

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 12-13, 2004

Reference No.: 2.4a.(1)  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: APPEARANCE

## RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity C-18905, which is the subject of this Appearance. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department is requesting a resolution at this time. Adoption of Resolution of Necessity C-18905 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18905 - Elk County Water District, et al.

01-Men-1-KP 54.14-Parcel 11234-1,2 - EA: 310109 - Certification Date: 06/01/04 - RTL Date: 06/01/04 - (Conventional highway - replace bridge #10-123). Authorizes condemnation of land in fee for a State highway, an easement for access for bridge inspection and maintenance. Located near the town of Elk at the south approach to Greenwood Creek Bridge on Highway 1.

### SUMMARY OF ISSUES

1. Elk County Water District (ECWD) requested an appearance before the California Transportation Commission (Commission). In a letter dated January 2, 2004, Mr. Gerald Huckaby, President, ECWD, contended that the proposed highway project is not located in a manner that promotes the most public good with the least private injury, and that the property being sought is not necessary for the proposed project. These conditions are required under Sections 1240.030 and 1245.230 of the California Code of Civil Procedure in order to obtain a Resolution of Necessity for condemnation of the property.

Mr. Huckaby also discussed the potential impact of construction of the new Greenwood Creek Bridge upon two existing shallow water wells located in the existing state right of way under encroachment permit. These wells are public utilities, not within the right of way being acquired in this transaction. As such, the wells are subject to removal at the owner's expense if they conflict with the Department's use of its right of way. Mr. Huckaby argued that the bridge replacement project could move to the west of the existing bridge and thereby avoid the existing wells.

2. Public Good: the existing bridge is subject to degrading by scouring from the flow of Greenwood Creek. Replacement of the existing bridge is necessary for public safety and to perpetuate the flow of vehicular traffic on Route 1 between Fort Bragg and Mendocino.
3. Least Private Injury: The property owners' proposal to realign the bridge to the west degrades the geometrics of the highway at this point to below current design standards. A western alignment would also intrude onto State Park lands, incur increased costs and project delays and require a 4F process. The proposed alignment minimizes the need for additional right of way and improves the geometrics and safety of the highway alignment.
4. Water wells: Two existing water wells are located outside the right of way being acquired in this transaction. They are public utilities located within the existing state right of way by encroachment permit. While the installation of new bridge piers may cause turbidity or otherwise affect the aquifer flow, they are within the existing state right of way under terms of encroachment permits, and relocation will be at the utilities expense pursuant to the rules and regulations governing public utilities impacted by transportation projects. The Department has issued a notice to ECWD that the wells may need to be relocated and encouraged ECWD to proceed to obtain all necessary permits to relocate. The relocation and any compensation issues for this public utility will be handled under utility relocation provisions of Streets and Highway Sec 660 et seq.
5. Access Easement: The Department has agreed to include language in non-exclusive access easement deed (parcel 11234-2) that, subject to Commission approval, the Department would allow the required non-exclusive easement rights to revert to the property owner in the event the easement is ever no longer needed.

Attachments

**RESOLUTION OF NECESSITY APPEARANCE FACT SHEET**

**PROJECT DATA:** 01-Men-01 KP53.7/54.6

**LOCATION:** Highway 101 just south of Elk

**LIMITS:** Near Elk from 0.4 km South of Greenwood Creek Bridge # 10-123 to 0.5 KM North of Greenwood Creek Bridge

**CONTRACT LIMITS:** 53.7- 54.6 KP

**FUNDING SOURCE:** SHOPP 20.xx.201.111 FY 3/4  
Programmed dollars: Construction - \$7.44 million.  
Right of Way - \$1.25 million

**NUMBER OF LANES:** Existing: 2 lanes  
Proposed: 2 lanes

**PROPOSED MAJOR FEATURES:**

**INTERCHANGES:** None

**OTHER:** Bridge width 12 meters

**TRAFFIC:** Existing ADT (1999): 1460  
Proposed ADT (2009): 1880

**PARCEL DATA:**

**PROPERTY OWNER:** Elk County Water District

**PARCEL LOCATION:** SE quadrant of Greenwood Creek Bridge #10-123

**PRESENT USE:** Public facility-water wells

**AREA OF PROPERTY:** 3.05 acres (1.234 Ha.)

**AREA REQUIRED:** 0.49 acres fee acquisition  
0.47 acres permanent easement

## **RESOLUTION OF NECESSITY REVIEW PANEL REPORT**

The Resolution of Necessity Review Panel met with the property owners at 9AM, April 2, 2004, at the Elk Fire Station. Panel members included Vern Rhinehart, Headquarters Right of Way; Linda Fong, Headquarters Division of Design; and Frank Valentini, San Francisco Legal Office. The scope of the proposed highway project was explained to all in a presentation by District 1 staff. Elk County Water District staff then expressed their concerns regarding the proposed bridge replacement project at Greenwood Creek on MEN-1 in the community of Elk.

### **OWNER'S CONTENTIONS AND DEPARTMENT RESPONSE**

Elk County Water District (ECWD) is a public utility serving the community of Elk. Mr. Charles Acker, manager of ECWD stated that the proposed bridge should be located west of the current bridge in order to prevent disturbance to existing wells located in existing state right of way under encroachment permit and the aquifer they draw from. He stated that proposed drilling for bridge piers could allow amalgam to penetrate into the surrounding strata diminishing the flow and affect the quality of the water by increasing turbidity. The project could impact the sole water source for the community of Elk, currently about 105 residential connections. Mr. Acker stated that the portion of new right of way being acquired is the best potential replacement site for new wells.

The Department explained that a westerly routing of the replacement bridge is undesirable because it fails to meet design standards. A westward shift in the alignment would tighten an existing curve at the north end of the bridge and result in a non-standard compound curve at that point. Studies of several alternatives set forth, hereinafter as alternatives one through four, conclude that a bridge alignment east of the present bridge is the recommended alignment. Construction of the proposed bridge in the easterly alignment will place piers about twenty feet from the existing well sites at the closest point.

The existing two water wells are located within the existing highway right of way and were installed under terms of encroachment permits that require their relocation upon notice at the public utility owner's expense. In accordance with utility relocation statutes, ECWD has been provided notice that relocation may be necessary. Utility relocation will be in accordance with public utility relocation provisions of Streets and Highways Code 660 et seq.

### **NEED FOR PROJECT**

The bridge replacement project is needed immediately to correct structural deficiency in the existing bridge. Multiple shear cracks and the potential for scouring make this project necessary. Also, the width of the existing bridge is inadequate relative to current average daily traffic since there is not room for standard width shoulders. The bridge replacement project is classified high priority in the 2002 State Highway Operation and Protection Program because it is a scour prevention project.

## **PROJECT PLANNING AND LOCATION**

The replacement bridge will be two lanes of 3.6-meter (12 ft.) width each, with 2.4-meter (8 ft.) shoulders and an overall length of 169 meters (554 ft.). The new bridge will stand parallel to and immediately east of the existing bridge and will include a bridge rail suitable for bicycle traffic with additional width for cyclist and pedestrian traffic safety. Current construction cost estimate is \$7,500,000. Advertising is planned for August 1, 2004. The environmental document was approved December 30, 2002. Project objectives include the following considerations:

- ◆ The existing bridge is structurally insufficient per the 1999 Structure Replacement and Improvements Needs Report and Caltrans Maintenance Bridge Report for District 1.
- ◆ Clear width of the existing structure is non-standard. Widening is needed.
- ◆ State Route 1 is a portion of the Pacific Coast Bike Route. Only 0.3 meter of traveled way exists for bicycles. Additional width is needed for bicycle and pedestrian safety.
- ◆ Capacity for truckloads must decrease if deterioration of the existing bridge is not corrected.

Several alternatives to the bridge replacement project were studied:

Alternative 2—Repair the existing bridge in place for southbound traffic and construct a new bridge for northbound traffic: The existing bridge cannot be kept active without extensive repairs to avoid collapse in the event of scouring or seismic events. To leave the existing bridge as it is would not address traffic or safety issues and would incur extensive maintenance costs over the long-term.

Alternative 3—Repair the scouring problem only: To eliminate widening of the existing deck and not upgrade the railings would not meet project needs and is therefore an unfeasible alternative.

Alternative 4—Widen and Rehabilitate the Existing Bridge: Studies show the cost of this alternative as \$8.5 million. This alternative would require half-width traffic control on State Route 1 during construction, and no detours are available. Traffic delays or circuitous routings would result on State Route 1, the major north/south highway for this area.

Alternative 1—The preferred alternative to construct a new replacement bridge and remove the existing bridge accomplishes all the objectives of the project without traffic delays and at minimum cost.

## **PARCEL DESCRIPTION**

Right of way requirements include a fee parcel 11234-1, 0.49 acre at the southeast terminus of the proposed bridge and an adjacent, non-exclusive access easement for construction and maintenance of 0.47 acre, parcel 11234-2. The easement parcel overlays an existing unimproved access road to the area beneath the existing bridge.

**NEED FOR THE PARCELS**

Parcel 11234-1 is required in fee for the construction of the new bridge alignment; parcel 11234-2 is required as a non-exclusive access easement for construction and maintenance of the new bridge structure.

**STATUTORY OFFER**

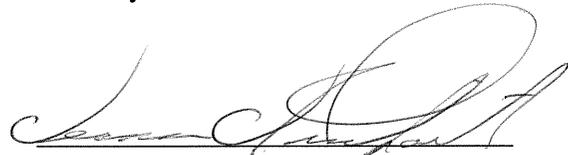
The Department has appraised the fee interest and access easement interest of the subject property and offered the full amount of the appraisal to the property owners of record in compliance with Government Code Section 7267.2.

**PANEL RECOMMENDATION**

The Panel has concluded that the Department is in compliance with Section 1245.230 of the Code of Civil Procedure in that:

- ◆ The public interest and necessity require the proposed project;
- ◆ The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- ◆ The property to be condemned is necessary for the proposed project;
- ◆ An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the California Transportation Commission.



VERNON V. RHINEHART, Chief  
Panel Chair  
Office of Project Delivery  
Right of Way Division

I concur with the Panel's recommendation:

  
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J. MIKE LEONARDO  
Acting Chief Engineer

**Persons Attending the 2<sup>nd</sup> Level Review, April 2, 2004**

Elk County Water District:

Charles Acker – ECWD Manager

David Rapport – ECWD Attorney

Kirk Handley – ECWD Board

Steven Acker – ECWD Board

Department of Transportation:

Vern Rhinehart – HQ Right of Way, Panel Chair

Linda Fong – HQ Design, Panel Member

Frank Valentini – San Francisco Legal, Panel Member

Matt Brady – District 01 Single Focal Point

Alan Escarda – District 01 Project Manager

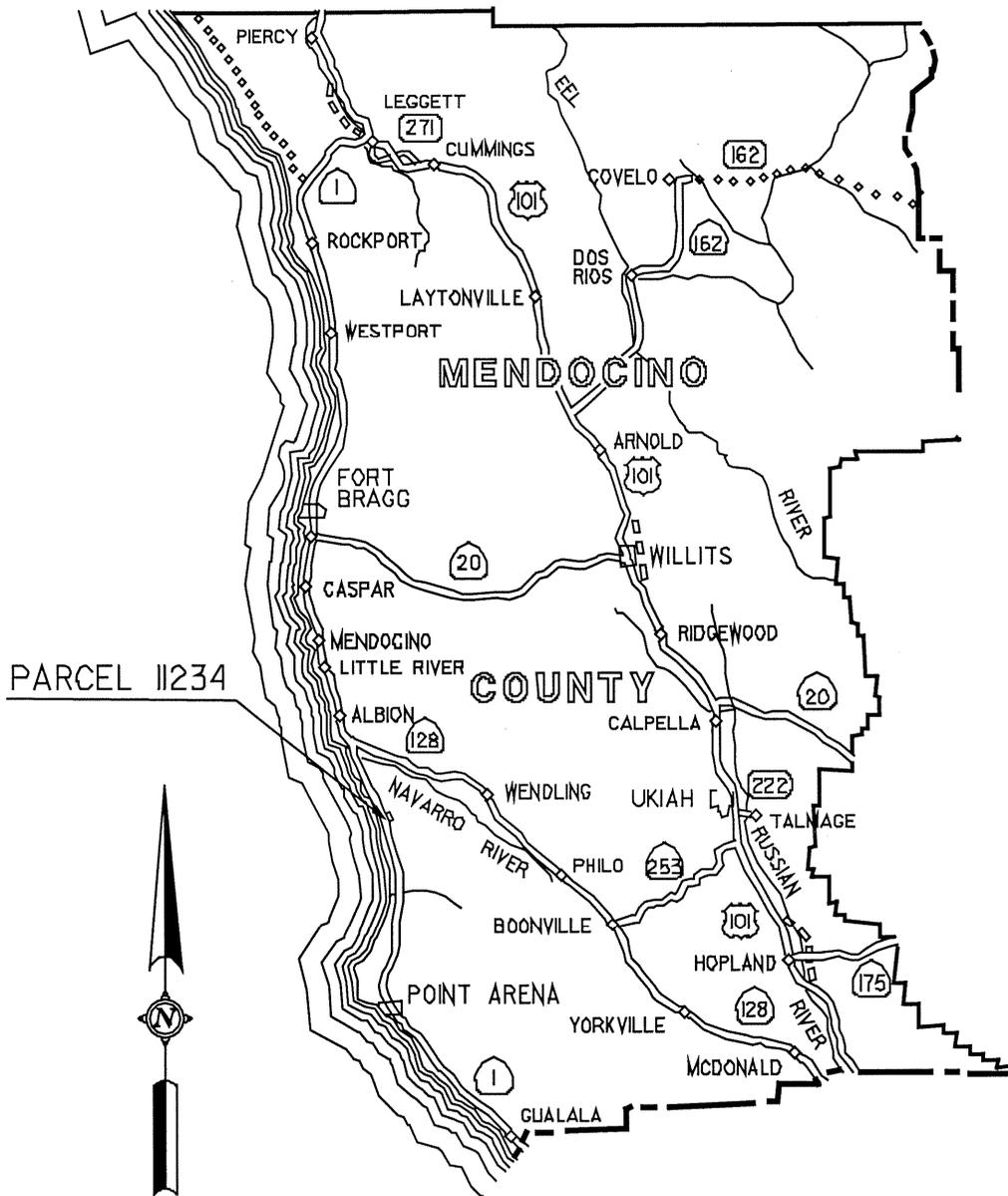
Heidi Sykes – District 03 Design

Jim Hall – North Region Right of Way Manager

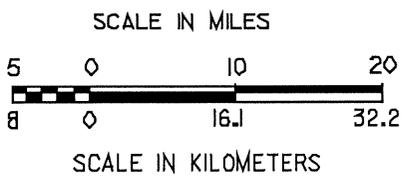
Ed Fitzgerald – District 01 Right of Way

Chuck Carrillo – HQ Right of Way, Moderator

EXHIBIT A



PARCEL 11234



LOCATION MAP

STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION DISTRICT 01		
<b>RESOLUTION OF NECESSITY</b> PARCEL 11234		
CO	ROUTE	KP/PM
MEN	01	54.14/33.64
SHT 1 OF 2	JANUARY 2004	EA 310109

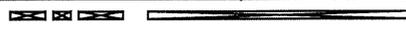
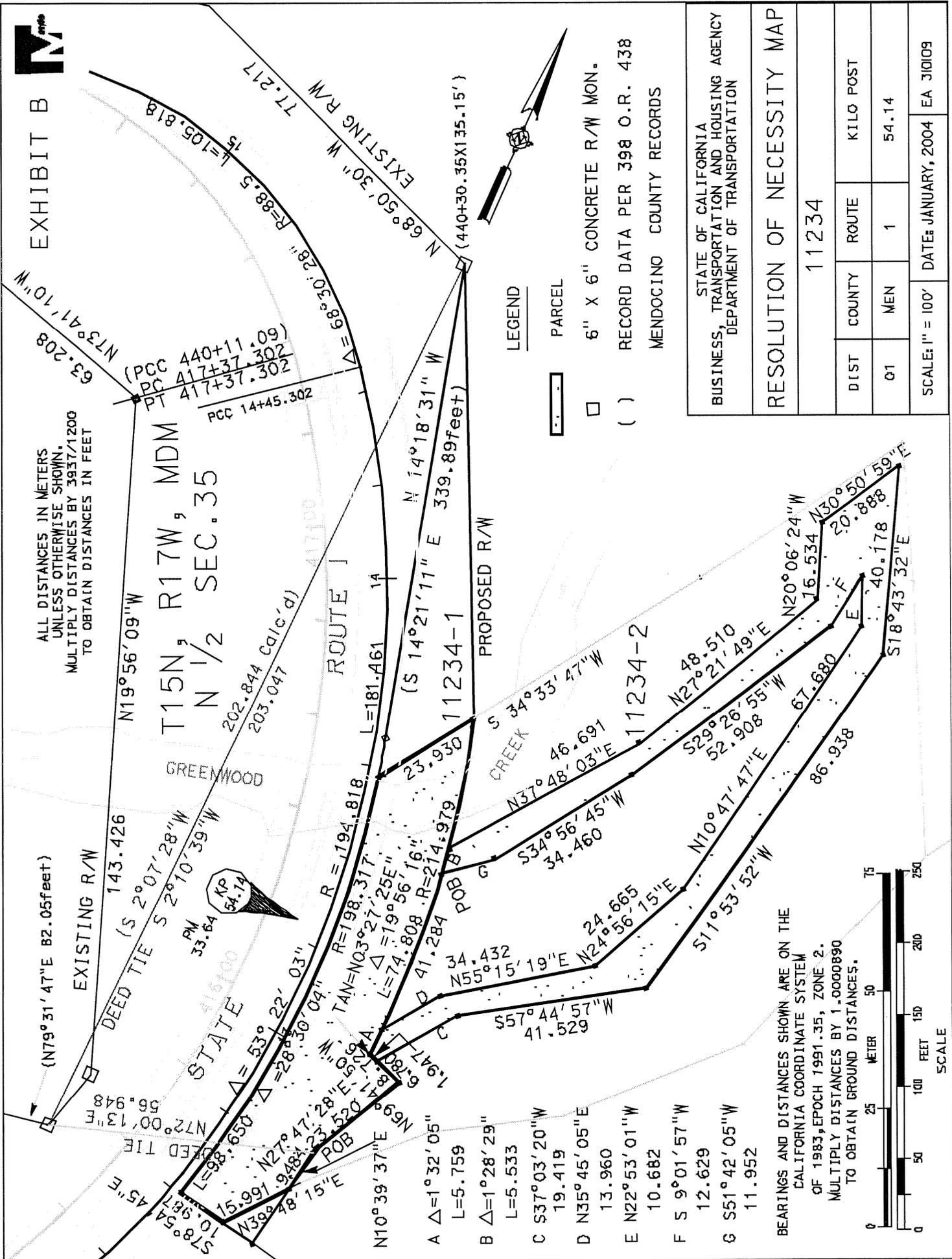




EXHIBIT B

ALL DISTANCES IN METERS  
UNLESS OTHERWISE SHOWN.  
MULTIPLY DISTANCES BY 3937/1200  
TO OBTAIN DISTANCES IN FEET

T15N, R17W, MDM  
N 1/2 SEC. 35



LEGEND

- PARCEL
- 6" X 6" CONCRETE R/W MON.
- RECORD DATA PER 398 O.R. 438
- MENDOCINO COUNTY RECORDS

STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION			
RESOLUTION OF NECESSITY MAP			
11234			
DIST	COUNTY	ROUTE	KILO POST
01	MEN	1	54.14
SCALE: 1" = 100'		DATE: JANUARY, 2004 EA J10109	

BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, EPOCH 1991.35, ZONE 2. MULTIPLY DISTANCES BY 1.0000890 TO OBTAIN GROUND DISTANCES.



- A Δ=1°32'05"  
L=5.759
- B Δ=1°28'29"  
L=5.533
- C S37°03'20"W  
19.419
- D N35°45'05"E  
13.960
- E N22°53'01"W  
10.682
- F S 9°01'57"W  
12.629
- G S51°42'05"W  
11.952