

Meeting Date: 7/22/2014

Report Type: Consent

Report ID: 2014-00525

Title: Memorandum of Understanding between the State of California, City of Sacramento and City of West Sacramento of the intent to relinquish a portion of State Route 275 including the Tower Bridge

Location: District 4

Recommendation: Pass a Resolution approving a Memorandum of Understanding (MOU) between the State of California Department of Transportation (Caltrans), City of Sacramento and City of West Sacramento (Cities) declaring the intent of Caltrans to relinquish a portion of State Route 275 (SR275) at PM 13.07, including the Tower Bridge (Bridge No. 22-0021) to Cities.

Contact: Jerry Way, Director of Public Works, (916) 808-7111, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Office Of The Director

Dept ID: 15001011

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Relinquishment Process
- 4-Resolution
- 5-Exhibit A- Location Map
- 6-MOU Tower Bridge Relinquishment

City Attorney Review

Approved as to Form
Gerald Hicks
7/3/2014 3:28:37 PM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 7/1/2014 6:44:51 AM

Description/Analysis

Issue: In December 2013, the Director of Caltrans District 3 sent a letter to the cities of Sacramento and West Sacramento formally requesting consideration for relinquishment of the Tower Bridge to the local jurisdictions.

The Tower Bridge was built in 1935 and is iconic for both cities. Approximately 10 years ago, the City of Sacramento obtained control of a segment of State Route 275 (SR275), known as Capitol Mall, on the eastern side of the tower Bridge and West Sacramento obtained control of a segment of SR275 on the west side of Tower Bridge, known as Tower Bridge Gateway, through the relinquishment process. What remains is a bridge that has no connectivity with the rest of the state highway system.

Additionally, over the last six years, 48 different encroachment permits have been approved by Caltrans for a variety of uses including “Farm to Fork” dinner, Amgen Tour, New Year’s Eve fireworks, and many fundraising runs and events. The encroachment permit process can be restrictive, lengthy and cumbersome. For example, all events must be sponsored by the city, county or a nonprofit organization, and require letters of concurrence from both Sacramento and West Sacramento expressing support for the event. Relinquishing Tower Bridge to local control would provide opportunity to streamline the process making it less burdensome on applicants.

The MOU documents the intent of Caltrans and the cities of Sacramento and West Sacramento to enter into a relinquishment agreement for the Tower Bridge which is expected to occur in 2019 or upon completion of the Caltrans State Highway Operation and Protection Program (SHOPP) rehabilitation project that will replace the bridge fenders.

Policy Considerations: The relinquishment of Tower Bridge to the City supports the following General Plan Mobility goals and policies:

- Goal M 1.1 - Comprehensive Transportation System. Provide a transportation system that is effectively planned, managed, operated, and maintained.
 - Policy M 1.1.2 - Travel System. The City shall manage the travel system to ensure safe operating conditions.
 - Policy M 1.1.4 - Facilities and Infrastructure. The City shall effectively operate and maintain transportation facilities and infrastructure to preserve the quality of the system.
- Goal M 4.1 - Roadway System. Create a roadway system that will ensure the safe and efficient movement of people, goods, and services that supports livable communities and reduces air pollution and greenhouse gas emissions.

- Policy M 4.1.4 - Partnerships with Other Agencies. The City shall develop partnerships with agencies to inspect and maintain bridge facilities.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): Executing a MOU with Caltrans and the City of West Sacramento is not considered a project as defined by Section 15378(b)(5) of the CEQA guidelines. The recommended action involves administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: The Tower Bridge is a critical access point for downtown Sacramento and West Sacramento that functions as a historic gateway joining the two communities. Staff believes that gateway is best served by local control and ownership.

The Tower Bridge no longer serves the needs of the state highway system. Both the east and west ends of the former state highway route have been relinquished, leaving the bridge disconnected from any state highway. Plans by the cities of Sacramento and West Sacramento to increase multi-modal connectivity and the numerous community events, such as runs/walks, bike races, and the farm to fork dinner that have recently used the Tower Bridge, highlight that the Bridge can be a local asset.

The bridge is staffed and moved by mechanical means with an annual cost of approximately \$400,000 for operation and maintenance. The work performed by Caltrans in recent years has the structure in very good condition with one additional capital project to deliver for fender system replacement at an estimated cost of nearly \$8.5mm which is scheduled for completion by Caltrans in 2017-2018.

The two cities, Sacramento and West Sacramento, are collaborating to deliver a new I Street Bridge with a new Broadway Bridge proposed as well. These future bridges will likely be movable bridges and the need for the cities to operate these new bridges will be a required expense and could be accomplished in conjunction with the existing Tower Bridge control center by creating a central bridge control system in one location.

Financial Considerations: Caltrans District 3 has offered 5 years of Maintenance & Operations (M&O) funding if the cities pursue a cooperative agreement now. The entire relinquishment process takes 13 to 18 months once the formal relinquishment process begins. The fender system rehabilitation work is scheduled for completion in 2018. Hence, the soonest the cities would take ownership of the

bridge would be 2018. Leveraging five years of funding for M&O would provide valuable time for considering a centralized bridge control system without any local funds being needed until at least Fiscal Year 2023-24.

Local Business Enterprise (LBE): Not applicable.

Background:

State facilities that pass through our cities greatly affect our ability to realize the goals defined in our planning documents, and also constrain our ability to be responsive to community needs in day-to-day development and land use entitlement activities. Proposals with local, community focus are subjected to State standards that have an entirely different focus reflecting different priorities.

There are also high costs associated with efforts of both city staff and private developers grappling with the State process as projects are proposed, and encroachment permits required from the State for virtually any improvement - private or public - proposed along a state-owned right-of-way. As the State has grown and developed, and larger interstate freeways have been built, some state-owned transportation facilities that once served an inter-regional purpose, now only serve local-uses.

In the early 1990's, Caltrans recognized that control of, and responsibility for those facilities rightly belongs with the local agencies in which they are located. This shift in State policy occurred at a time when both the City of West Sacramento and the City of Sacramento were attempting to implement plans that would provide better connections within the cities and create pedestrian-friendly environments to foster a greater sense of vitality and community oriented activities.

On October 19, 2004 the City executed City Agreement No. 2004-0160 (pursuant to Resolution No. 2004-817) with Caltrans for the relinquishment to the City of the segment of SR275 known as Capitol Mall.

Relinquishment Process:

The major procedural steps and products, in chronological order, are described below:

1. Transportation System Analysis and Evaluation (Caltrans)

The Transportation System Analysis and Evaluation is a document produced by the Caltrans District 3 Division of Planning and Local Assistance that provides information to determine if the State highway or highway segment is appropriate for ,relinquishment..

2. Local Resolution Approving Proceeding with Relinquishment and Enactment of Legislation (Cities and County)

The City Council, Board of Supervisors, or both approve resolution(s) to proceed with the relinquishment. Following approval of the resolution(s), legislative enactment to remove the State highway or highway segment from the Streets and Highways Code must be completed before the California Transportation Commission (CTC) can vote on relinquishment.

3. Project Report and Environmental Document (Caltrans)

The Project Report serves as the Caltrans District approval document. A California Environmental Quality Act (CEQA) document is also prepared as part of the Project Report.

4. Relinquishment Agreement (Caltrans and local agencies)

This agreement outlines the terms in which the State highway or highway segment will be relinquished and is included in the Project Report. Caltrans and local agencies sign the Relinquishment Agreement following legislative enactment.

5. Relinquishment request package is sent to CTC for vote (Caltrans)

The relinquishment request package is sent to the CTC. The package includes resolutions from the City Councils and Board of Supervisors approving proceeding with the relinquishment, Project Report, CEQA document, Relinquishment Agreement, and Relinquishment map showing the limits of the highway or highway segment being relinquished. The CTC votes whether or not to approve the relinquishment.

RESOLUTION NO.

Adopted by the Sacramento City Council

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF CALIFORNIA, CITY OF SACRAMENTO AND CITY OF WEST SACRAMENTO OF THE INTENT TO RELINQUISH A PORTION OF STATE ROUTE 275 INCLUDING THE TOWER BRIDGE

BACKGROUND

- A. On December 10, 2013, the Director of Caltrans District 3 sent a letter to the cities of Sacramento and West Sacramento formally requesting consideration for relinquishment of the Tower Bridge to the local jurisdictions.
- B. In 2004, the City of Sacramento obtained control of a portion of State Route 275 (SR275) known as Capitol Mall on the eastern side of the tower Bridge and West Sacramento obtained control for SR275 on the west side of Tower Bridge known as Tower Bridge Gateway through the relinquishment process. What remains is a bridge that has no connectivity with the rest of the state highway system.
- C. The MOU documents the intent of Caltrans and the cities of Sacramento and West Sacramento to enter into a relinquishment agreement for the Tower Bridge which is expected to occur in 2019 or upon completion of the Caltrans State Highway Operation and Protection Program (SHOPP) rehabilitation project that will replace the bridge fenders

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager or the City Manager's designee is authorized to execute a Memorandum of Understanding (MOU) between the State of California Department of Transportation (Caltrans), City of Sacramento and City of West Sacramento (Cities) declaring the intent of Caltrans to relinquish a portion of State Route 275 (SR275) at PM 13.07, including the Tower Bridge (Bridge No. 22-0021) to the Cities.

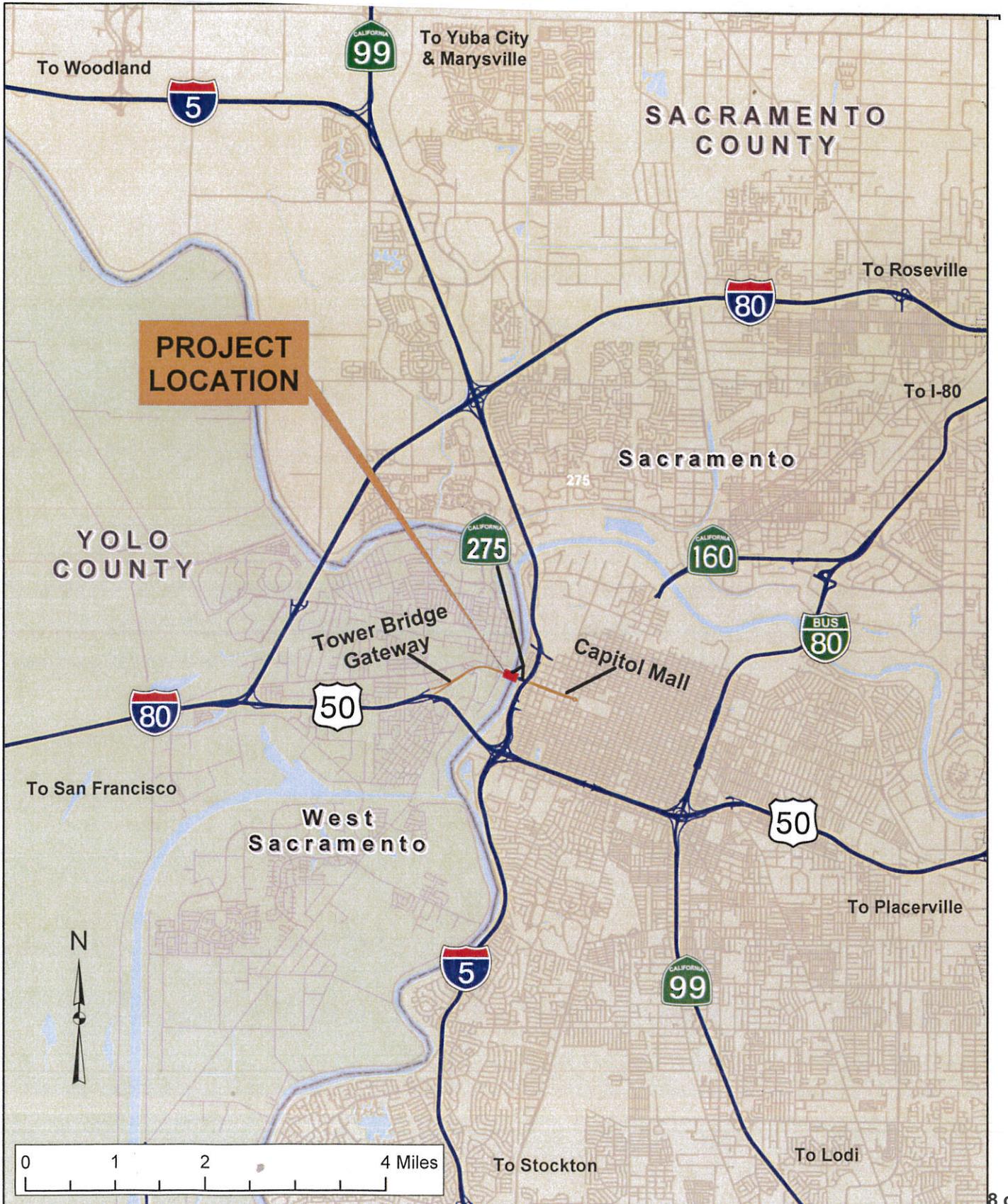
Section 2. Exhibits A and B are attached and are part of this Resolution.

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Exhibit A: Location Map

Exhibit B: MOU of Intent to Relinquish Tower Bridge to Cities

LOCATION MAP Tower Bridge Relinquishment 03-YOL-275-PM 13.07 EA: 03-3F550



MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (MOU) among the State of California, Department of Transportation (“Caltrans”), the City of Sacramento and the City of West Sacramento (individually referred to as “City” and collectively as “Cities”). It is the intent of Caltrans to relinquish a portion of State Route 275 (SR275) at PM 13.07, including the Tower Bridge, Bridge No. 22-0021(the “Bridge”) and related appurtenant facilities to Cities as shown in Exhibit A (the “Relinquished Facilities”).

This MOU documents the intent of Caltrans and the Cities to enter into relinquishment agreements for relinquishment of portions of the Relinquished Facilities to each City. Such relinquishments are expected to occur in 2019 or upon completion of the Caltrans State Highway Operation and Protection Program (“SHOPP”) project that will replace the Bridge fenders. Cities intend to accept the Relinquished Facilities based upon the conditions outlined in this MOU and upon approval by the California Transportation Commission (CTC) of Resolutions of Relinquishment and recordation of the Relinquishment Resolutions in the respective County Recorder’s Offices.

Caltrans and Cities have negotiated an understanding that Cities will accept and assume full maintenance, ownership, responsibility, control and liability in perpetuity over the Relinquished Facilities in exchange for the total payment of \$2,000,000, which represents five years of estimated maintenance costs after certain conditions are met as set forth in this MOU. The final distribution and apportionment of the \$2,000,000 payment to each City will be addressed in the Relinquishment Agreements.

In the interim, Caltrans and Cities intend to further preliminarily define the terms and conditions under which the future Relinquishment Agreements will be executed by Caltrans and Cities. Caltrans and Cities have negotiated and understand the conditions set forth below.

CITIES AGREE TO ENTER INTO FUTURE RELINQUISHMENT

AGREEMENTS WITH CALTRANS-

1. To accept ownership, including all of Caltrans’ current obligations, rights, title and interest in the Relinquished Facilities contingent upon the following:
 - a) Completion of the SHOPP rehabilitation project that will replace the Bridge fenders. The project is expected to be completed by 2019.
 - b) Completion of an independent structures assessment to be contracted and paid for by the Cities that concludes the Bridge is in a state of good repair.
 - c) Recordation of the CTC’s Resolutions of Relinquishment in the respective County Recorder’s Offices.

- d) To accept and assume full maintenance, ownership, responsibility, control and liability in perpetuity over each City's respective section of the Relinquished Facilities consideration for the total payment of \$2,000,000. The final distribution and apportionment of the \$2,000,000 payment to each City will be determined in the Relinquishment Agreements.
- e) Upon relinquishment, to thereafter operate, maintain, and be liable for the Relinquished Facilities at no additional cost to Caltrans.

Each City understands and acknowledges that all or a portion of the Relinquished Facilities lie within sovereign lands under the jurisdiction of the State Lands Commission and that Caltrans occupies such Relinquished Facilities pursuant to a reservation governed by Streets and Highways Code section 101.5. Each City further understands and acknowledges that each City must enter into an agreement with the State Lands Commission in order to effectuate a complete relinquishment and transfer of the Relinquished Facilities.

CALTRANS AGREES TO ENTER INTO FUTURE RELINQUISHMENT

AGREEMENTS WITH EACH CITY

1. To complete the currently programmed SHOPP project to replace the fenders on the Bridge.
2. To pay the total sum of \$2,000,000 representing Bridge maintenance costs for five (5) years. The final distribution and apportionment of the total \$2,000,000 payment to each City will be determined in the Relinquishment Agreements.
3. To pay each City, within thirty (30) days of the CTC's approval of funding and adoption of its Relinquishment Resolutions, the agreed upon disbursement and apportionment of funds totaling \$2,000,000.

Caltrans understands and acknowledges that all or a portion of the Relinquished Facilities lie within sovereign lands under the jurisdiction of the State Lands Commission and that Caltrans occupies such Relinquished Facilities pursuant to a reservation governed by Streets and Highways Code section 101.5. Caltrans further understands and acknowledges that such reservation may need to be released and that each City must enter into an agreement with the State Lands Commission in order to effectuate a complete relinquishment and transfer of the Relinquished Facilities.

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

By:

JODY JONES, District 3 Director

CITY OF WEST SACRAMENTO

Concurred By:

City Administrator

CITY OF SACRAMENTO

Concurred By:

City Manager



City Attorney, Approved as to form: