

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 03/31/2009 by the following vote:

**AYES:** ☐  
**NOES:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2009/111**

Approval of Amendment No. 1 to Cooperative Agreement No. 4-1885-C for the SR4 Bypass

WHEREAS, the State Route 4 Bypass Authority ("Authority") was created by the County of Contra Costa, City of Brentwood, and City of Antioch on February 28, 1989, through a Joint Exercise of Powers Agreement (JPA) as a public entity to perform project approval and environmental documentation (PA&ED) for the construction of a new local road, approximately 20 kilometers (12.4 miles) in length, which will serve as a SR4 Bypass; and

WHEREAS, seven amendments to the original JPA were executed between October 23, 1990, and September 28, 1999, that extended Authority's term to January 1, 2015, and expanded Authority's function and role beyond PA&ED to also include design, right of way, construction, and route transfer activities and added the City of Oakley as a fourth party to the original JPA; and

WHEREAS, it is intended that the SR4 Bypass will be adopted into the State Highway System when complete and that existing SR4 between the new SR4 Bypass connections will be relinquished to the respective local jurisdictions on the date when the SR4 Bypass is adopted except for a portion of existing SR4 that will be redesignated as SR 160; and

WHEREAS, the SR4 Bypass is defined as the four (4) following segments:

- Segment 1A (246541) is a freeway-to-freeway connector that lies entirely within existing State right of way on existing SR4 in the City of Antioch, east of the Hillcrest Avenue Overcrossing. Segment 1A was constructed by Authority pursuant to the terms and conditions of a companion Agreement, No. 4-1884 (Document No. 015848), executed on June 24, 2004;

**Contact: Steve Kowalewski, 925-313-2225**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: March 31, 2009**

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

**cc:**

- Segment 1B (246551) will be a new closed access (freeway) facility connecting to existing SR4 in the City of Antioch, east of Hillcrest Avenue Overcrossing and traversing a new alignment to Lone Tree Way in the City of Brentwood (six lanes from existing SR4 to the Laurel Road Interchange and four-lanes from the Laurel Road Interchange to 650 meters north of Lone Tree Way, thence two lanes to Lone Tree Way);

- Segment 2, from Lone Tree Way south to Balfour Road in the City of Brentwood, has been constructed as a two-lane expressway and is open to traffic; and

- Segment 3 (246531) has been constructed from Balfour Road south to Marsh Creek Road as a two-lane Expressway, then along Marsh Creek Road (East-West Connector) as a two-lane conventional highway, connecting to existing SR4 (Byron Highway); and

WHEREAS, Authority, State and local jurisdictions of Antioch, Oakley, Brentwood and Contra Costa County have cooperated in project development of the SR 4 Bypass through State providing design and construction oversight for successive segments of SR4 Bypass; and

WHEREAS, Authority is willing to fund one hundred percent (100%) of all capital outlay and staffing costs for the four segments of the SR4 Bypass as defined above, including the cost of State oversight/engineering services as discussed in Section I, Articles 23, 28, 30 and 31 of Cooperative Agreement No. 4-1885-C; and

WHEREAS, future phases of the SR4 Bypass could be funded with a combination of funds including developer fees, Measure J funds, state funds and federal funds; and

WHEREAS, the terms and conditions under which SR4 Bypass are to be developed, designed, constructed, financed, opened to traffic, and maintained, and also outline the conditions for the opening and transfer of the SR4 Bypass and the contemporaneous relinquishment of the bypassed portions of existing SR4 (except for that portion of existing SR4 redesignated as SR 160) are defined in Cooperative Agreement No. 4-1885-C; and

WHEREAS, the parties now desire to amend the agreement to extend the termination date to December 31, 2010 and revise the indemnification articles; and

NOW, THEREFORE, BE IT RESOLVED, the Board approves the first amendment to Cooperative Agreement No. 4-1885-C between the State Route 4 Bypass Authority, State of California, County of Contra Costa, City of Antioch, City of Brentwood, and the City of Oakley and authorizes the Chair, Board of Supervisors, to execute the amendment to the cooperative agreement.