



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: January 10, 2012

Subject: Approve Cooperative Agreement for Transfer of SR4 Bypass to State and Relinquishment of Existing SR4

RECOMMENDATION(S):

APPROVE the Cooperative Agreement between the County, the State of California (State), the State Route 4 (SR4) Bypass Authority, and the Cities of Antioch, Brentwood, and Oakley for the transfer of the SR4 Bypass to the State and the relinquishment of existing SR4 to the respective local agencies; and AUTHORIZE the Board Chair to execute the Cooperative Agreement on behalf of the County substantially in the form attached to this Board Order.

FISCAL IMPACT:

Under the Cooperative Agreement, the SR4 Bypass Authority will pay \$1,872,000 to the County to address any pavement deficiencies on existing SR4. In addition, the County would assume full responsibility for operating and maintaining the portion of existing SR4 in the County's jurisdiction, including any hazardous materials located in the County portion.

BACKGROUND:

The State Route 4 (SR4) Bypass Authority, a joint powers agency composed of Contra Costa County and the Cities of Antioch, Brentwood, and Oakley, has worked in partnership

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **01/10/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

ABSENT: Gayle B. Uilkema, District II
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: January 10, 2012

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

Contact: Steve Kowalewski 313-2225;
Nancy Wein, 925-313-2275

By: STACEY M. BOYD, Deputy

BACKGROUND: (CONT'D)

with Caltrans since 1989 to implement the SR4 Bypass project. The purpose of the project is to provide a new route for SR4 that bypasses the communities of Antioch, Oakley, and Brentwood to alleviate traffic-related noise and congestion on local streets, pursuant to the adopted General Plans for Antioch, Brentwood, and Contra Costa County and the Caltrans-adopted Route Concept Report for SR4. The SR4 Bypass, which was constructed in stages between 2000 and 2010, presently consists of a 6-lane freeway from the SR4/SR160 Interchange to the Laurel Road Interchange, a 4-lane freeway from the Laurel Road Interchange to Lone Tree Way, and an expressway from Lone Tree Way to the Marsh Creek Road/Vasco Road intersection south of Brentwood. The SR4 Bypass then continues along Marsh Creek Road as a conventional highway back to existing SR4.

Now that the SR4 Bypass has been completed, it has been proposed that the SR4 Bypass be transferred to the State as new SR4 and that existing SR4 from SR160 to Marsh Creek Road be relinquished to Contra Costa County and the Cities of Oakley and Brentwood. The Cooperative Agreement between the State, the SR4 Bypass Authority, and the Local Agencies (i.e., the County and the Cities) covers the terms under which the SR4 Bypass will be transferred to the State and existing SR4 relinquished to the County, Oakley, and Brentwood (see Attachment A). The agreement identifies the responsibilities of each agency related to the transfer and relinquishment process.

Under the Cooperative Agreement, upon the adoption of the SR4 Bypass by the State, the SR4 Bypass will become new SR4 (i.e., the highway location will be moved) and the State will thereafter assume full responsibility and liability for ownership and operation of the SR4 Bypass, including any hazardous materials located in the Bypass right of way. Upon the relinquishment of existing SR4, the former highway will become a local road and the County, Oakley, and Brentwood will thereafter assume full responsibility and liability for ownership and operation of existing SR4 within their respective jurisdictions, including any hazardous materials located in the relinquished right of way. As required by Streets and Highways Code Section 73, the SR4 Bypass Authority will pay \$1,872,000 to the County to cover the County's estimated expense of placing the former highway in a state of good repair.

The Board approved an earlier version of the Cooperative Agreement on August 16, 2011. Since that time, extensive negotiations have taken place, resulting in numerous revisions to the agreement. Most of the revisions apply to the SR4 Bypass Authority and the State. However, some revisions would affect the County, including a specific requirement for the County to accept the relinquished right of way subject to hazardous materials mentioned in various State reports and to defend and indemnify the State against any claims or lawsuits relating to hazardous materials in the relinquished right of way. The earlier version approved by the Board required the County to accept potential hazardous waste and/or hazardous materials sites within the relinquished right of way, but did not mention the State reports and did not specifically require the County to defend and indemnify the State against hazardous materials claims and lawsuits.

Caltrans procedures require a formal action by the County to authorize the Board Chair to execute the Cooperative Agreement on behalf of the County. This action is required for the California Transportation Commission (CTC) adoption of the SR4 Bypass as the new SR4. Staff recommends that the Board approve the Cooperative Agreement and authorize the Board Chair to execute the agreement on behalf of the County in substantially the form attached to this Board Order (see Attachment A).

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the Cooperative Agreement would delay transfer of the SR4 Bypass and the relinquishment of existing SR4 and may disrupt the process to complete the transfer of highway location.

CHILDREN'S IMPACT STATEMENT:

None

ATTACHMENTS

SR4 Hwy Coop Agreement

Legend Exhibit 8