



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: January 19, 2021

Subject: Resolution of Necessity Hearing for the Byron Highway/Byer Road Safety Improvements Project, Byron area.

**RECOMMENDATION(S):**

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below, CLOSE Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT the attached Resolution of Necessity (No. 2021/26) to acquire the required property by eminent domain. Project No.: 0662-6R4147

**FISCAL IMPACT:**

In eminent domain actions the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of property acquisition. Costs of acquisition in this case are 100% reimbursable from the following: 26% Highway Safety Improvement Program Funds, 3% Local Road Funds, 18% East County Area of Benefit Funds, 7% Discovery Bay Area of Benefit Funds and 46% Discovery Bay West Funds. (DCD - CP No. 18-04)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/19/2021** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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: January 19, 2021

Contact: Jann Edmunds,  
925.957.2454

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

## BACKGROUND:

### Proposed Project

This relates to right of way acquisition for Contra Costa County's ("County") Byron Highway/Byer Road Safety Improvements Project ("Project"), in the Byron area of east Contra Costa County.

Excelsior Middle School is located near the intersection of Byron Highway and Byer Road. Before traffic circulation changes on the middle school campus, traffic traveling south on Byron Highway would use a button-hook turning lane to turn left into the middle school parking lot. Due to circulation changes on the middle school campus, vehicles entering the middle school must turn left to Byer Road to access the parking lot, and then can exit onto Byron Highway. However, there is no left turn pocket dedicated to vehicles turning left onto Byer Road from Byron Highway.

The Project will widen Byron Highway between Hoffman Lane and a point 540 feet south of Byer Road, to provide a southbound left-turn pocket at the intersection with Byer Road, and 1,000 feet of a two-way-left-turn-lane between the left turn pocket and the Byron Highway/Hoffman Lane intersection. The Project also includes construction of a raised pedestrian refuge island within the crosswalk across Byron Highway at Byer Road, adding a third rectangular rapid flashing beacon at the crosswalk area that notifies vehicles of pedestrians using the crosswalk, and installing vehicle-speed feedback signs at both ends of the Project limits to notify drivers of their vehicles' speed. The purpose of the Project is to provide safety improvements by installing traffic calming measures such as the speed feedback sign, improving vehicle circulation of vehicles traveling on this segment of Byron Highway, addressing traffic safety concerns of vehicles turning left from Byron highway onto Byer Road (including a history of accidents), and improving pedestrian safety.

On December 4, 2018, the Board of Supervisors approved the Project and determined the Project was exempt from the California Environmental Quality Act (CEQA), under the Class 1(c) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines. The CEQA notice of exemption was filed on December 6, 2018.

In order to proceed with the project, it is necessary for the County to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all persons listed on the attached Exhibit "A" whose names and addresses appear on the last equalized County Assessment Roll. This notice consisted of sending by first-class and certified mail on December 15, 2020 a Notice of Intention which notified these owners that a hearing is scheduled for January 19, 2021, at 9:30 a.m. in the Board's Chambers at 1025 Escobar Street, Martinez, California. Those notices indicated that, at the above time and place, the owners may appear to be heard on the matters referred to in the notice. A cover letter was mailed with the notices to advise the owners how they could arrange to appear and participate at the hearing via Zoom.

B. Scope of Hearing Per C.C.P. Section 1245.235

1. Public interest and necessity require the Project.

Byron Highway is a two-lane, heavily used, truck and commuter route that provides a vital transportation link between Contra Costa and Alameda Counties, as well as San Joaquin County. Excelsior Middle School fronts the east side of Byron Highway between Hoffman Lane and Byer Road. This segment of roadway has a history of accidents. Because of vehicle circulation changes on the school's campus, ingress access to the school now is exclusively from Byer Road. The project includes road improvements to accommodate installation of a southbound left turn pocket at the Byer Road intersection, a two-way-left-turn-lane and speed feedback signs at both ends of the project. The project will also modify and improve the existing rectangular rapid flashing beacons at that crosswalk by installing a third rectangular rapid flashing beacon within a new pedestrian refuge island to improve traffic and pedestrian safety at this intersection.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

The design plan for this project is to provide a left turn pocket and a two-way-left-turn-lane between Hoffman Lane and Byer Road. The proposed improvements meet the current design standards. The project does not increase the number of through travel lanes and will therefore not increase the capacity of the roadway. The majority of the widening will occur along the west side of Byron Highway. During the preliminary planning phase, staff determined that widening for the Project could occur on the east side of Byron Highway or on the west side of Byron Highway. However, an alignment requiring widening primarily on the east side of Byron Highway would have required the relocation of PG&E utility poles and the acquisition of additional land rights for PG&E vegetation management purposes. Otherwise, the extent of right of way acquisition would be substantially similar when compared to widening on the west side of Byron highway. By widening on the west side of Byron Highway, the utility poles on the east side of the highway can remain in place and acquiring additional land rights to meet PG&E clearance requirements can be avoided.

3. The properties sought to be acquired is/are necessary for the project,

The property interests sought for this Project are necessary for the widening of Byron Highway to install the left turn pocket, two-way-left-turn-lane, and necessary tapers to conform back to the existing pavement width, as planned. All efforts have been made to reduce physical and operational impacts to adjacent properties both during and after construction. The Project cannot be constructed as planned without the acquisition of these property interests.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The County, through the Real Estate Division of the Public Works Department, has made an offer of just compensation to the owner of record for the rights required for this project. The offers were based on an appraisal of the fair market value of the property rights being acquired. In this case, efforts were made to acquire each required property or property right through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved discussions, and in some cases site visits with the owners of record and/or their representative. However, the negotiations were not successful, requiring the County to proceed with the adoption of this Resolution of Necessity.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property rights necessary for the project.

CLERK'S ADDENDUM

**Matter has been resolved. NO ACTION TAKEN**

ATTACHMENTS

Resolution No. 2021/26

Exhibit A