



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: August 4, 2020

Subject: APPROVE Encroachment Permit for the Marsh Drive at Walnut Creek Bridge Replacement Project, Concord area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute an encroachment permit with Contra Costa County Flood Control and Water Conservation District (Flood Control District), in connection with the Marsh Drive at Walnut Creek Bridge Replacement Project, Concord area. County Project No. 0662-6R4119 (District IV)

FISCAL IMPACT:

The project is funded 88.5% by Federal Highway Bridge Program Funds and 11.5% by Local Road Funds.

BACKGROUND:

The Contra Costa County Public Works Department (County) has received federal funds to replace the structurally and hydraulically deficient Marsh Drive Bridge over the Walnut Creek Channel in the Concord area. The project requires the temporary use of adjacent Flood Control District land associated with the Walnut Creek Channel for related work including temporary creek diversion, channel access roadway construction, Iron Horse Trail construction, and general construction access. As a result of this temporary use, the County is required to obtain an encroachment permit from the Flood Control District in order to

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/04/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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: August 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925.313.2233

cc:

successfully complete the bridge replacement work.

Under the permit, the County must indemnify and hold harmless the Flood Control District and its employees (Indemnitees) from and against

BACKGROUND: (CONT'D)

any and all claims that arise from the work covered by the permit, and does agree to defend the Flood Control District and its employees (Indemnitees) against any such claim or action asserting such liability.

The Flood Control District recognizes significant benefit of this project to the Walnut Creek Channel as the project includes removal of the existing bridge which has been deemed the most significant bottleneck to flows in this section of the creek and an obstacle to the 100 year storm event. The new structure will have three feet minimum clearance to the 100 year storm event in the creek. In recognition of this benefit, the Flood Control District agrees to issue a no-fee permit to the County for the needed temporary use of the Walnut Creek Channel. It should be noted that the Channel is part of the federal levee system giving oversight of the channel and levees to the United States Army Corps of Engineers (USACE) through the Federal Section 408 permitting process. The proposed project will also require a Section 408 permit from USACE prior to construction.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not be able to implement the required bridge improvements as needed for public safety.

ATTACHMENTS

Encroachment Permit