard elimination program
☑ Safer non-federal-aid system roads
☑ Shoulder improvements
☑ Increasing sight distance
☑ Safety improvement program
☑ Traffic control devices and operating assistance other than signal projects
☑ Railroad/highway crossing warning devices
☑ Guardrails, median barriers, crash cushions
☑ Pavement resurfacing or rehabilitation
☑ Pavement marking demonstration
☑ Emergency relief (23 U.S.C. 125)
☑ Fencing
☑ Skid treatments
☑ Safety roadside rest areas
☑ Adding medians
☑ Truck climbing lanes outside the urbanized area
☑ Lighting improvements
☑ Widening narrow pavements or reconstructing bridges (no additional travel lanes)
☑ Emergency truck pullovers

Mass Transit
☑ Operating assistance to transit agencies
☑ Purchase of support vehicles
☑ Rehabilitation of transit vehicles
☑ Purchase of office, shop, and operating equipment for existing facilities
☑ Purchase of operating equipment for vehicles (e.g. radios, fareboxes, lifts, etc.)
☑ Construction or renovation of power, signal, and communications systems
☑ Construction of small passenger shelters and information kiosks
☑ Reconstruction or renovation of transit buildings and structures (e.g. rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
☑ Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way
☑ Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet
☑ Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR Part 771

Air Quality
☑ Continuation of ride-sharing and van-pooling promotion activities at current levels
☑ Bicycle and pedestrian facilities

Other
☑ Specific activities which do not involve or lead directly to construction, such as:
   Planning and technical studies, Grants for training and research programs, Planning
   activities conducted pursuant to Titles 23 and 49 U.S.C. Federal-aid systems
   revisions
☑ Engineering to assess social, economic, and environmental effects of the proposed
   action or alternatives to that action
☑ Noise attenuation
☑ Emergency or hardship advance land acquisitions (23 CFR Part 712.204(d))
☑ Acquisition of scenic easements
   Plantings, landscaping, etc.
7. If the project does not qualify under 40 CFR 93.126, is project exempt from regional air quality conformity?

PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES AS PER 40 CFR 93.127

☑ Intersection channelization projects.
☑ Intersection signalization projects at individual intersections.
☑ Interchange reconfiguration projects.
☑ Changes in vertical and horizontal alignment.
☑ Truck size and weight inspection stations.
☑ Bus terminals and transfer points.

☑ Project level conformity determination completed
☑ Exempt from regional conformity per 40 CFR 93.127

PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES AS PER 40 CFR 93.128

☑ Traffic signal synchronization projects.  

---

2 If the project is exempt from regional emission analysis, the local effect with respect to CO concentrations must be considered to determine if hot-spot analyses are required prior to making a project-level conformity determination. This requirement is applicable if the proposed project includes intersection channelization, intersection signalization, interchange reconfiguration, changes in vertical and horizontal alignment, if it becomes federally funded in the future, or if the project is regionally significant.

3 If the project is from a non-conforming Plan, the traffic signal synchronization project must be included in the regional emission analysis. If the traffic signal synchronization project is from a conforming Plan, it is exempt from regional emission analysis, but is not automatically exempt from the intersection air quality analysis (hot spot screening).
8. If project is not exempt from regional air quality conformity:

☑ Identify the RTP and RTIP including dates and page numbers that the project is contained in.

☑ For Section 6005 CE, consult with FHWA to confirm air quality conformity. Provide name of FHWA contact and date of confirmation here: Attach FHWA conformity determination.

---

If using the checklist as a scoping tool, check the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) early. If using the checklist for support documentation, make sure to re-check the RTP and the RTIP before signing the CE.
Memorandum

To: All District Deputy Directors For Environmental Planning
   All District Environmental Office/Branch Chiefs

Date: July 3, 2007

File: NEPA Delegation

From: JAY NORVELL
   Chief
   Division of Environmental Analysis

Subject: Categorical Exclusions for Section 6004 and Section 6005 Assignment of Responsibilities

Background

The June 7, 2007 policy memorandum entitled “Interim Policy – Assignment of Responsibility for Categorical Exclusion Determinations” is superseded. With the execution of the Section 6005 Pilot Program Memorandum of Understanding (MOU), which became effective July 1, 2007, Caltrans has been assigned authority for all categorical exclusion (CE) determinations that were not previously assigned under the Section 6004 MOU.

Section 6004 of the Safe Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allows any state to enter into a MOU with the Federal Highway Administration (FHWA) to assume responsibility for determining whether a proposed project qualifies as a categorical exclusion (CE) specifically designated by the U.S. Department of Transportation Secretary, as well as for federal environmental consultation and coordination responsibilities for those projects. The assigned responsibility for of CE determinations under Section 6004 is limited to those actions specifically listed or referenced in the Section 6004 MOU between Caltrans and FHWA, executed on June 7, 2007: those CE activities on the 23 CFR 771.117 “e” list, CEs listed as examples on the “d” list, and the additional actions listed in Appendix A of the MOU.

The Section 6005 Pilot Program MOU, in addition to assigning Caltrans the authority to approve Environmental Impact Statements and Environmental Assessments, also assigns Caltrans approval authority for those CE activities not covered under the provisions of the Section 6004 MOU (i.e., those activities that are not specifically listed as CE’s).

Changes to the Categorical Exemption/Categorical Exclusion Form

To address the provisions of the Section 6004 MOU and Section 6005 MOU, the Categorical Exemption/Categorical Exclusion form has been revised. On the new form, the planner will identify the applicable MOU under which the CE determination has been...
made. If the project is being approved under Section 6004, the form requires that the applicable Categorical Exclusion activity be identified by number. Based on FHWA’s NEPA regulations at 23 CFR 771.117 and Appendix A of the Section 6004 MOU, the planner will identify the applicable activity number from one of the following: (1) the “c” list, (2) the example activities on the “d” list, (3) Appendix A of the MOU. Once identified, the applicable activity number will then be entered on the CE/CE form.

To aid in making these determinations, a Categorical Exclusion Checklist has been developed.

Applicability
Effective immediately.

Signature Authority
The Senior Environmental Planner or her/his designee determines if the CE/CE form is ready for signature. The Senior Environmental Planner and the Project Manager or District Local Assistance Engineer (DLAE), as appropriate, both sign the CE/CE form. The Senior Environmental Planner signature may not be delegated.

If you have any questions regarding this memorandum, please call Cindy Adams, NEPA Delegation Manager, at (916) 653-5157.

Attachments
- Categorical Exclusion Form (July 3, 2007 revision)
- Categorical Exclusion Checklist (July 3, 2007 revision)
**2013 ENVIRONMENTAL FILING FEE CASH RECEIPT**

**LEAD AGENCY**
CITY OF BAKERSFIELD

**COUNTY/STATE AGENCY OF FILING**
Kern County, California

**PROJECT TITLE**
CENTENNIAL CORRIDOR PROJECT

**PROJECT APPLICANT NAME**
CITY OF BAKERSFIELD

**PROJECT APPLICANT ADDRESS**
1715 CHESTER AVE

**CITY**
BAKERSFIELD

**STATE**
CA

**ZIP CODE**
93301

**PHONE NUMBER**
(661) 326-3733

**DATE**
11/05/2013

**DOCUMENT NUMBER**
3165

**CHECK APPLICABLE FEES:**

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<th>Fee Description</th>
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<tr>
<td>Environmental Impact Report (EIR)</td>
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<td>Mitigated/Negative Declaration (ND)(MND)</td>
<td>$2,156.25</td>
</tr>
<tr>
<td>Application Fee Water Diversion (State Water Resources Control Board Only)</td>
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</tr>
<tr>
<td>Projects Subject to Certified Regulatory Programs (CRP)</td>
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<tr>
<td>County Administrative Fee</td>
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<tr>
<td>Project that is exempt from fees</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**PAYMENT METHOD:**
- Cash
- Credit
- Check
- Other [jv]

**TOTAL RECEIVED**
$50.00

**SIGNATURE**

**TITLE**
OST
This Agreement, effective on \text{FEBA 8, 2013}, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Bakersfield, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

**RECITALS**

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130.

2. For the purpose of this Agreement, construct a new freeway and operational improvements on State Route (SR) 58, Westside Parkway and SR-99 between Interstate 5 and Cottonwood Road between T31.7/55.6, in the City of Bakersfield, will be referred to hereinafter as PROJECT.

3. All responsibilities assigned in this Agreement will be referred to hereinafter as OBLIGATIONS.

4. This Agreement includes the following PROJECT COMPONENTS:
   - Plans, Specifications, and Estimate (PS&E)
   - Right of Way Support (R/W SUPPORT)
   - Right of Way Capital (R/W CAPITAL)

5. This Agreement is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between PARTNERS regarding the PROJECT.

6. Prior to this Agreement:
   - CITY developed the Environmental Document (Cooperative Agreement No. 06-1386).

7. In this Agreement capitalized words represent defined terms and acronyms.

8. PARTNERS hereby set forth the terms, covenants, and conditions of this Agreement, under which they will accomplish OBLIGATIONS.

**RESPONSIBILITIES**

9. CITY is SPONSOR for 100% of PROJECT.

10. CITY is the only FUNDING PARTNER for this Agreement.
11. CITY is the IMPLEMENTING AGENCY for:
   • Plans, Specifications, and Estimate (PS&E)
   • Right of Way Support (R/W SUPPORT)
   • Right of Way Capital (R/W CAPITAL)

12. CALTRANS is the CEQA lead agency for PROJECT.

13. CALTRANS is the NEPA lead agency for PROJECT.

14. CALTRANS will provide Independent Quality Assurance (IQA) for the portions of WORK within existing and proposed SHS right of way. CALTRANS will perform its QC/QAP process review for environmental documentation.

**SCOPE**

**Scope: General**

15. CITY will perform all OBLIGATIONS in accordance with federal and California laws, regulations, and standards; FHWA STANDARDS; and CALTRANS STANDARDS.

16. CALTRANS retains the right to reject noncompliant WORK, protect public safety, preserve property rights, and ensure that all WORK is in the best interest of the SHS.

17. CITY will ensure that personnel participating in OBLIGATIONS are appropriately qualified or licensed to perform the tasks assigned to them.

18. PARTNERS will invite each other to participate in the selection of any consultants who participate in OBLIGATIONS.

19. If WORK is done under contract (not completed by CITY’s own employees) and is governed by the California Labor Code’s definition of “public works” (section 1720(a)), CITY will conform to sections 1720 – 1815 of the California Labor Code and all applicable regulations and coverage determinations issued by the Director of Industrial Relations.

20. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within SHS right of way.

   Contractors and/or agents, and utility owners will not perform activities within the SHS right of way without an encroachment permit issued in their name.

21. If CITY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and CITY will notify CALTRANS within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and a plan is approved for its removal or protection.

22. PARTNERS will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for PROJECT in
confidence to the extent permitted by law and where applicable, the provisions of California Government Code section 6254.5(e) shall protect the confidentiality of such documents in the event that said documents are shared between PARTNERS.

PARTNERS will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete PROJECT without the written consent of the PARTNER authorized to release them, unless required or authorized to do so by law.

23. If a PARTNER receives a public records request pertaining to OBLIGATIONS, that PARTNER will notify PARTNERS within five (5) working days of receipt and make PARTNERS aware of any disclosed public documents. PARTNERS will consult with each other prior to the release of any public documents related to the PROJECT.

24. If HM-1 or HM-2 is found during any PROJECT COMPONENT, CITY will immediately notify CALTRANS.

25. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing SHS right of way. CALTRANS will undertake HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

26. CITY, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits and outside the existing SHS right of way. CITY will undertake or cause to be undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

27. If HM-2 is found within PROJECT limits, the public agency responsible for the advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM MANAGEMENT ACTIVITIES related to HM-2.

28. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.

29. PARTNERS will comply with all of the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTNER's responsibilities in this Agreement.

30. Upon OBLIGATION COMPLETION, ownership or title to all materials and equipment constructed or installed for the operations and/or maintenance of the SHS within SHS right of way as part of WORK become the property of CALTRANS.

   CALTRANS will not accept ownership or title to any materials or equipment constructed or installed outside SHS right of way.

31. CITY will accept, reject, compromise, settle, or litigate claims of any non-Agreement parties hired to do WORK in that component.
32. If CITY funds any part of OBLIGATIONS with state or federal funds administered by CALTRANS then the following will apply to all funding types included in this Agreement:

CITY will maintain, and will ensure that any party hired by CITY to participate in OBLIGATIONS will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs and billings.

CITY will comply and will ensure that any party hired to participate in OBLIGATIONS will comply with the federal cost principles of 2 CFR Part 225 and federal administrative requirements outlined in 49 CFR Part 18.

PARTNERS will maintain and make available to each other all OBLIGATIONS-related documents, including financial data, during the term of this Agreement.

PARTNERS have the right to audit each other in accordance with generally accepted governmental audit standards.

CALTRANS, the state auditor, FHWA, (if PROJECT utilizes federal funds) and CITY will have access to all OBLIGATIONS-related records of each PARTNER, and any party hired by a PARTNER to participate in OBLIGATIONS, for audit, examination, excerpt, or transcription.

The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTNER will be permitted to make copies of any OBLIGATIONS-related records needed for the audit.

The audited PARTNER will review the draft audit, findings, and recommendations, and provide written comments within 30 calendar days of receipt.

Upon completion of the final audit, PARTNERS have 30 days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTNERS is subject to mediation. Mediation will follow the process described in the General Conditions section of this Agreement.

CITY will undergo an annual audit in accordance with the Single Audit Act of OMB Circular A-133.

Any other party hired to participate in OBLIGATIONS will conduct a pre-award audit of that party in accordance with the Local Assistance Procedures Manual.

33. If WORK stops for any reason, CITY will place PROJECT right of way in a safe and operable condition acceptable to CALTRANS.

34. If WORK stops for any reason, CITY will continue to implement all of its applicable commitments and conditions included in the PROJECT environmental documentation,
permits, agreements, or approvals that are in effect at the time that WORK stops, as they apply to CITY's responsibilities in this Agreement, in order to keep PROJECT in environmental compliance until WORK resumes.

35. CITY will furnish CALTRANS with all relevant deliverables and history files within one hundred eighty (180) days following the completion of each PROJECT COMPONENT.

Scope: Environmental Permits, Approvals and Agreements

36. Each PARTNER identified in the Environmental Permits table below accepts the responsibility to complete the assigned activities. If PARTNERS later determine that an environmental permit, approval or agreement is necessary PARTNERS will amend this Agreement to ensure completion and implementation of all environmental permits, approvals, and agreements.

<table>
<thead>
<tr>
<th>PERMIT</th>
<th>COORD</th>
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<th>IMPLEMENT</th>
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</table>

Scope: Plans, Specifications, and Estimate (PS&E)

There are no applicable articles in this section.

Scope: Right of Way (R/W)

37. CITY will provide a land surveyor licensed in the State of California to be responsible for surveying and right of way engineering. All survey and right of way engineering documents will bear the professional seal, certificate number, registration classification, expiration date of certificate, and signature of the responsible surveyor.

38. CITY will provide CALTRANS a copy of conflict maps, Relocation Plan, proposed Notices to Owner, Report of Investigation, and Utility Agreement (if applicable) for CALTRANS' concurrence prior to issuing the Notices to Owner and executing the Utility Agreement. All utility conflicts will be fully addressed prior to R/W Certification and all arrangements for the protection, relocation, or removal of all conflicting facilities will be completed prior to construction contract award and included in the PROJECT plans, specifications, and estimate.
39. CITY will utilize a public agency currently qualified by CALTRANS or a properly licensed consultant for all right of way activities. A qualified right of way agent will administer all right of way consultant contracts.

CITY will submit a draft Right of Way Certification document to CALTRANS six weeks prior to the scheduled milestone date for review.

CITY will submit a final Right of Way certification document to CALTRANS prior to PROJECT advertisement for approval.

40. All right of way conveyances must be completed prior to construction advertisement, unless PARTNERS mutually agree to other arrangements in writing.

41. CALTRANS’ acceptance of right of way title is subject to review of an Updated Preliminary Title Report provided by CITY verifying that the title is free of all encumbrances and liens. Upon acceptance, CITY will provide CALTRANS with a Policy of Title Insurance in CALTRANS’ name.

42. The CITY will hear Resolutions of Necessity.

**COST**

**Cost: General**

43. All costs associated with completing the PROJECT, except where otherwise noted in this agreement, are the responsibility of CITY including, but not limited to:
   - Legal challenges, awards, judgments, settlements, fines, interest, and penalties.
   - Public meetings.
   - Environmental commitments and compliance.
   - Obtaining, implementing and renewing resource agency permits.

44. CALTRANS, independent of PROJECT, will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within the existing SHS right of way.

45. CITY, independent of PROJECT, will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within PROJECT limits and outside of the existing SHS right of way.

46. Independent of OBLIGATIONS cost, CALTRANS will fund the cost of its own IQA for WORK done within existing or proposed future SHS right of way.

Independent of OBLIGATIONS cost, CALTRANS will fund the cost of its QC/QAP process review for environmental documentation.

47. CALTRANS will provide encroachment permits to PARTNERS, their contractors, consultants and agents, at no cost.
Cost: Plans, Specifications, and Estimate (PS&E)

There are no applicable articles in this section.

Cost: Right of Way (R/W) Support

48. The cost to perform R/W activities, whether inside or outside SHS right of way, will be determined in accordance with federal and California laws and regulations, and CALTRANS' policies, procedures, standards, practices, and applicable agreements.

Cost: Right of Way (R/W) Capital

49. CITY will determine the cost to positively identify and locate, protect, relocate, or remove any utility facilities whether inside or outside SHS right of way in accordance with federal and California laws and regulations, and the applicable CALTRANS' policies, procedures, standards, practices, and applicable agreements, including, but not limited to, Freeway Master Contracts.

BILLING AND PAYMENT

50. If the PROJECT uses CALTRANS administered funds then the following will apply:

CITY will abide by the billing and payment conditions detailed in the latest Program Supplement Agreement (PSA) document signed by PARTNERS for the PROJECT.

All fund types contributed to a PROJECT COMPONENT will be spent proportionately within that PROJECT COMPONENT.

Any savings recognized within a PROJECT COMPONENT will be credited or reimbursed, when allowed by policy or law, in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.

After PARTNERS agree that all WORK is complete for a PROJECT COMPONENT, CITY will submit a final accounting for all OBLIGATION costs. Based on the final accounting, PARTNERS will refund or invoice as necessary in order to satisfy the financial commitments of this Agreement.

If CALTRANS reimburses CITY for any costs later determined to be unallowable, CITY will reimburse those funds.

SCHEDULE

51. CITY will manage the schedule for OBLIGATIONS through the work plan included in the PROJECT MANAGEMENT PLAN.
GENERAL CONDITIONS

52. PARTNERS understand that this Agreement is in accordance with and governed by the Constitution and laws of the State of California. This Agreement will be enforceable in the State of California. Any PARTNER initiating legal action arising from this Agreement will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this Agreement resides, or in the Superior Court of the county in which PROJECT is physically located.

53. All OBLIGATIONS of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.

54. When CALTRANS performs IQA activities it does so for its own benefit. No one can assign liability to CALTRANS due to its IQA activities.

55. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this Agreement.

It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement.

56. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CITY under this Agreement.

It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under this Agreement.

57. PARTNERS do not intend this Agreement to create a third party beneficiary or define duties, obligations, or rights in parties not signatory to this Agreement. PARTNERS do not intend this Agreement to affect their legal liability by imposing any standard of care for fulfilling OBLIGATIONS different from the standards imposed by law.

58. PARTNERS will not assign or attempt to assign OBLIGATIONS to parties not signatory to this Agreement.

59. PARTNERS will not interpret any ambiguity contained in this Agreement against each other. PARTNERS waive the provisions of California Civil Code section 1654.
60. A waiver of a PARTNER’s performance under this Agreement will not constitute a continuous waiver of any other provision. An amendment made to any article or section of this Agreement does not constitute an amendment to or negate all other articles or sections of this Agreement.

61. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

62. If any PARTNER defaults in its OBLIGATIONS, a non-defaulting PARTNER will request in writing that the default be remedied within 30 calendar days. If the defaulting PARTNER fails to do so, the non-defaulting PARTNER may initiate dispute resolution.

63. PARTNERS will first attempt to resolve Agreement disputes at the PROJECT team level. If they cannot resolve the dispute themselves, the CALTRANS district director and the executive officer of CITY will attempt to negotiate a resolution. If PARTNERS do not reach a resolution, PARTNERS’ legal counsel will initiate mediation. PARTNERS agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTNERS from full and timely performance of OBLIGATIONS in accordance with the terms of this Agreement. However, if any PARTNER stops fulfilling OBLIGATIONS, any other PARTNER may seek equitable relief to ensure that OBLIGATIONS continue.

Except for equitable relief, no PARTNER may file a civil complaint until after mediation, or 45 calendar days after filing the written mediation request, whichever occurs first.

PARTNERS will file any civil complaints in the Superior Court of the county in which the CALTRANS district office signatory to this Agreement resides or in the Superior Court of the county in which PROJECT is physically located. Each PARTNER will be responsible for their own costs, fees, and expenses, including attorney fees as a result of litigating a dispute under this Agreement or to enforce the provisions of this article including equitable relief.

64. PARTNERS maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

65. If any provisions in this Agreement are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other Agreement provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this Agreement.

66. PARTNERS intend this Agreement to be their final expression and supersedes any oral understanding or writings pertaining to OBLIGATIONS.

67. If during performance of WORK additional activities or environmental documentation is necessary to keep PROJECT in environmental compliance, PARTNERS will amend this Agreement to include completion of those additional tasks.
68. Except as otherwise provided in the Agreement, PARTNERS will execute a formal written amendment if there are any changes to OBLIGATIONS.

69. PARTNERS agree to sign a COOPERATIVE AGREEMENT CLOSURE STATEMENT to terminate this Agreement.

However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement.
DEFINITIONS

CALTRANS – The California Department of Transportation

CALTRANS STANDARDS – CALTRANS policies and procedures, including, but not limited to, the guidance provided in the Guide to Capital Project Delivery Workplan Standards (previously known as WBS Guide) available at http://www.dot.ca.gov/hq/projmgmt/guidance.htm.

CEQA (California Environmental Quality Act) – The act (California Public Resources Code, sections 21000 et seq.) that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those significant impacts, if feasible.

CFR (Code of Federal Regulations) – The general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government

CONSTRUCTION CAPITAL – See PROJECT COMPONENT.

COOPERATIVE AGREEMENT CLOSURE STATEMENT – A document signed by PARTNERS that verifies the completion of all OBLIGATIONS included in this Agreement and in all amendments to this Agreement.

FHWA – Federal Highway Administration

FHWA STANDARDS – FHWA regulations, policies and procedures, including, but not limited to, the guidance provided at www.fhwa.dot.gov/topics.htm.

FUNDING PARTNER – A PARTNER that commits a defined dollar amount to fulfill OBLIGATIONS. Each FUNDING PARTNER accepts responsibility to provide the funds it commits in this Agreement.

FUNDING SUMMARY – A document separate from this Agreement that documents the details of funding and billing/payment arrangements. Details include, but are not limited to, fund source, fund type, payment method, invoice frequency, deposit amounts and PROJECT COMPONENT in which funds are to be spent. Funds listed on the FUNDING SUMMARY are “not-to-exceed” amounts for each FUNDING PARTNER.

GAAP (Generally Accepted Accounting Principles) – Uniform minimum standards and guidelines for financial accounting and reporting issued by the Federal Accounting Standards Advisory Board that serve to achieve some level of standardization. See http://www.fasab.gov/accepted.html.

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.
HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

IMPLEMENTING AGENCY – The PARTNER is responsible for managing the scope, cost, and schedule of a PROJECT COMPONENT to ensure the completion of that component.

IQA (Independent Quality Assurance) – Ensuring that IMPLEMENTING AGENCY’s quality assurance activities result in WORK being developed in accordance with the applicable standards and within an established Quality Management Plan (QMP). IQA does not include any work necessary to actually develop or deliver WORK or any validation by verifying or rechecking work performed by another PARTNER.

NEPA (National Environmental Policy Act of 1969) – This federal act establishes a national policy for the environment and a process to disclose the adverse impacts of projects with a federal nexus.

OBLIGATION COMPLETION – PARTNERS have fulfilled all OBLIGATIONS included in this Agreement, and all amendments to this Agreement, and have signed a COOPERATIVE AGREEMENT CLOSURE STATEMENT.

OBLIGATIONS – All responsibilities included in this Agreement.

OMB (Office of Management and Budget) – This federal office oversees the preparation of the federal budget and supervises its administration in Executive Branch agencies.

PARTNER – Any individual signatory party to this Agreement.

PARTNERS – The term that collectively references all of the signatory agencies to this Agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER’s individual actions legally bind the other PARTNER.

PSA (Program Supplement Agreement) – The document executed for PROJECT between CITY and the Caltrans’ Division of Local Assistance that authorizes payment and billing to occur with locally sponsored state and federal funds.

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- PID (Project Initiation Document) – The activities required to deliver the project initiation document for PROJECT.
- PA&ED (Project Approval and Environmental Document) – The activities required to deliver the project approval and environmental documentation for PROJECT.
- PS&E (Plans, Specifications, and Estimate) – The activities required to deliver the plans, specifications, and estimate for PROJECT.
- R/W (Right of Way) SUPPORT – The activities required to obtain all property interests for PROJECT.
- R/W (Right of Way) CAPITAL – The funds for acquisition of property rights for PROJECT.
• **CONSTRUCTION SUPPORT** – The activities required for the administration, acceptance, and final documentation of the construction contract for PROJECT.

• **CONSTRUCTION CAPITAL** – The funds for the construction contract.

**PROJECT MANAGEMENT PLAN** – A group of documents used to guide a project’s execution and control throughout that project’s lifecycle.

**PS&E (Plans, Specifications, and Estimate)** – See PROJECT COMPONENT.

**QMP (Quality Management Plan)** – An integral part of the PROJECT MANAGEMENT PLAN that describes IMPLEMENTING AGENCY’s quality policy and how it will be used.

**QC/QAP (QUALITY CONTROL/QUALITY ASSURANCE PROGRAM)** – Per NEPA assignment CALTRANS will review all environmental documents as described in the Jay Norvell Memos dated October 1, 2012 (available at http://www.dot.ca.gov/ser/memos.htm). This also includes the independent judgment analysis and determination under CEQA that the environmental documentation meets CEQA statute and Guideline requirements.

**R/W (Right of Way) CAPITAL** – See PROJECT COMPONENT.

**R/W (Right of Way) SUPPORT** – See PROJECT COMPONENT.

**SHS (State Highway System)** – All highways, right of way, and related facilities acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.

**SPONSOR** – Any PARTNER that accepts the responsibility to establish scope of PROJECT and the obligation to secure financial resources to fund PROJECT. SPONSOR is responsible for adjusting the PROJECT scope to match committed funds or securing additional funds to fully fund the PROJECT scope. If a PROJECT has more than one SPONSOR, funding adjustments will be made by percentage (as outlined in Responsibilities). Scope adjustments must be developed through the project development process and must be approved by CALTRANS as the owner/developer of the SHS.

**WORK** – All scope activities included in this Agreement.
CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

The primary Agreement contact person for CALTRANS is:
Steven Milton, Project Manager
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
Office Phone: (559) 243-3451

The primary Agreement contact person for CITY is:
Luis Topete, Project Manager
1600 Truxton Ave
Bakersfield, CA 93301
Office Phone: (661) 326-3478
PARTIES declare that:
1. Each party is an authorized legal entity under California state law.
2. Each party has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: SHARRI BENDER EHLERT
District Director

CERTIFIED AS TO FUNDS:

By: BILL ETHERTON
Budget Manager

CITY OF BAKERSFIELD

By: HARVEY HALL
MAYOR

COUNTERSIGNED:

By: NELSON K. SMITH
FINANCE DIRECTOR

APPROVED AS TO CONTENT
Public Works Department

By: RAUL ROJAS
DIRECTOR

APPROVED AS TO FORM

By: ANDREW HEGLUND
DEPUTY CITY ATTORNEY II
ADMINISTRATIVE REPORT

MEETING DATE: March 5, 2014
AGENDA SECTION: Workshops
ITEM: 6.C. 142

TO: Honorable Mayor and City Council
FROM: Alan Tandy, City Manager
DATE: February 28, 2014

SUBJECT: Centennial Corridor Project (TRIP) (Wards 2 and 3)

1. Early Release of Funds for Property Acquisition
2. Appropriation of $165,000,000.00 Federal Transportation Funds to the Centennial Corridor Project Capital Improvement Budget

RECOMMENDATION: Staff recommends that the City Council authorize staff to begin voluntary property acquisition of full parcels associated with the Centennial Corridor project with the Early Acquisition Funding Release in the amount of $165,000,000.00. Staff also recommends approval of the appropriation.

BACKGROUND: Caltrans is the lead agency under the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") for the approval of the Centennial Corridor project, and has selected Alternative B for the Centennial Corridor route. Caltrans will release a draft environment impact report/environmental impact statement ("EIR/EIS") shortly. Following the release of this document, Caltrans will receive public comment and then prepare a final EIR/EIS that addresses the comments received.

Under recent federal legislation, known as "The Moving Ahead for Progress in the 21st Century Act" ("MAP-21"), 23 USC 108, Congress authorized both Caltrans and eligible local public agencies to perform certain early acquisition activities for voluntary right-of-way acquisitions prior to completion of the environmental review process and to obtain full reimbursement of eligible expenditures. The purposes of early acquisition include expediting project delivery, creating jobs, and reducing hardship for those who own property in the proposed path of a project and encounter difficulties when they seek to sell their property before final project approval. Early acquisition allows owners to voluntarily sell and relocate if they wish.

Both Caltrans and the Federal Highway Administration approved the early release of $165,000,000.00 for the Centennial Corridor project to the City of Bakersfield on January 28, 2014.

The City of Bakersfield has had eighty-three (83) inquiries from property owners to date who have expressed an interest in early acquisition. Additionally, this funding would allow the City to address hardship cases, such as when an owner needs to move to an assisted-living facility or...
has other personal difficulties and cannot sell the property. Early acquisition has the potential to mitigate the disruptions and hardships that lengthy project schedules can impose on a community.

It should be noted that the power of Eminent Domain is not allowed under early acquisition rules.

These federal transportation funds will be appropriated to the Centennial Corridor Project Capital Improvement Budget. The decision to release these funds, along with the City Council’s decision to accept them, legally secures federal funding in the amount of $165,000,000.00 in a federal earmark, which will be for the benefit of the project and the local community, and will preclude the diversion of those funds from TRIP to other projects.

This early release was requested in October, 2012. Since the law allowing it is new, it has taken some time to secure the release of the funds and for participating transportation agencies to conform from historically long-standing practices and guidelines. Caltrans’ Regional Office of Real Estate and Right of Way (ROW) approved the release of funds. Subsequently, Caltrans Headquarters for Real Estate and ROW approved the action on February 14, 2014. Finally, the Federal Highway Administration (FHWA) concurred with the Caltrans Action on February 21, 2014, clearing the funds for release.

Properties acquired will not be demolished unless and until the environmental review process is complete. The properties will be preserved and monitored, and in most cases, made available for rent. If the project is not approved, the properties will be sold, with the proceeds going to the City and federal government in proportion to the amounts each agency contributed to the acquisition. Costs of property management and related expenses are a part of the federal grant approval process.

The City expects to receive toll credits for the local match as it did on the GAP 58 project. Toll credits effectively serve as a no-interest loan. At the end of the land acquisition phase, the City will complete a financing to generate the local funds needed to complete the project. This phase of the project is 89% funded by the federal grant.

In a separate but related item, staff is recommending that Overland Pacific and Cutler (OPC) be retained to administer all aspects of the property acquisition, such as property management, noticing, appraisals, negotiations, relocation assistance, and closings.

In addition to relieving hardship for those who need to sell their properties, early acquisition affords more overall time for affected owners to relocate and allows the community to better absorb shifts in the housing market.

A fact sheet titled, “Right of Way / Frequently Asked Questions – Centennial Corridor Project” is attached for background and will be provided to those property owners who inquire about the process.
1. Why is private property needed for the Centennial Corridor Project?

The City of Bakersfield is working with Caltrans and project partners to provide increased connectivity for traffic traveling within and through Bakersfield and to build a continuous route along State Route 58 to Interstate 5. The Centennial Corridor Project proposes to widen the freeway in both directions and to upgrade interchanges and some local streets. Extending the 58 Freeway requires the City of Bakersfield to purchase a number of private properties—either in part or in full—and to secure construction and utility easements with owners along the corridor.

2. How do I know if my property is affected?

Based upon preliminary designs, a number of properties will be affected. Property needs will be finalized once the final design and environmental document is complete, scheduled for Spring 2014. To learn whether your property may be affected, please call the project helpline at (661) 326-3238 or e-mail centennial@dot.ca.gov, to submit your inquiry.

3. How many properties may need to be purchased?

Current preliminary designs for the project may require full purchase of about 293 parcels, comprising of roughly 215 residential properties, 40 commercial/industrial properties and 38 vacant land parcels. This will require the relocation of 310 residents/tenants and 121 businesses. The final number of affected properties will be determined once the design is final and the project receives environmental approval, expected to occur in Spring 2014.

4. What is being done to minimize how much property is affected?

The City of Bakersfield is working with the design engineers to reduce the number of parcels needed and to lessen the degree to which they are affected. The City of Bakersfield will use its best efforts to minimize project impacts on parcels throughout construction.

5. How is the value of my property determined?

The City of Bakersfield will follow the acquisition process defined by federal and state laws. By law, public agencies must present to you a written offer representing “fair market value,” which is determined by an appraiser independent of the City of Bakersfield. You are encouraged to be present during the appraisal and to offer any information that is relevant to the property value. The appraisal is then reviewed by a second independent appraiser, and an offer is prepared and presented to you. You may accept the offer or provide additional information to the City of Bakersfield to consider that would assist in reaching a mutually acceptable value. In addition, you may obtain your own appraisal and be reimbursed for the reasonable cost, up to $5,000.

6. When will you buy my property?

We have requested approval from Caltrans and the Federal Highway Administration (FHWA) to implement the acquisition process early. If approved, we could start acquiring properties on a voluntary basis in spring 2013.

7. What if only a portion of my property is needed? How will I be compensated?

If only part of your property is needed, the City of Bakersfield will pay fair market value for the land and improvements needed, plus any additional damages caused to the remainder of the property. You also will be paid fair market value for any required easements.
RESIDENTIAL
Summary of Relocation Benefits
(Uniform Relocation Assistance and Real Property Acquisition Regulations)

As an eligible displaced person, you will be offered appropriate advisory and financial assistance to help relocate, including:

- Referrals to suitable replacement locations;
- Payment for your moving expenses;
- Rental assistance or replacement housing payment;
- Other help to reestablish your residence and minimize the impact of the move, including help in preparing a claim form for a relocation payment.

Rental Assistance Payment: (For Eligible Tenants)

This payment is based on the difference between the lesser of the monthly rent paid at the displacement site or 30% of gross monthly family income and the rent the tenant must pay for a comparable replacement dwelling. This difference is then multiplied by 42 months.

Replacement Housing Payment: (For Eligible Homeowners)

This payment is the differential between the cost of the Agency-acquired dwelling and the cost of a comparable replacement dwelling. The total payment includes the price differential, any mortgage interest differential, and non-recurring closing and incidental expenses required to purchase a replacement dwelling.

Rental Assistance Option - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that you could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between the fair market rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

Moving Expenses: (For Eligible Tenants and Homeowners)

1. Actual Reasonable Moving Expense – You may be paid for the actual reasonable costs by a professional mover plus related expenses to move your personal belongings up to 50 miles.

   OR,

2. Fixed Moving Payment – You may choose to move yourself and receive a fixed moving payment. Payment is based on a schedule for Residential Moving Cost published by the Federal Highway Administration. The amount of payment is based on the number of rooms in your dwelling.
BUSINESSES

Summary of Relocation Benefits

(Uniform Relocation Assistance and Real Property Acquisition Regulations)

Relocation Advisory Assistance — Assistance will be provided to search for a new property to conduct your business. Information about available properties, zoning requirements and typical real estate purchase and rental costs may be provided.

Moving and Related Expenses — Businesses may be paid on the basis of actual reasonable moving and related costs and reestablishment expenses that the City of Bakersfield determines are reasonable and necessary, which may include the following:

- Transportation of personal property limited to 50 miles or less.
- Packing, crating, unpacking and un-crating of the personal property.
- Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property, and certain substitute personal property.
- Storage of the personal property not to exceed 12 months. Storage fees must be pre-approved by the City of Bakersfield.
- Insurance for the replacement value of personal property in connection with the move and necessary storage.
- Any license, permit or certification required of your business at the replacement location to the extent that such cost is necessary to the reestablishment of the business at a new location.
- Professional services necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.
- Reprinting stationery on hand at the time of displacement that is made obsolete as a result of the move.
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business.
- The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property. If an item of personal property which is used as part of a business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of the cost of the substitute item or the estimated cost of moving and reinstalling the replacement item.
- Searching for a replacement location. A displaced business is entitled to reimbursement for actual expenses, not to exceed $2,500, which are determined to be reasonable and are incurred in searching for a replacement location.
- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced business operation. At the discretion of the City of Bakersfield, a reasonable pre-approved hourly rate may be established.
- Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the City of Bakersfield.
- Other moving related expenses that the City of Bakersfield determines to be reasonable and necessary.
- You may move either by commercial mover or take full responsibility for all or part of the move. If you elect a “self-move,” at least two acceptable bids or estimates must be obtained and the City of Bakersfield must agree to an approved amount for the self-move; AND,

Reestablishment Expenses — In addition, a small business may be eligible to receive a payment, not to exceed $10,000, for reasonable and necessary expenses actually incurred in relocating and reestablishing at a replacement site. Property owners of rental property are not entitled to the $10,000 maximum. OR,

Fixed Payment in Lieu of Payment for Actual Moving and Relating Expenses and Reestablishment Expenses — In lieu of a payment for actual moving and related expenses and reestablishment expenses (as described above), you may elect to receive an amount equal to your business’ recent average annual net earnings in an amount not less than $1,000 nor more than $20,000.
Dear City Council Members,

I am writing to urge you to support the early acquisition of homes in the path of the Centennial Corridor. We are among the people who requested that our homes be purchased early. My husband has just retired, and I am approaching retirement at the end of this year. We lived “in limbo” for the past five years, waiting for a decision to be made about the route of the Centennial Corridor, and then, upon learning that our house is directly in the path of the chosen Route B, we waited for the decision to purchase the homes. We are greatly relieved that the decision is so close.

Because we wanted to move forward with our lives when we were still working and in a position to purchase another good home, we went ahead and moved out of the Westpark neighborhood last year. We are looking forward to selling our Westpark home. We know there are others who are in our position and anxious to move forward with their lives. Please approve the early acquisition proposal. Thank you.

Joan Lindsay Kerr
(661) 861-9552
Centennial Corridor

Early Release of Funds for Property Acquisition
Under recent federal legislation, known as “The Moving Ahead for Progress in the 21st Century Act” (“MAP-21”), Congress authorized both Caltrans and eligible local public agencies to perform certain early acquisition activities for voluntary right-of-way acquisitions prior to completion of the environmental review process and to obtain full reimbursement of eligible expenditures. The purposes of early acquisition include expediting project delivery, creating jobs, and reducing hardship for those who own property in the proposed path of a project and encounter difficulties when they seek to sell their property before final project approval. Early acquisition allows owners to voluntarily sell and relocate if they wish.
The Draft EIR is being finalized by Caltrans and FHWA. Their preferred route is “B”.

After all the “i’s” have been dotted, and the “t’s” crossed, circulation will follow in April, as will a Caltrans public meeting.
City asks to buy homes early

Staffers hope to begin acquisitions a year before final decision on Centennial route

BY ANTONIO BOSSERT
Caltrans staff writer
aboosemann@bakersfield.com

The city of Bakersfield could start buying up homes in the Westpark neighborhood in the potential pathway of the Centennial Corridor freeway as early as this spring, a year before the final decision is expected on the project’s route.

City staff have applied to the California Department of Transportation for the go-ahead to make early acquisitions, a step allowed under the federal transportation bill signed last year. But first Caltrans has to implement the bill’s provisions, said Don Anderson, the city’s real property manager who’s coordinating how the city will buy up property for the project.

Caltrans has told city staff that it could decide as soon as March whether the city will be allowed to make early acquisitions, Anderson said. If that all holds in place, the city could start buying properties right away.

“We’ve been trying to figure out how we can qualify for this, because we want to get started as soon as possible,” Anderson said.

The Centennial Corridor is a long-studied and debated project to extend Highway 58 west to the Westside Parkway and eventually Interstate 5. It’s the most expensive of the Thomas Roads Improvement Program projects and will be mainly funded with already-approved federal dollars. It also would take down the largest number of homes of any TRIP project, about 200, plus many businesses and a handful of schools, apartment buildings, duplexes and other multi-family residences.

Matt Brock, a Caltrans spokesman in Sacramento, said the agency is working to implement the new provisions of the federal transportation bill, the Moving Ahead for Progress in the 21st Century Act. Those provisions would apply here. Under the former federal rules, early acquisitions only could happen in a few instances, such as to protect a corridor for a later project, an instance that doesn’t apply in this case, Anderson said. The new federal rules broaden those parameters, he said.

“It’s being reviewed as we speak,” Brock said.
Formal Notice

• Caltrans and the Federal Highway Administration (FHWA) approved the early release of $165,000,000.

• Confirming documentation was received February 21, 2014.
Homeowner Inquiries/Requests

• To date, 85 inquiries/requests from property owners, some hardship, some distressed by the lengthy process.

• Early release is for voluntary sales only.
• Eminent Domain may not be used under the early release program.

• After adoption of the Final EIR by Caltrans and FHWA, normal acquisition procedures would become effective.
Security/Protection

- This action legally secures the $165,000,000, and protects it from political raid. We have been advised it is the largest early acquisition amount approved in the county, to date.

- Added to the release of funds for the 24th Street Widening project, there is $180,900,000 total, fully protected.
Acquisition/Relocation

• All federal and state acquisition and relocation procedures will be followed.
Demolition

• There will be **no** demolition during the early release period.

• All properties will be maintained.

• Owners will be given the option to continue occupancy, if so desired. Otherwise, the properties will be rented.
Toll Credits

• The project will be 89% federally funded; toll credits apply towards the local match of 11%.

• This is equivalent to an interest-free loan until the project is completed.
Use of Funds

- The $165,000,000 pays for:
  - Property (To be negotiated by OPC. Agreements over $40,000 will be approved by the City Council.)
  - Relocation
  - Goodwill
  - Condemnations after the early release program concludes
  - Structure testing, demolition after the early release concludes
  - Right-of-Way support costs
    - Appraisals, title, escrow, etc.
  - Rental and maintenance costs
  - OPC Contract costs
City Council Commitment

- $69,000,000 has been spent or legally obligated, to date.
- The Centennial Corridor is an integral link in the TRIP projects.
- It has actively been in progress since January, 2008.
- $165,000,000 was approved for early release by Caltrans and FHWA, the entities that will approve the EIR.
- The commitment to support this project should continue through construction and completion.
Conclusion

• This is the best course of action to assist those who simply want the choice to sell now and move forward.

• It also secures the single largest amount of the TRIP federal grant.
STREETS DIVISION – WORK SCHEDULE

Week of November 2, 2015 – November 6, 2015

Resurfacing/Reconstructing streets in the following areas:

Maintenance Grind & Pave on Panama Ln. between Freeway 99 and Stine Rd
Preparing Hughes Lane between Wilson Rd and Planz Rd for a Maintenance Grind & Pave
Preparing Planz Rd between Wible Rd and So “H” St for a Maintenance Grind & Pave

Miscellaneous Streets Division projects:

Video inspection of City owned Sewer & Storm lines to evaluate condition of pipes
Repairing damaged sewer line found during video inspection
Miscellaneous concrete repairs throughout the city
Curb & Gutter installation at Sports Village
Working on Brick repairs at Centennial Plaza
Concrete work for new parking lot at Mesa Marin Sports Complex
Concrete Repairs to various Bus Stops throughout City limits
Enlarging drainage basin at the corner of 24th & Oak St
Modifying outlet structures at Greenbelt drainage area off of Monitor and Pacheco
Concrete work in the area of California Ave to Verde from “A” St to Chester (HUD Area)
Concrete work in the area of Madison to Cottonwood from Casa Loma to Brook St (HUD Area)

NOTE: If raining, there will be no street sweeping service and all street cleaning personnel will be assigned to cleaning plugged drains and part circle culverts. This also applies when a large number of street sweeper are in Fleet for repairs. Areas that have been missed during this time will be swept at the end of the month only when possible.
STREETS SWEEPING SCHEDULE

Monday, November 2, 2015
Between Golden State & 16th St. -- “F” St. & Oak St. / Kern River Boundary
Between 34th St. & 30th St. -- Chester Ave. & San Dimas St.
Between San Dimas St. & Beale Ave. -- 34th/Bernard St. & Niles St.
Between Olive Dr. & Riverlakes Dr. (ext.) -- Riverlakes Dr. & Coffee Rd.

Tuesday, November 3, 2015
Between California Ave. & Brundage Ln. -- Oak St. & Union Ave.
Between Renfro Rd. & Jenkins Rd. -- Stockdale Hwy. & Kern River Boundary.

Wednesday, November 4, 2015
Between Panorama Dr. & Bernard St. -- Union Ave. & Loma Linda Dr.
Between River Blvd. & E. Columbus St. -- Panorama Dr. & Columbus St.
Between College Ave. & Azalea Ave. -- Mountain Dr. & Raval St.
Between Ming Ave. & White Ln. -- Allen Rd. & Buena Vista Rd.

Thursday, November 5, 2015
City areas between Kentucky St. & Quincy St. -- Owens St. & Virginia St.
Between Union Ave. & Washington St. -- E. Truxtun Ave. & Brundage Ln.
Between Progress Rd. & Old River Rd. -- Panama Ln. & Pacheco Rd. (alignment)
City areas between Progress Rd. & Old River Rd. -- Meadow Falls Dr. & Rose Creek Dr.

Friday, November 6, 2015
Between Buena Vista Rd. & Allen Rd. -- Harris Rd. & Panama Ln.
Between Buena Vista Rd. & Mountain Vista Dr. -- Panama Ln. & Birkshire Rd.
Between 178 Hwy. & Paladino Dr. -- W. Columbus St. & Morning Dr.
City areas between Sterling Rd. & Morning Dr. -- 178 Hwy. & College Ave.
Between Valley St. & Lene Pl. -- 178 Hwy & Hickory Dr.
Between 178 Hwy. & Reynard Rd. -- Kern Canyon Rd. & McKenna St.
Between Stockdale Hwy. & Joseph Dr. -- McDonald Wy. & N. Stine Rd.
UPCOMING EVENTS

October 9 – Condors vs Grand Rapids
$35, $25, $20, $16, $12
7:00 PM
On Sale Now

October 10 – Condors vs Ontario
$35, $25, $20, $16, $12
7:00 PM
On Sale Now

October 16 – Pepe Aguilar
$149, $119, $89, $49
8:00 PM
On Sale Now

October 17 – Condors vs San Jose
$35, $25, $20, $16, $12
7:00 PM
On Sale Now

October 29 – Kevin Hart
$89.50, $69.50, $49.50
7:00 PM
On Sale Now

November 5 – Disney On Ice
$55, $33, $12
7:00 PM
On Sale Now

November 6–8 – Disney On Ice
$55, $33, $23, $18, $15
On Sale Now

November 21 – PBR Velocity Tour
$79, $54, $34, $19
7:00 PM
On Sale Now

November 25 – Juan Gabriel
$225.50, $155.50, $105.50, $85.50, $65.50
9:00 PM
On Sale Now

December 5 – Guns ‘n Hoses Boxing
$38, $33, $28, $23, $18
6:00 PM
On Sale Now

January 22–23 – Monster X Tour
$40, $20, $17, $15, $10
7:30 PM
On Sale Now

February 15 – Harlem Globetrotters
$85, $50, $40, $33, $25, $18
2:00 PM
On Sale Now

October 5 – Vivace (BCCA) 7:30 PM
BCCA event

October 20 – J Balvin with Becky G
$73, $47.50, $37.50, $27.50
On Sale Now

November 10 – Taste of Home
$55, $15
3:00 PM
On Sale Now

November 14 – Symphony
$45, $35, $30, $20
7:30 PM
On Sale Now

November 16 – Hits & Grins (BCCA)
BCCA event

December 14 – George Kahn (BCCA)
BCCA event

January 8 – Disney Live
$56, $32, $23, $18
3:30 & 6:30 PM
On Sale Now

January 12 – Valinor Quartet (BCCA)
BCCA event

February 6 – Symphony
$45, $35, $30, $20
7:30 PM
On Sale Now

March 12 – Symphony
$45, $35, $30, $20
7:30 PM
On Sale Now

April 25 – Joe Bonamassa
$125, $99, $89, $79, $69
8:00 PM
On Sale 10/9

April 27 & 28 – Shen Yun
$120, $110, $100, $80, $70, $60
7:30 PM
On Sale Now