

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

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

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Brent L. Green
Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTION OF NECESSITY – APPEARANCE**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolutions) C-21125, C-21126, C-21127, C-21128, and C-21129 summarized on the following page. These Resolutions are for the reconstruction of the Interstate 15 (I-15) / Interstate 215 (I-215) Devore Interchange improvement project in District 8, in San Bernardino County.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a Resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the proposed project.
2. 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.
3. This property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolutions and have requested an appearance before the Commission. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury, and that the Department's offer to acquire the property does not comply with Government Code Section 7267.2. The common issues and concerns of the property owners and the Department's responses are contained in Attachment B.

BACKGROUND:

Discussions have taken place with the property owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of these Resolutions will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property owners and the Department to address and resolve the issues. Progress has been made but in order to keep the project schedule, the Department is requesting that these appearances proceed to the December 2013 Commission meeting. Legal possession will allow the construction activities on the parcels to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject properties.

C-21125 - Larry Eckrote and Adele Eckrote

08-SBd-215-PM 16.95 - Parcel 22504-1, 2 - EA 0K7109.

RWC Date: 07/31/14; Ready to List (RTL) Date: Design-Build.

Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County at 18570 and 18590 Cajon Boulevard.

Assessor Parcel Numbers (APN) 0348-132-03, -04. Attachment C.

C-21126 - Jeffery Todd Grange

08-SBd-215-PM 16.92 - Parcel 22502-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County at 18592 Cajon Boulevard. APN 0348-132-05. Attachment D.

C-21127 - Sean S. Lee and Iris S. Lee

08-SBd-215-PM 16.84 - Parcel 22498-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County at 18642 Cajon Boulevard. APN 0348-132-09. Attachment E.

C-21128 - The Damron Family Trust dated January 11, 2002

08-SBd-215-PM 16.45 - Parcel 22482-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County at 18858 Cajon Boulevard. APNs 0348-141-04, -05. Attachment F.

C-21129 - Robert W. Bird and Shelley L. Bird

08-SBd-215-PM 16.41 - Parcel 22480-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County at 18910 Cajon Boulevard. APN 0348-141-20. Attachment G.

Attachments:

- Attachment A - Project Information
- Exhibit A1 through A3 - Project Maps
- Attachment B - Common Issues and Concerns
- Attachment C - Parcel Panel Report - Larry Eckrote and Adele Eckrote
- Exhibit C1 through C3 - Parcel Maps
- Attachment D - Parcel Panel Report - Jeffery Todd Grange
- Exhibit D1 through D3 - Parcel Maps
- Attachment E - Parcel Panel Report - Sean S. Lee and Iris S. Lee
- Exhibit E1 through E3 - Parcel Maps
- Attachment F - Parcel Panel Report - The Damron Family Trust dated January 11, 2002
- Exhibit F1 and F2 - Parcel Maps
- Attachment G - Parcel Panel Report - Robert W. Bird and Shelley L. Bird
- Exhibit G1 through G3 - Parcel Maps

PROJECT INFORMATION

PROJECT DATA

08-SBd-15-PM 14.0/R16.4
08-SBd-215-PM 16.0/17.8
Expenditure Authorization 0K7109

Location: Intersection of Interstate 15 (I-15) and Interstate 215 (I-215) in the community of Devore, County of San Bernardino

Limits: On I-15 approximately 0.8 mile south of the Glen Helen Parkway Undercrossing to approximately 1.4 miles north of the Kenwood Avenue Undercrossing and on I-215 approximately 1.2 miles south of the Devore Road Overcrossing to the I-15/I-215 Junction

Cost: Programmed construction cost: \$225,528,000.00
Current Right of Way cost estimate: \$48,952,000.00

Funding Source: State Transportation Improvement Program, State Highway Operation and Protection Program, Surface Transportation Program, Regional Improvement Program, Corridor Mobility Improvement Account, Transportation Equity Act for the 21st Century - Federal Demonstration Funds, Interstate Maintenance Discretionary, Measure I, and Local Funds

*Number of Lanes: Existing (I-15): Six to nine lanes
Proposed (I-15): Eight to nine lanes
Existing (I-215): Four to five lanes
Proposed (I-215): Four to six lanes

* Range in lanes is due to the number of lanes which vary throughout the project limits.

Proposed Major Features: Add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange, reconfigure connectors to I-215, truck bypass lanes and auxiliary lanes

<u>Traffic:</u>	Existing I-15 North of I-15/I-215 Interchange (year 2012):
	180,000 Annual Daily Traffic (ADT)
	Existing I-15 South of I-15/I-215 Interchange (year 2012):
	142,000 ADT
	Existing I-215 South of I-15/I-215 Interchange (year 2012):
	78,000 ADT
	Proposed I-15 North of I-15/I-215 Interchange (year 2040):
	378,600 ADT
	Proposed I-15 South of I-15/I-215 Interchange (year 2040):
271,000 ADT	
Proposed I-215 South of I-15/I-215 Interchange (year 2040):	
158,400 ADT	

NEED FOR THE PROJECT

The purpose of the proposed project is to: Improve operational performance of the I-15/I-215 Interchange by reducing operational deficiencies and upgrading the interchange to modern standards where feasible; Facilitate efficient goods movement through the I-15/I-215 Interchange; Reduce existing and forecasted traffic congestion and improve the level of service (LOS) at the I-15/I-215 Interchange and the local service interchanges that are adjacent to the freeway-to-freeway interchange; and correct arterial highway network deficiencies related to the portions of I-15 and I-215 that are adjacent to the community of Devore.

The existing I-15/I-215 Interchange has the following identified deficiencies that create the need for the proposed project.

- Operational Deficiencies: Elements of the existing I-15/I-215 Interchange do not meet the California Department of Transportation's (Department) current engineering and modern planning standards as follows:
 - Between Glen Helen Parkway and the I-215 connector, the number of through lanes on I-15 in each direction is reduced from four to three, creating a 2.3 mile lane reduction on I-15.
 - The I-15/I-215 Interchange does not provide route continuity for northbound I-15 since both autos and trucks from I-215 enter NB I-15 on the left. This is particularly problematic for trucks as the merge is on an up-grade and the trucks must cross two lanes of auto traffic to reach the designated two outermost lanes available to trucks.

- The local services interchange at I-15/Glen Helen Parkway, I-15/Kenwood Avenue, and I-215/Devore Road does not meet the Department's current general design standards, which discourage local service interchanges within two miles of a freeway-to-freeway interchange. When existing roadway interchanges cannot be moved at least two miles from freeway-to-freeway interchanges, the Department's design standards provide for alternative design measures.
- Goods Movement: The capacity of the I-15/I-215 Interchange is further compromised by high volume of trucks, many of which need to weave across three more travel lanes because they enter or exit the freeway from the left. This lack of capacity hampers critical goods movement function of the freeway.
- Existing and Forecast Travel Demand: The I-15/I-215 Interchange does not provide an adequate Level of Service (LOS) for motorists or trucks. The LOS is anticipated to further decline in future years which will result in a failure to provide an adequate level of service during weekday commute hours.
- Arterial Highway Network Deficiencies: The local circulation system does not provide a parallel arterial road adjacent to the existing sections of I-15 and I-215, requiring local motorists, including those seeking to connect from Cajon Boulevard west of I-215 to Cajon Boulevard west of Kenwood Avenue, to use the freeway system.

PROJECT PLANNING AND LOCATION

A Project Study Report was initiated by San Bernardino Associated Governments and approved on March 3, 2009. On July 1, 2010, the California Transportation Commission (Commission) authorized the Department to utilize the design-build method of procurement for the proposed I-15/I-215 Interchange Improvements Project and the Department will have to comply with the applicable provisions under Senate Bill No. 4, Chapter 6.5, The Design-Build Demonstration Program. The Project Report and Environmental Document was approved on February 29, 2012. The proposed project limits extend along I-15 from approximately 0.8 miles south of the Glen Helen Parkway undercrossing to approximately 1.4 miles north of the Kenwood Avenue Undercrossing, and along I-215 from approximately 1.2 miles south of the Devore Road Overcrossing to the I-15 Junction. The sections of highway covered by the proposed project are access controlled interstate freeways adopted by the Commission in 1959 and 1969.

There were four build alternatives developed and a "no-build" alternative that was evaluated in the Project Approval & Environmental Document (PA&ED) phase.

The following is a description of each the build alternatives:

Alternative 3A (Preferred Alternative):

I-15 South Leg (I-15 south of the I-15/I-215 junction)

The segment of I-15 south of the Burlington Northern Santa Fe and Union Pacific railroad crossing to the southerly project limits will include the following improvements:

- Adding a northbound mainline lane between the Glen Helen Parkway exit ramp and the I-215 Junction.
- Adding a northbound auxiliary lane between the Glen Helen Parkway entrance ramp and the I-215 Junction.
- Adding a southbound mainline lane between the I-215 junction and the Glen Helen Parkway entrance ramp, where it will connect with the existing fourth southbound mainline lane.
- Adding a southbound auxiliary lane between the I-215 junction and the southbound Glen Helen Parkway exit ramp.
- Making minor adjustments to the Glen Helen Parkway entrance and exit ramps to accommodate the new lanes, such as, the northbound deceleration lane prior to the Glen Helen exit ramp and the southbound acceleration lane from the entrance ramp.

The additional lanes would be physically constructed in the existing wide median, and the existing lanes shifted to the left. The existing bridges over Glen Helen Parkway would be widened by one lane in each direction in the median. The existing bridge over Glen Helen Parkway would be widened by two lanes in each direction in the median. No new right-of-way would be required south of the railroad. Immediately north of the Glen Helen Parkway, the northbound widening would begin to shift to the outside to align with the connector ramps of the I-15/I-215 Interchange.

I-15/I-215 Branch Connectors

The following modifications are included for the I-15/I-215 branch connectors:

- The northbound I-215 to southbound I-15 branch connector would be retained approximately in its present location, but widened to two lanes for most of its length to allow for passing.
- The northbound I-15 to southbound I-215 branch connector would be relocated easterly.

Cajon Boulevard Reconnection

The project includes the reconnection of Cajon Boulevard from Kenwood Drive to existing Devore Road in basically the same alignment. The Cajon Boulevard component of the project would reopen two lanes of the abandoned roadway, and bring the Kenwood Avenue/Cajon Boulevard intersection up to standard. The existing north segment of

Cajon Boulevard ends south of Kenwood Avenue; the existing south segment ends 1,200 feet north of the Devore Road intersection. An abandoned segment of Cajon Boulevard southeast of Kenwood Avenue would be reactivated and realigned.

The existing Cajon Boulevard northbound and southbound roadbeds will each be used to carry one lane of traffic between Kenwood Avenue and the new section of Cajon Boulevard. The two-lane Cajon Boulevard would transition onto a new alignment 3,500 feet southeast of Kenwood Avenue, curving to the south to parallel the existing I-15 to the I-15 southbound connector. As the roadway approaches Cajon Creek, it would make an easterly turn to pass under the existing I-15 bridges over Cajon Creek. The roadway under the freeway would roughly follow an existing dirt road, and would require a retaining wall.

After crossing under the freeway, Cajon Boulevard would curve to the northeast, intersecting existing Cajon Boulevard just east of the existing Devore Road/Glen Helen Parkway intersection. The existing Cajon Boulevard cul-de-sac northwest of Devore Road would remain, connected to either Devore Road or new Cajon Boulevard, depending on the alternative. To match existing conditions, Cajon Boulevard would widen to two lanes in each direction as it approaches the Devore Road/Glen Helen Parkway intersection.

Northbound I-15

- Reconfigure the interchange of I-15 and Kenwood Avenue to connect with the truck bypass lanes.
- Construct one auxiliary lane northbound on I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Widen existing northbound I-15 to northbound I-15 connector to add one lane.
- Construct a truck slip ramp from northbound I-15 to northbound I-15 truck bypass lanes and continue northerly of Kenwood Avenue.

Southbound I-15

- Construct up to three auxiliary lanes added starting 1.4 miles north of Kenwood Avenue Overcrossing.
- Prior to the Kenwood Avenue Interchange, construct truck bypass lanes and southbound I-215 connector. This truck bypass will be two lanes wide, approximately 3/4 miles long.
- Southbound I-15 and I-215 will braid with each other in order to provide route continuity southbound.
- Widen existing southbound I-15 to southbound I-15 connector.

Northbound I-215

- Construct one additional northbound lane starting 1/2 mile south of Devore Road, ending at the merge with the Northbound I-15, for a total distance of 1.5 miles.
- Reconfigure the northbound entrance ramps at Devore Road interchange to access northbound and southbound I-15.
- Realign northbound exit ramp at Devore Road.
- Construct northbound truck bypass to merge with the northbound I-15 truck slip ramp.
- Construct auxiliary lane up to the truck bypass diverge.

Southbound I-215

- Reconfigure and add one additional lane to the southbound connector from the diverge with the southbound I-15 truck lanes to a point approximately 4,400 feet south of Devore Road.
- Construct a braid between the northbound I-15 to southbound I-215 connector and the southbound Devore Road exit ramp. Construct a connection between this connector and the southbound I-215 Devore exit ramp. Construct a 1,800 foot long deceleration lane to this connection from the northbound I-15.
- Relocate southbound exit ramp and entrance ramp termini approximately 750 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.

Local Roads

- Replace Devore Road overcrossing with a wider bridge.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure the southerly Cajon Boulevard cul-de-sac.

Design Revisions after Public Review

The following changes were made to the design of Alternative 3A after distribution of the Draft Project Report and Draft IS/EA:

1. Portions of the southbound I-215 slope east and west of Devore Road were replaced with retaining walls to minimize anticipated acquisitions in that area.
2. Metal Beam Guard Rail is now planned to be installed along the southbound I-15 exit ramp to Kenwood Avenue. This change will reduce anticipated right-of-way requirements in this area.

3. The northbound I-15 improvements north of Kenwood Avenue were changed as follows:
 - The two auxiliary lanes north of the truck bypass were revised. Auxiliary lane No. 1 was extended by 190 feet and auxiliary lane No. 2 was shortened by 300 feet.
 - To avoid the impacts to a major utility line, the planned cut slope north of Kenwood was changed to a 4-foot high retaining wall.

These changes were made to improve traffic operations and also resulted in a reduction in grading impacts.

4. The southbound I-15 to southbound I-215 Connector Bridge was lengthened by 305 feet to allow extra space in the median for a future high occupancy vehicle or managed lane facility.
5. The intersection of the northbound I-215/Devore Road off-ramp and Devore Road was realigned to improve traffic operations and safety. The off-ramp and Devore Road now meet at a more standard angle (less of a skew) than in the previous design.

Alternative 3A was identified and selected as the Preferred Alternative for the following reasons:

Alternative 3A Best Meets Purpose and Need

Alternative 3A is the alternative that best meets the purpose and need criteria. The No-build Alternative does not address any of the elements of purpose and need. Alternative 5 does not meet the purpose of providing southbound route continuity. Alternatives 2 and 3 provide a marginally acceptable minimum traffic LOS of E in the 2040 design year.

Alternative 3A has the Least Impacts to Key Biological Resources

Under both State and Federal laws, the Department has an affirmative obligation to minimize project impacts to protected biological resources, including endangered species habitats and the waters of the United States. Alternative 3A has the lowest extent of impacts to both endangered species and waters of the United States, as well as the waters of the State. Under these analysis criteria, Alternative 3A has the fewest impacts to key biological resources.

Alternative 3A is the Least Costly Build Alternative

Alternative 3A is least costly build alternative compared to the other developed alternatives.

Alternative 2:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct a two-lane truck bypass extending approximately two miles from south of Cajon Creek to north of Kenwood Avenue.
- Reconfigure the I-15/Kenwood Interchange.
- Construct one 2,600 foot auxiliary lane on northbound I-15 beginning at the I-15 and I-215 merge point.
- Realign the northbound I-15 to southbound I-215 connector.
- Realign the interchange to provide route continuity; I-215 will merge on the right.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct up to three auxiliary lanes added starting 1.2 miles north of Kenwood Avenue overcrossing.
- Construct a truck bypass lane starting at the Kenwood Interchange to just south of the I-215 Junction. This truck bypass lane will be two lanes wide and 1 1/2 miles long.
- Construct one auxiliary lane from the merge with the truck bypass and mainline to the exit ramp at Glen Helen Parkway.

Northbound I-215

- Construct one mixed flow lane 2 miles long beginning one mile south of Devore Road and ending at the merge with the northbound I-15.
- Reconfigure the interchange at Devore Road to align with a new Glen Helen Parkway Undercrossing.
- Reconfigure the northbound ramps at Devore Road/Glen Helen Parkway interchange to access northbound and southbound I-15.

Southbound I- 215

- Construct a new I-215 fly-over to carry traffic over the I-15 mainline.
- Reconfigure and add one additional lane from the I-15 diverge to a point approximately one mile south of Devore Road for a distance of approximately 2 1/4 miles.
- Construct a collector-distributor road in the southbound direction paralleling I-215. This will weave traffic between the north I-15 to south I-215 connector and the traffic exiting for Cajon Boulevard/Devore Road/Glen Helen Parkway.
- Relocate the southbound exit ramp and entrance ramp approximately 1,400 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.
- Realign Glen Helen Parkway.

Local Roads

- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Extend Glen Helen Parkway under the I-215 freeway.
- Remove the existing Devore Road Overcrossing.
- Realign Devore Road to extend to the new Glen Helen Parkway using a realigned Dement Street.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate Nedlee cul-de-sac and reconfigure southerly Cajon Boulevard cul-de-sac.

Alternative 2 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides a better traffic LOS in the 2040 design year.
- Alternative 3A costs less to construct than Alternative 2.
- Alternative 3A has less impact to key biological resources than Alternative 2.

Alternative 3:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct a two-lane truck bypass extending approximately two miles from south of Cajon Creek to north of Kenwood Avenue.
- Reconfigure the I-15/Kenwood Avenue Interchange ramps to connect to the truck bypass.
- Construct one auxiliary lane northbound I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Realign the northbound I-15 to southbound I-215 connector.
- Realign the interchange to provide route continuity; I-215 will merge on the right.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Up to three auxiliary lanes added starting 1.4 miles north of Kenwood Avenue overcrossing.

- Prior to the Kenwood Avenue interchange, begin a truck bypass lane and southbound I-215 connector. This truck bypass lane will be two lanes wide, approximately 3/4 mile long.
- Southbound I-15 and I-215 will braid in order to provide route continuity southbound.
- Widen and realign existing southbound I-15 to southbound I-15 connector.

Northbound I-215

- Construct one additional northbound lane beginning 1/2 mile south of Devore Road, ending at the merge with the northbound I-15, for a total distance of 1.5 miles.
- Reconfigure the northbound entrance ramps at Devore Road interchange to access northbound and southbound I-15.
- Realign northbound exit ramp at Devore Road.

Southbound I-215

- Reconfigure and add one additional lane to the southbound connector from the diverge with the southbound I-15 truck lanes to a point approximately 1/2 mile south of Devore Road.
- Construct a collector-distributor road in the southbound direction parallel to I-215 with a braid between the northbound I-15 to southbound I-215 connector and the Southbound Devore Road exit ramp.
- Relocate southbound exit ramp and entrance ramp approximately 2,100 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.

Local Roads

- Replace Devore Road overcrossing with a wider bridge.
- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi-center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure the southerly Cajon Boulevard cul-de-sac.
- Realign frontage roads that parallel the freeway.

Alternative 3 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides a better traffic LOS in the 2040 design year.
- Alternative 3A costs less to construct than Alternative 3.
- Alternative 3A has less impact to key biological resources than Alternative 3.

Alternative 5:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Reconfigure the interchange of I-15 and Kenwood Avenue, to connect with the truck bypass lanes.
- Construct one auxiliary lane on northbound I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Realign the northbound I-15 to southbound I-215 connector.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Auxiliary lanes added starting about 3,300 feet north of Kenwood Avenue overcrossing.
- At the Kenwood Avenue Interchange, begin a two-lane truck bypass lane to I-215, extending approximately two miles.

Northbound I-215

- Construct one additional lane northbound starting one mile south of Devore Road, ending at the merge with the Northbound I-15 for a total distance of two miles.
- Reconfigure the interchange at Devore Road to line up with Glen Helen Parkway with an undercrossing.
- Reconfigure the northbound entrance ramps at Devore Road/Glen Helen Parkway interchange to access northbound and southbound I-15.

Southbound I-215

- Reconfigure and add one additional lane from the I-15 diverge to a point approximately one mile south of Devore Road, for a distance of approximately 2 1/4 miles.
- Construct a collector-distributor road in the southbound direction paralleling to I-215. This will weave traffic between the north I-15 to south I-215 connector and the traffic exiting for Cajon Boulevard/Devore Road/Glen Helen Parkway.
- Realign Glen Helen Parkway

Local Roads

- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi-center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements are widening.

- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure southerly Cajon Boulevard cul-de-sac. Realign Dement Street.

Alternative 5 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides southbound route continuity and Alternative 5 does not.
- Alternative 3A costs less to construct than Alternative 5.
- Alternative 3A has less impact to key biological resources than Alternative 5.

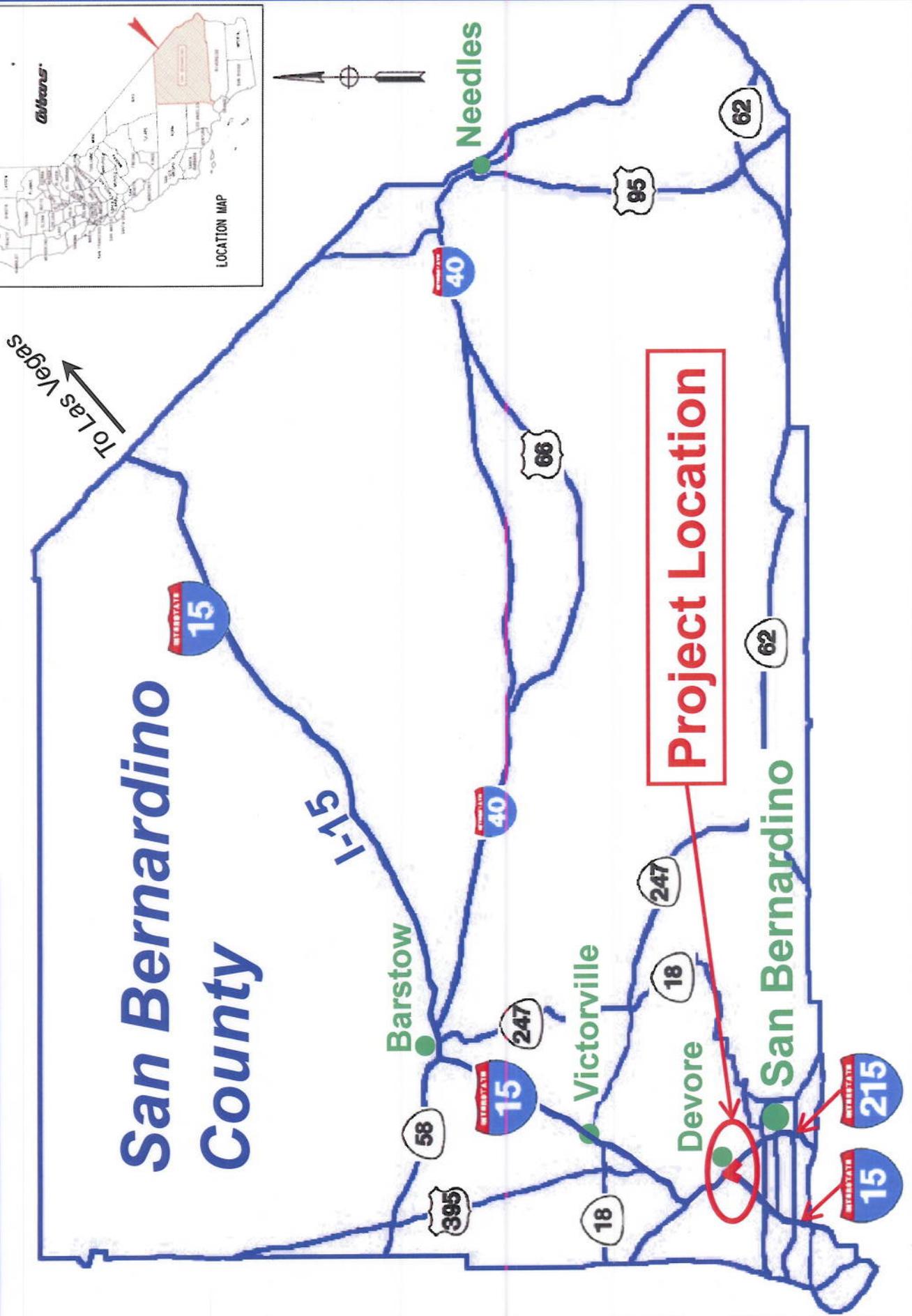
As part of the Design-Build method, a series of Alternative Technical Concepts (ATC) were proposed in June 2012 which modified the design of the preferred alternative (Alternative 3A). The selection process applied the best value procurement method to select a contractor to both design and build the project. The best value procurement method is an approach where the design-build teams respond to the owner by submitting proposals that are primarily evaluated based on the technical concepts together with the associated cost of the project. The Design-Builder (URS/Atkinson) was awarded the project in November 2012. Their proposal was selected because it offered the best value. URS/Atkinson's proposal improved the roadway design elements of Alternative 3A thus decreasing the overall project footprint resulting in significantly fewer Environmental and Right of Way impacts.

URS/Atkinson proposed three significant ATC's to the interchange design during the bid phase. The three major ATC's that were submitted and approved by the Department are:

1. ATC 3 – This change shifted the “braid” of the I-15 and I-215 roadways in the vicinity of Kenwood Avenue to improve the design by eliminating complicated bridges over the southbound off-ramp intersection with Kenwood Avenue. The braid was shifted south and with the new design, only a widening of the I-15 southbound bridge over Kenwood Avenue is necessary.
2. ATC 4 – This change provided “Route Continuity” for northbound I-15. In the original design, I-15 northbound merges in on the right side of I-215. This is reverse of what the desirable design would be. With the ATC 4 design, I-15 northbound will be on the left of the I-215 roadway and I-215 will merge into I-15 on the right. This matches driver expectations.
3. ATC 5 – This design change turns the Devore Road interchange into a conventional diamond interchange and eliminates the hook ramps originally designed south of Devore Road. The standard diamond interchange is a more desirable configuration for drivers. Hook ramps are confusing in that the motorists exiting to Devore Road are put onto Cajon Boulevard and have to drive north to Devore Road.

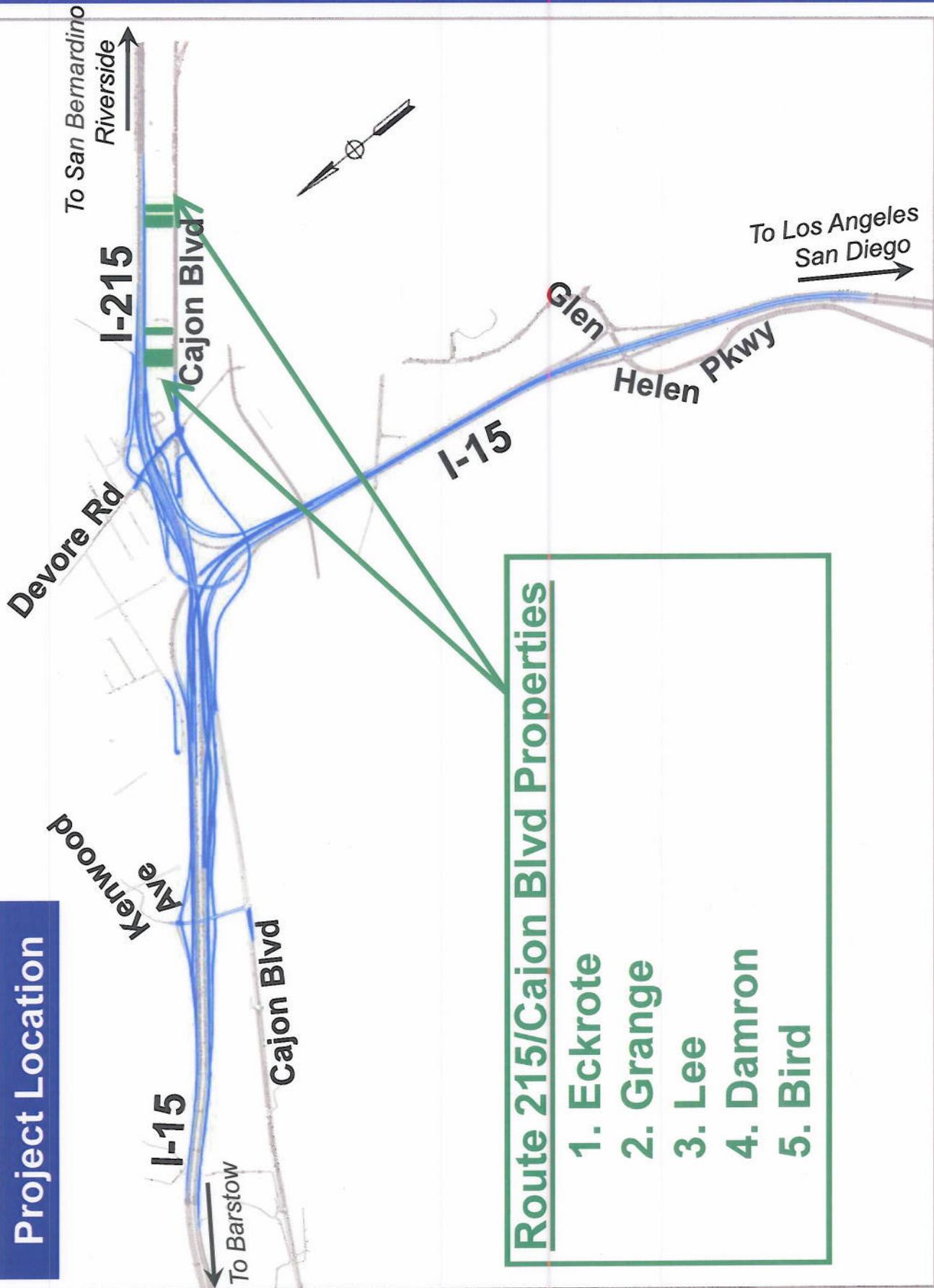
LOCATION MAP

San Bernardino County



DATE	COUNTY	ROUTE	LOCAL PROJECT NO.	STATE PROJECT NO.
08	SBD	15/215	14.0/R16.4	16.0/17.8

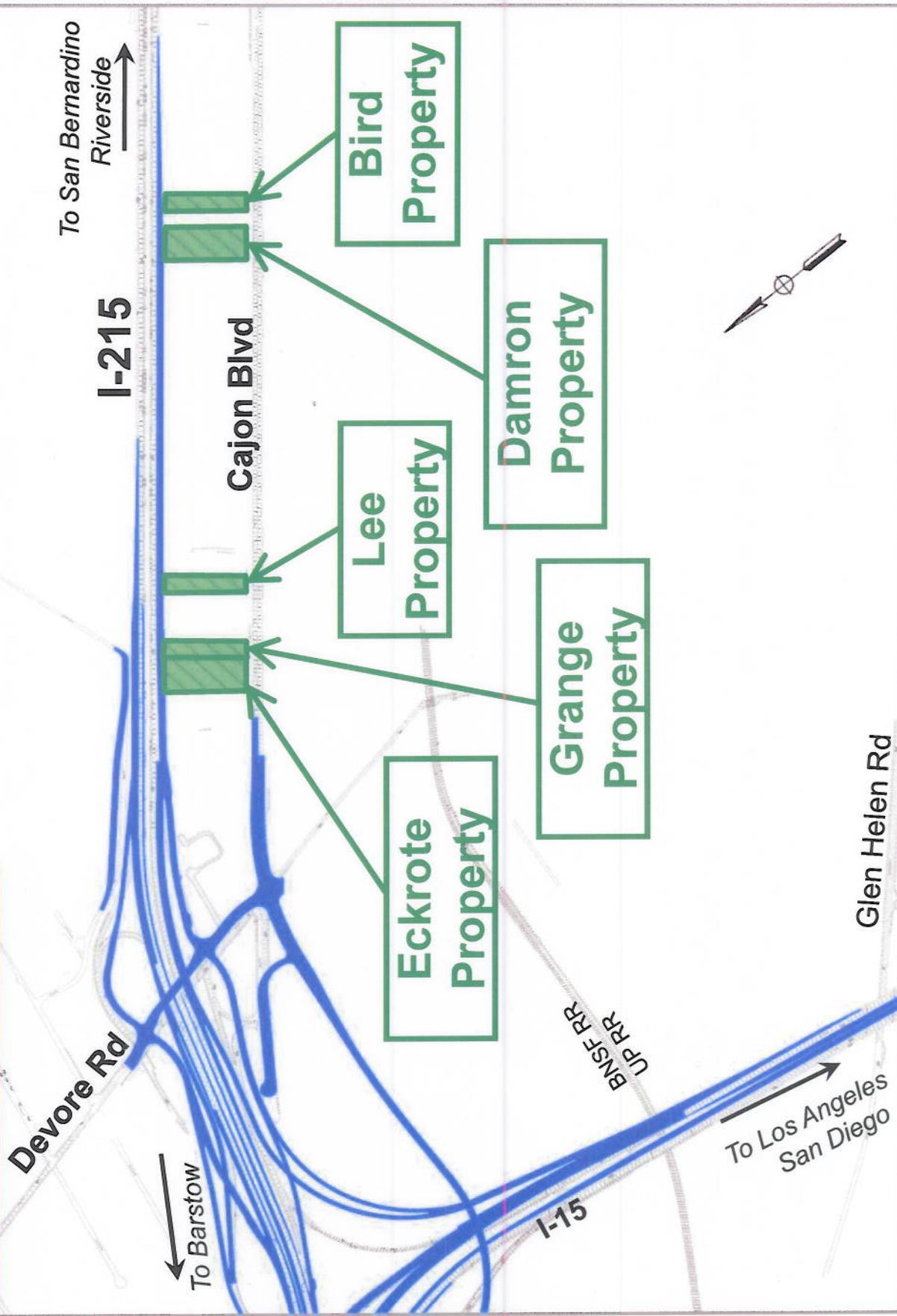
Project Location



Route 215/Cajon Blvd Properties

1. Eckrote
2. Grange
3. Lee
4. Damron
5. Bird

Project Location



COMMON ISSUES AND CONCERNS

The Condemnation Review Panel (Panel) met in San Bernardino on September 26, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing all the property owners at the meeting was attorney, Michael Kehoe.

The following is a description of the concerns/contentions expressed by the owners' representatives, followed by the Department's response:

Owners Contend:

The offers of just compensation do not comply with the requirements of Government Code Section 7267.2 because the appraisal reports are outdated, some of the comparable sales used in the report were distressed sales and influenced by the project.

Department Response:

The Department has complied with Government Code Section 7267.2 by having fair market value appraisals prepared which determine the just compensation for the real property, and has made offers to the owners of record to acquire the property in the full amount of those appraisals. At the time of the original offers, the amount of just compensation was based on current fair market value appraisals. The market at that time was relatively stagnant which resulted in few properties being sold. The comparable sales used were determined to be the most current and reflective of the market at that time. Although some of the sales involved lender Real Estate Owned circumstances, investigations concluded that these transactions were reflective of typical market transactions, and not sold at a discount. Additionally, the sales used were also confirmed and the prices paid were not found to be impacted or influenced by the project. When comparing sales within the project area versus sales outside the project area, there was no difference in the prices paid by the market participants. The Department has subsequently revised and updated all of the appraisals, and revised offers were made to the owners of record on October 25, 2013.

Owners Contend:

The proposed drainage plan and facilities along Interstate 215 (I-215) adjacent to the proposed acquisitions is inadequate. Specifically the proposed ditch capacity is insufficient to handle a greater than 25-year storm event.

Department Response:

Freeway traveled ways are to be protected from a 25-year storm event. Therefore the proposed drainage facilities which include inlets, storm drains, a water quality detention basin and drainage ditch are designed to intercept and convey water flow for a 25-year storm event. The tributary watershed to the proposed detention basin and ditch adjacent to the southbound I-215 consist of only on-site flows from the freeway. The detention basin and ditch are designed to convey a 25-year storm event per Department standards, which meet or exceed County requirements, and considerably exceed the national criteria established by the Federal Highway Administration and the American Association of State Highway and Transportation Officials. Design for a greater than 25-year storm event would be based on site specific needs which are not warranted or justified for this project. Higher intensity storms upstream of this location (such as 50-year and 100-year storm events) will not reach the proposed detention basin and ditch because upstream inlets and storm drains that discharge to the area in question do not have the capacity to convey these higher flows.

Owners Contend:

A block wall should have been considered in order to reduce the acquisition area, rather than the proposed 4:1 slope.

Department Response:

Four to one slopes were selected due to safety considerations as they are traversable and recoverable for errant vehicles. They also provide for 30-foot clear recovery zones, where reduced right of way acquisitions combined with a retaining wall and barrier would not. Introduction of a retaining wall would require that a barrier be installed at the ten foot shoulder edge for safety. The barrier itself presents a hazard because it is a fixed object within the 30-foot clear recovery area. There is an accident history within this area and a design using 4:1 slopes represents a safer alternative for motorist, as well as a more economical alternative consistent with the Department's highway design standards.

Owners Contend:

The storm water detention basin is not needed in this specific area.

Department Response:

The storm water detention basin in this area of the project will allow for infiltration and treatment of the freeway run-off. This basin and infiltration system is termed a Best Management Practice (BMP) and required by the Regional Water Quality Board for the project. The BMP is designed to be located where it best ties into the existing drainage infrastructure. BMP's are included throughout the project to meet water quality requirements. In this particular area near the subject properties, the BMP basin has been located and designed to reduce downstream peak flows and to treat the water to improve run-off water quality.

Owners Contend:

The existing Environmental Impact Report does not address the Design Builder's design.

Department Response:

The Design-Build contract included requirements for Environmental Compliance as set forth in the Environmental Commitments Record included in the Environmental Document prepared for the Alternative 3A (preferred alternative) preliminary design. The Design-Builder is responsible to update all Environmental Technical Studies and complete applicable Environmental Re-Validation documentation if the Design-Builder proposed changes to the scope or extent of the project as defined in the approved Environmental Document. An Environmental Re-Validation of the Environmental Document was completed on August 14, 2013 and satisfies all environmental requirements associated with the Design Builder's modifications to the project.

Owners Contend:

There is always the potential for change as part of the Design-Build project process and specifically asked when does the potential for design changes stop?

Department Response:

For this Design-Build project, the geometric design including design speed, lane/shoulder/bridge widths, horizontal alignment, vertical alignment, grades, widths, sight distances, cross slopes, super-elevation, horizontal clearance and vertical clearance were finalized with the approval of the Geometric Approval Drawings (GADs) by the Department and the Federal Highway Administration on April 11, 2013. Minor revisions to GADs after their approval, can be handled in an informal manner however it should be documented in writing. Minor revisions are those that do not require mandatory or advisory design exceptions nor does it affect environmental footprints, right of way requirements, scope and cost of the project. Major revisions, as determined by the Department, may require re-submittal of the GADs. It is expected that no other major revisions to the geometric design will occur.

Owners Contend:

There was a substantial change in proposed right of way approximately 360 feet upstream westerly of the Eckrote property (Parcel Number 22504) and they questioned why the design changed in this area.

Department Response:

The proposed right of way in this area was originally delineated based on a hook ramp configuration for the southbound Devore Road ramps. The Design-Builder revised the design of these ramps to eliminate the hook ramps and provide a conventional diamond interchange at Devore Road, which in turn reduced right of way impacts in this area. This modification had no resulting change or impact to the Eckrote property or the others located easterly of this area.

PARCEL PANEL REPORT

Resolution of Necessity C-21125

PARCEL DATA

Property Owners: Larry Eckrote and Adele Eckrote

Parcel Location: 18570 and 18590 Cajon Boulevard in the County of San Bernardino
Assessor Parcel Numbers 0348-132-03, -04

Present Use: Vacant Land / Storage Yard

Zoning: CI - Corridor Industrial / Glen Helen Specific Plan

Area of Property: 87,155 Square Feet (SF)

Area Required: Parcel 22504-1: 23,439 SF - Fee
Parcel 22504-2: 2,003 SF - Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 87,155 SF of land, rectangular in shape and graded. The site is zoned Corridor Industrial (CI) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor Parcel Numbers 0348-132-03, -04. The only on-site improvement is a small dilapidated masonry structure located at the front of the parcel towards Cajon Boulevard. Other site improvements include perimeter chain link fencing. It should be noted that the primary improvement on the subject parcel is located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

The subject property is impacted as a result of the I-215 freeway widening to accommodate the addition of one through lane in both directions, within the project area. The project requirements consist of a 23,439 SF fee acquisition located at the northern most portion of the property, along with an adjacent 2,003 SF TCE to allow working room for the highway contractor. To accommodate the proposed project and specifically the addition of one southbound lane along I-215 adjacent to the subject property, a four to one slope will be constructed to support the freeway along with a water retention basin at the bottom of the slope to collect the freeway storm water run-off, with an open earthen

ditch which will route the water to the southeast downstream of the subject property. The basin will allow for infiltration and treatment of the freeway run-off. This basin and infiltration system is termed as a Best Management Practice (BMP) and required by the Regional Water Quality Board. Based on the foregoing, a partial acquisition of the subject property is required and cannot be avoided.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 26, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners at the meeting was attorney, Michael Kehoe.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury, and that the Department's offer to acquire the property does not comply with Government Code Section 7267.2.

The issues and concerns expressed by the owners' and/or their representatives, and the Department's responses are contained in Attachment B.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners and/or their representatives:

Type of Contact	Number of Contacts
Mailing of information	5+
E-Mail of information	16+
Telephone contacts	9+
Personal/meeting contacts	4

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies 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 least private injury.
- The property rights to be condemned are 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 this Resolution of Necessity to the Commission.

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 26, 2013**

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
Julie Del Rivo, Los Angeles Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Michael Kehoe, Attorney for the Property Owners

Basem Muallem, District 8, District Director
Christy Connors, District 8, Deputy District Director, Design
Syed Raza, District 8, Deputy District Director, Right of Way
Jesus Paez, District 8, Project Director
Bill Dehn, USR, Design Manager
Craig Farrington, San Bernardino Associated Governments, Attorney
Dennis Saylor, San Bernardino Associated Governments, Project Manager
Terry Haines, San Bernardino Associated Governments, Right of Way
Susan Esparza, District 8, Senior Right of Way Agent
Craig Justesen, Overland, Pacific & Cutler, Program Manager
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

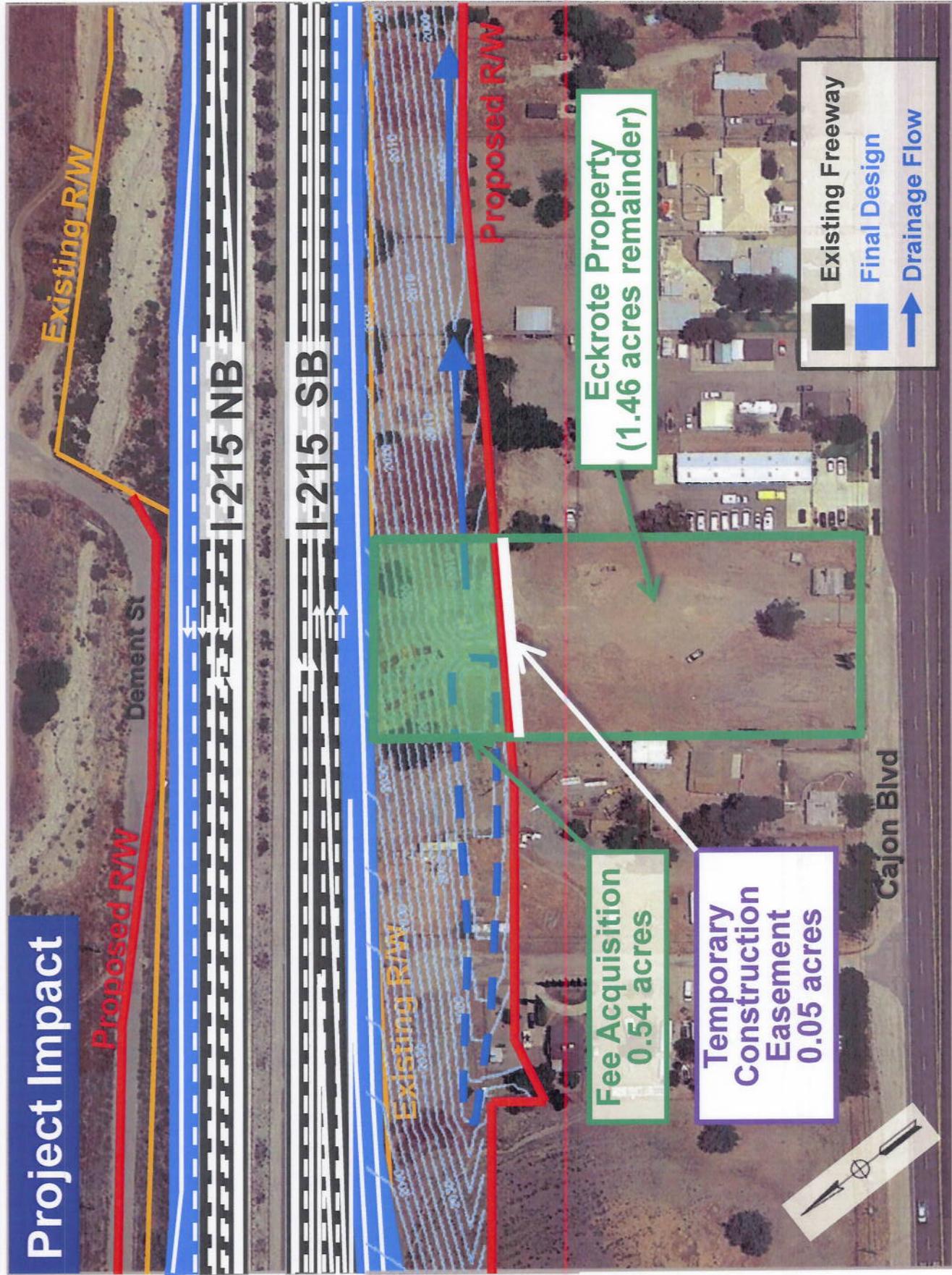
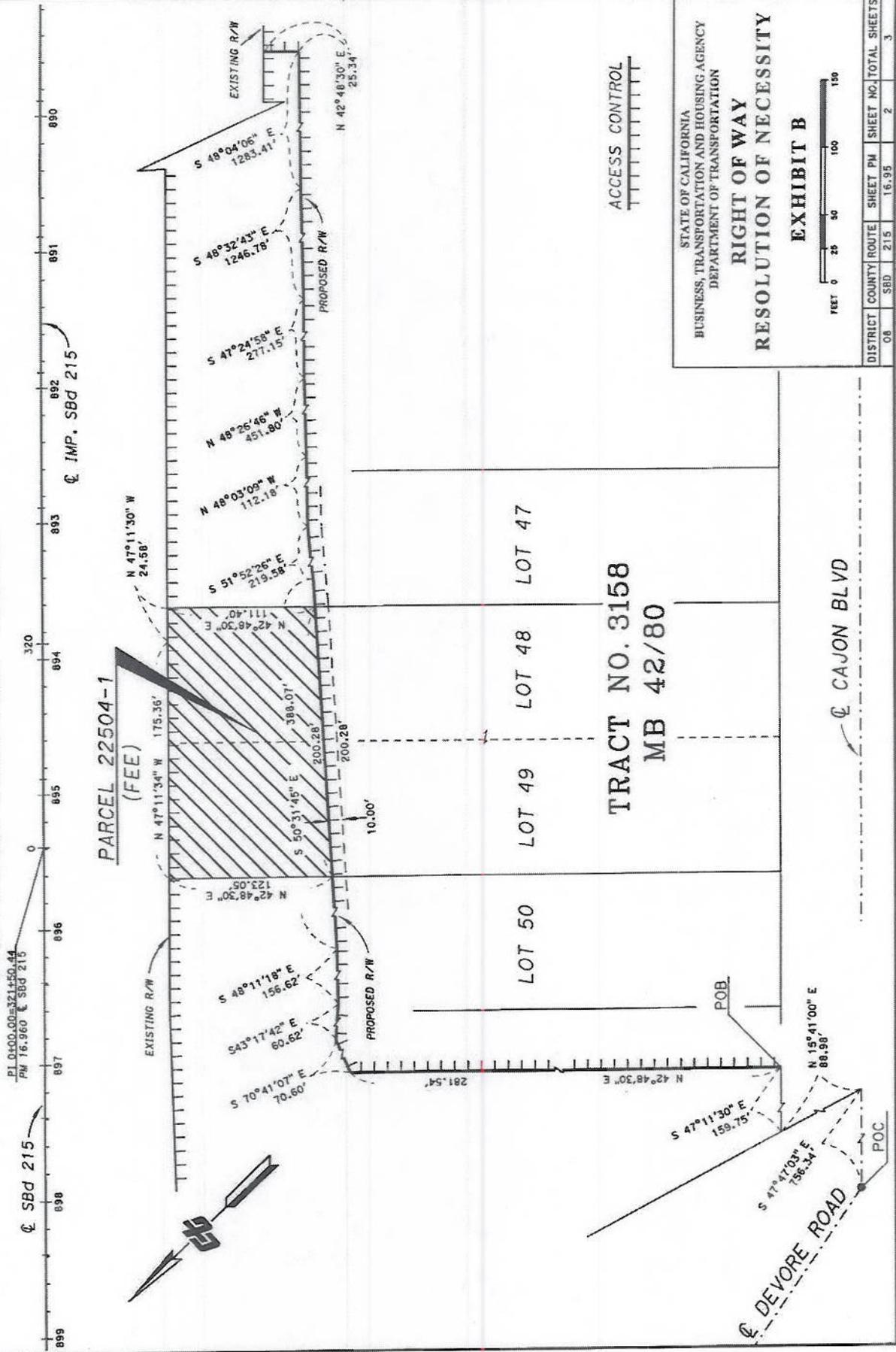


Exhibit C1

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

COUNTY OF SAN BERNARDINO UNINCORPORATED AREA



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B

FEET 0 25 50 100 150

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
08	SBD	215	16.95	2	3	3

Exhibit C2

PARCEL PANEL REPORT

Resolution of Necessity C-21126

PARCEL DATA

Property Owners: Jeffery Todd Grange

Parcel Location: 18592 Cajon Boulevard in the County of San Bernardino
Assessor Parcel Number 0348-132-05

Present Use: Warehouse / Emergency Transportation Facilities / Towing Business

Zoning: CI - Corridor Industrial / Glen Helen Specific Plan

Area of Property: 43,578 Square Feet (SF)

Area Required: Parcel 22502-1: 10,845 SF - Fee
Parcel 22502-2: 1,001 SF - Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 43,578 SF of land, rectangular in shape and graded. The site is zoned Corridor Industrial (CI) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor's Parcel Number 0348-132-05. On-site improvements include a 3,420 SF metal butler warehouse building along with asphalt concrete striped parking extending approximately the length of the building. Other site improvements chain link fencing, signage, and minimal landscaping. It should be noted that the primary improvements on the subject parcel are located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

The subject property is impacted as a result of the I-215 freeway widening to accommodate the addition of one through lane in both directions, within the project area. The project requirements consist of a 10,845 SF fee acquisition located at the northern most portion of the property, along with an adjacent 1,001 SF TCE to allow working room for the highway contractor. To accommodate the proposed project and specifically the addition of one southbound lane along I-215 adjacent to the subject property, a four to one slope will be constructed to support the freeway along with an open earthen drainage

ditch at the bottom of the slope to handle storm water run-off from the freeway. Based on the foregoing, a partial acquisition of the subject property is required and cannot be avoided.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 26, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners at the meeting was attorney, Michael Kehoe.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury, and that the Department's offer to acquire the property does not comply with Government Code Section 7267.2.

The issues and concerns expressed by the owners' and/or their representatives, and the Department's responses are contained in Attachment B.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners:

Type of Contact	Number of Contacts
Mailing of information	4+
E-Mail of information	17+
Telephone contacts	7+
Personal/meeting contacts	4

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies 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 least private injury.
- The property rights to be condemned are 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 this Resolution of Necessity to the Commission.

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 26, 2013**

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
Julie Del Rivo, Los Angeles Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Michael Kehoe, Attorney for the Property Owners

Basem Muallem, District 8, District Director
Christy Connors, District 8, Deputy District Director, Design
Syed Raza, District 8, Deputy District Director, Right of Way
Jesus Paez, District 8, Project Director
Bill Dehn, USR, Design Manager
Craig Farrington, San Bernardino Associated Governments, Attorney
Dennis Saylor, San Bernardino Associated Governments, Project Manager
Terry Haines, San Bernardino Associated Governments, Right of Way
Susan Esparza, District 8, Senior Right of Way Agent
Craig Justesen, Overland, Pacific & Cutler, Program Manager
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

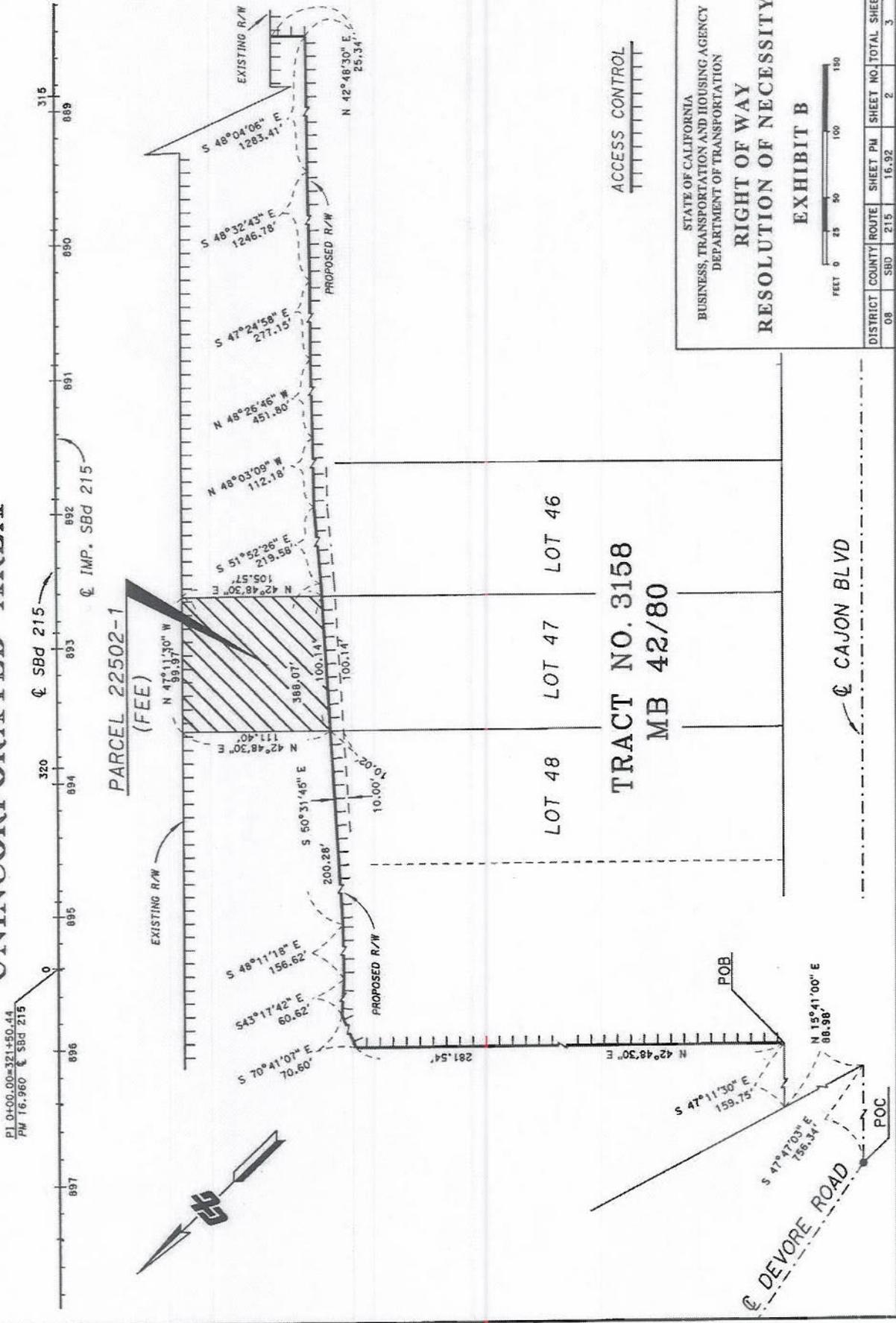


Exhibit D1

Exhibit D1

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COUNTY OF SAN BERNARDINO UNINCORPORATED AREA



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY RESOLUTION OF NECESSITY

EXHIBIT B

DISTRICT COUNTY ROUTE SHEET PM SHEET NO. TOTAL SHEETS
08 SBD 215 16.92 2 3

Exhibit D2

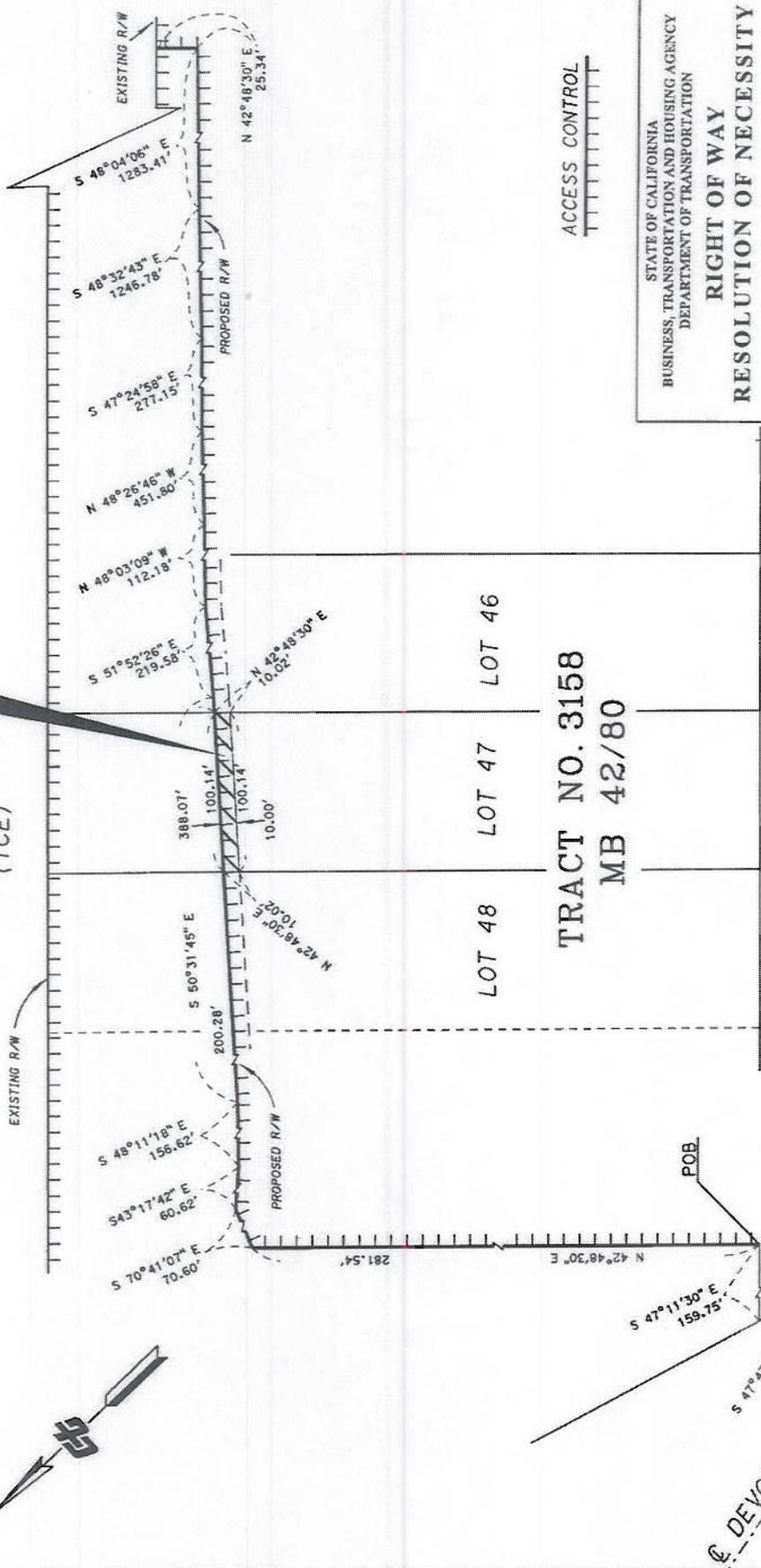
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COUNTY OF SAN BERNARDINO UNINCORPORATED AREA

PL 0+00.00=321+50.44
PM 16.960 ± SBD 215



PARCEL 22502-2
(TCE)



ACCESS CONTROL

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT C



CAJON BLVD

DEVORE ROAD

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
08	SBD	215	16.92	3	3	3

Exhibit D3

PARCEL PANEL REPORT

Resolution of Necessity C-21127

PARCEL DATA

Property Owners: Sean S. Lee and Iris S. Lee

Parcel Location: 18642 Cajon Boulevard in the County of San Bernardino
Assessor Parcel Number 0348-132-09

Present Use: Single Family Residence

Zoning: CI - Corridor Industrial / Glen Helen Specific Plan

Area of Property: 43,578 Square Feet (SF)

Area Required: Parcel 22498-1: 8,512 SF - Fee
Parcel 22498-2: 1,000 SF – Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 43,578 SF of land, rectangular in shape and graded. The site is zoned Corridor Industrial (CI) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor's Parcel Number 0348-132-09. On-site improvements include a single family residence with a two car attached garage located towards the front of the property. Other site improvements include a storage shed, chain link fencing and minimal landscaping. It should be noted that the primary improvements on the subject parcel are located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

The subject property is impacted as a result of the I-215 freeway widening to accommodate the addition of one through lane in both directions, within the project area. The project requirements consist of a 8,512 SF fee acquisition located at the northern most portion of the property, along with an adjacent 1,000 SF TCE to allow working room for the highway contractor. To accommodate the proposed project and specifically the addition of one southbound lane along I-215 adjacent to the subject property, a four to one slope will be constructed to support the freeway along with an open earthen drainage

ditch at the bottom of the slope to handle storm water run-off from the freeway. Based on the foregoing a partial acquisition of the subject property is required and cannot be avoided.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 26, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners at the meeting was attorney, Michael Kehoe.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury, and that the Department's offer to acquire the property does not comply with Government Code Section 7267.2.

The issues and concerns expressed by the owners' and/or their representatives, and the Department's responses are contained in Attachment B.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners:

Type of Contact	Number of Contacts
Mailing of information	6+
E-Mail of information	16+
Telephone contacts	12+
Personal/meeting contacts	4

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies 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 least private injury.
- The property rights to be condemned are 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 this Resolution of Necessity to the Commission.

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 26, 2013**

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
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Craig Justesen, Overland, Pacific & Cutler, Program Manager
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

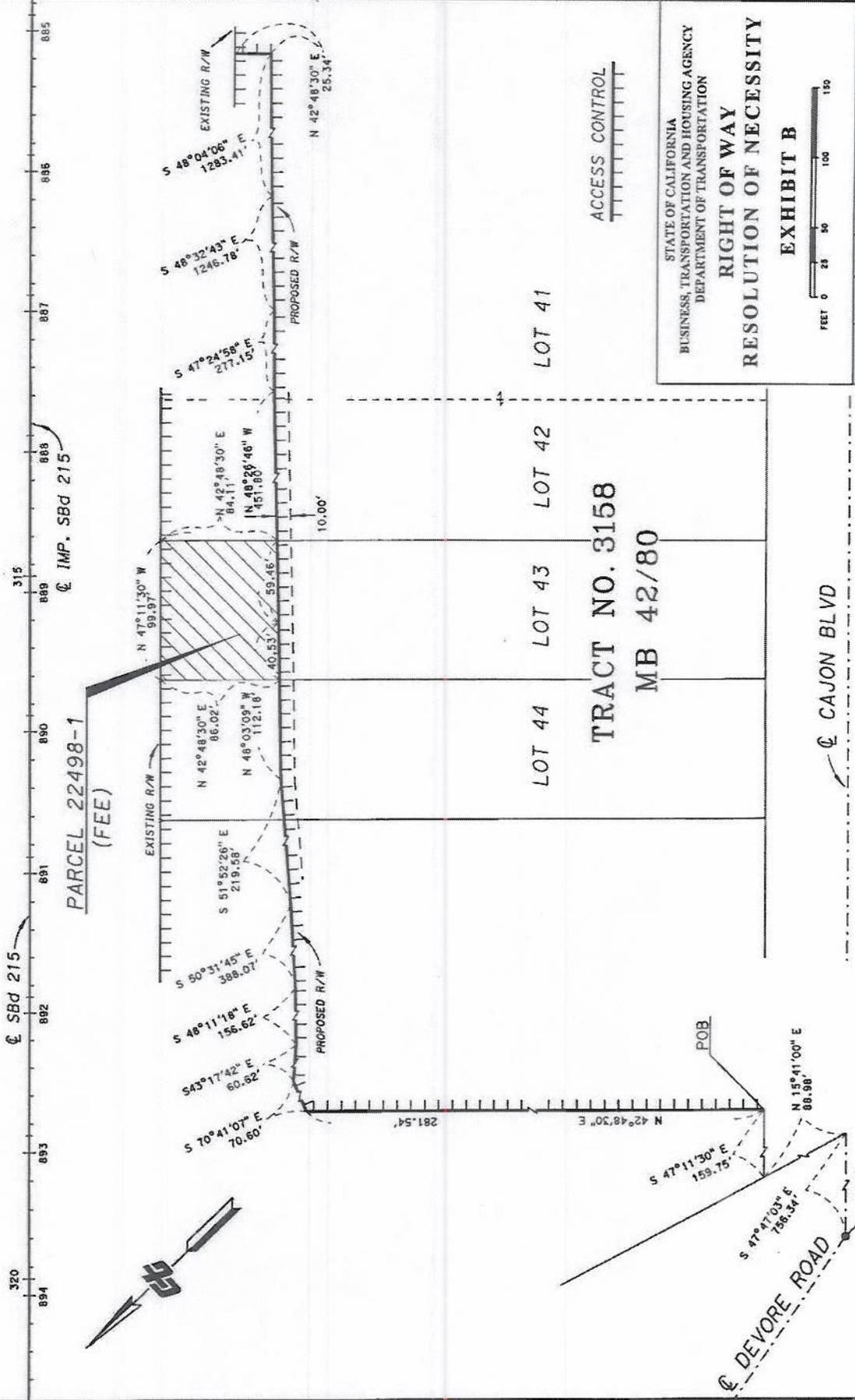


Exhibit E1

Exhibit E1

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COUNTY OF SAN BERNARDINO UNINCORPORATED AREA



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B



DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
08	SBD	215	16.84	2	3

Exhibit E2

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COUNTY OF SAN BERNARDINO UNINCORPORATED AREA

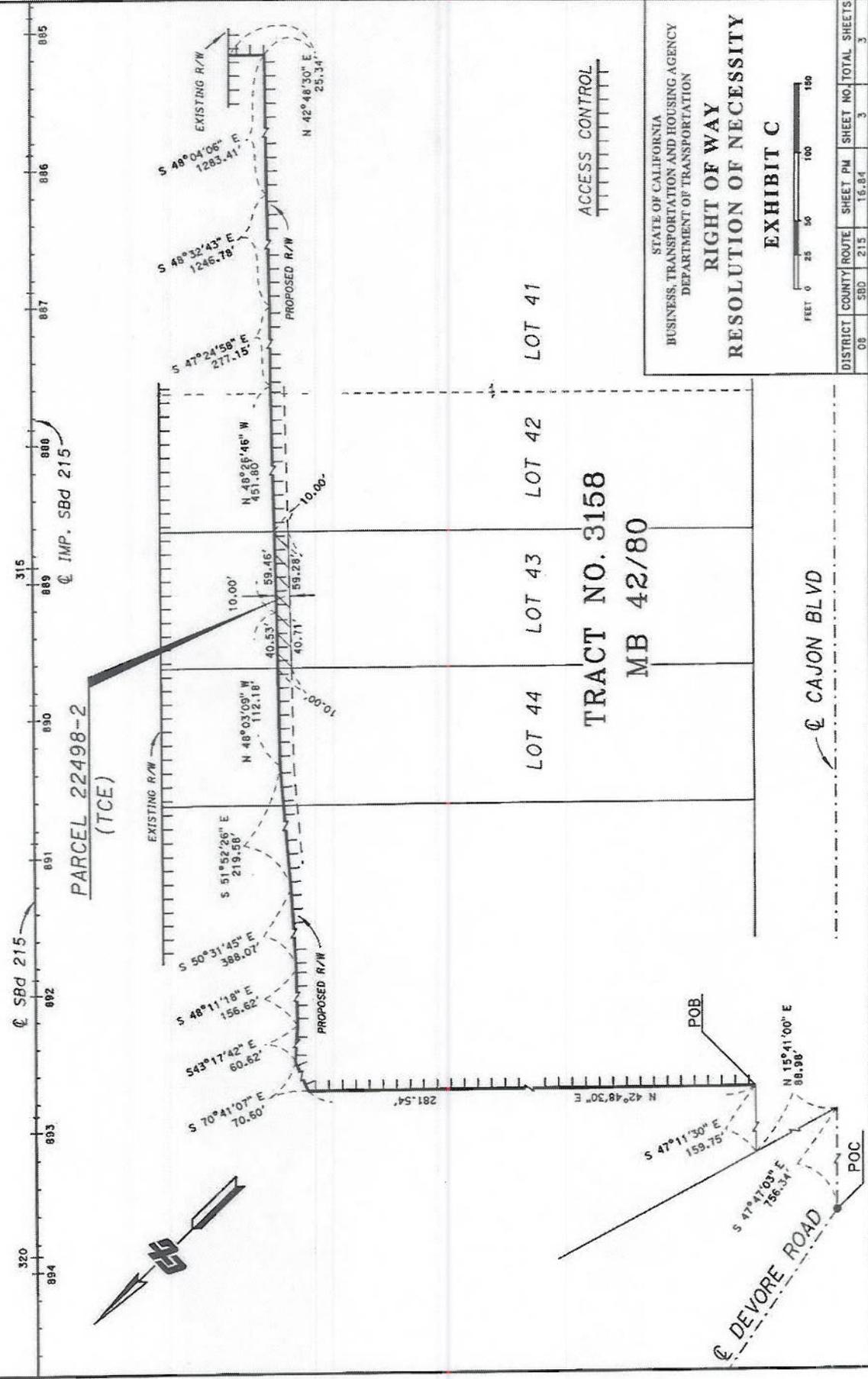


Exhibit E3

PARCEL PANEL REPORT

Resolution of Necessity C-21128

PARCEL DATA

Property Owners: The Damron Family Trust dated January 11, 2002

Parcel Location: 18858 Cajon Boulevard in the County of San Bernardino
Assessor Parcel Numbers 0348-141-04, -05

Present Use: Single Family Residence

Zoning: CI - Corridor Industrial / Glen Helen Specific Plan

Area of Property: 87,156 Square Feet (SF)

Area Required: Parcel 22482-1: 8,738 SF - Fee
Parcel 22482-2: 2,000 SF – Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 87,156 SF of land, rectangular in shape and graded. The site is zoned Corridor Industrial (CI) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor Parcel Numbers 0348-141-04, -05. On-site improvements include a single family residence located towards the middle of the west half of the property. Other site improvements include chain link fencing and landscaping. It should be noted that the primary improvements on the subject parcel are located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

The subject property is impacted as a result of the I-215 freeway widening to accommodate the addition of one through lane in both directions, within the project area. The project requirements consist of a 8,738 SF fee acquisition located at the northern most portion of the property, along with an adjacent 2,000 SF TCE to allow working room for the highway contractor. To accommodate the proposed project and specifically the addition of one southbound lane along I-215 adjacent to the subject property, a four to one slope will be constructed to support the freeway along with an open earthen drainage ditch at the bottom of the slope to handle storm water run-off from the freeway. Based

on the foregoing, a partial acquisition of the subject property is required and cannot be avoided.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

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DEPARTMENT CONTACTS

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Type of Contact	Number of Contacts
Mailing of information	4+
E-Mail of information	15+
Telephone contacts	14+
Personal/meeting contacts	5

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies 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 least private injury.
- The property rights to be condemned are 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 this Resolution of Necessity to the Commission.

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 26, 2013**

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Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Michael Kehoe, Attorney for the Property Owners

Basem Muallem, District 8, District Director
Christy Connors, District 8, Deputy District Director, Design
Syed Raza, District 8, Deputy District Director, Right of Way
Jesus Paez, District 8, Project Director
Bill Dehn, USR, Design Manager
Craig Farrington, San Bernardino Associated Governments, Attorney
Dennis Saylor, San Bernardino Associated Governments, Project Manager
Terry Haines, San Bernardino Associated Governments, Right of Way
Susan Esparza, District 8, Senior Right of Way Agent
Craig Justesen, Overland, Pacific & Cutler, Program Manager
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

Existing R/W

I-215 NB

I-215 SB

Existing R/W

Proposed R/W

Fee Acquisition
0.20 acres

Temporary
Construction
Easement
0.05 acres

Damron Family Trust
Property
(1.80 acres remainder)



- Existing Freeway
- Final Design
- Drainage Flow

Cajon Blvd

Exhibit F1

Exhibit F1

PARCEL PANEL REPORT

Resolution of Necessity C-21129

PARCEL DATA

Property Owners: Robert W. Bird and Shelley L. Bird

Parcel Location: 18910 Cajon Boulevard in the County of San Bernardino
Assessor Parcel Number 0348-141-20

Present Use: Single Family Residence

Zoning: CI - Corridor Industrial / Glen Helen Specific Plan

Area of Property: 43,578 Square Feet (SF)

Area Required: Parcel 22480-1: 3,986 SF - Fee
Parcel 22480-2: 1,000 SF – Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 43,568 SF of land, rectangular in shape and graded. The site is zoned Corridor Industrial (CI) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor's Parcel Number 0348-141-20. On-site improvements include a single family residence located towards the front of the property. Additionally, there is a metal building/workshop. Other site improvements include chain link fencing and minimal landscaping. It should be noted that the primary improvements on the subject parcel are located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

The subject property is impacted as a result of the I-215 freeway widening to accommodate the addition of one through lane in both directions, within the project area. The project requirements consist of a 3,986 SF fee acquisition located at the northern most portion of the property, along with an adjacent 1,000 SF TCE to allow working room for the highway contractor. To accommodate the proposed project and specifically the addition of one southbound lane along I-215 adjacent to the subject property, a four to one slope will be constructed to support the freeway along with an open earthen drainage

ditch at the bottom of the slope to handle storm water run-off from the freeway. Based on the foregoing, a partial acquisition of the subject property is required and cannot be avoided.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 26, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners at the meeting was attorney, Michael Kehoe.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury, and that the Department's offer to acquire the property does not comply with Government Code Section 7267.2.

The issues and concerns expressed by the owners' and/or their representatives, and the Department's responses are contained in Attachment B.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners:

Type of Contact	Number of Contacts
Mailing of information	6+
E-Mail of information	15+
Telephone contacts	17+
Personal/meeting contacts	5

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies 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 least private injury.
- The property rights to be condemned are 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 this Resolution of Necessity to the Commission.

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 26, 2013**

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
Julie Del Rivo, Los Angeles Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Michael Kehoe, Attorney for the Property Owners

Basem Muallem, District 8, District Director
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Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

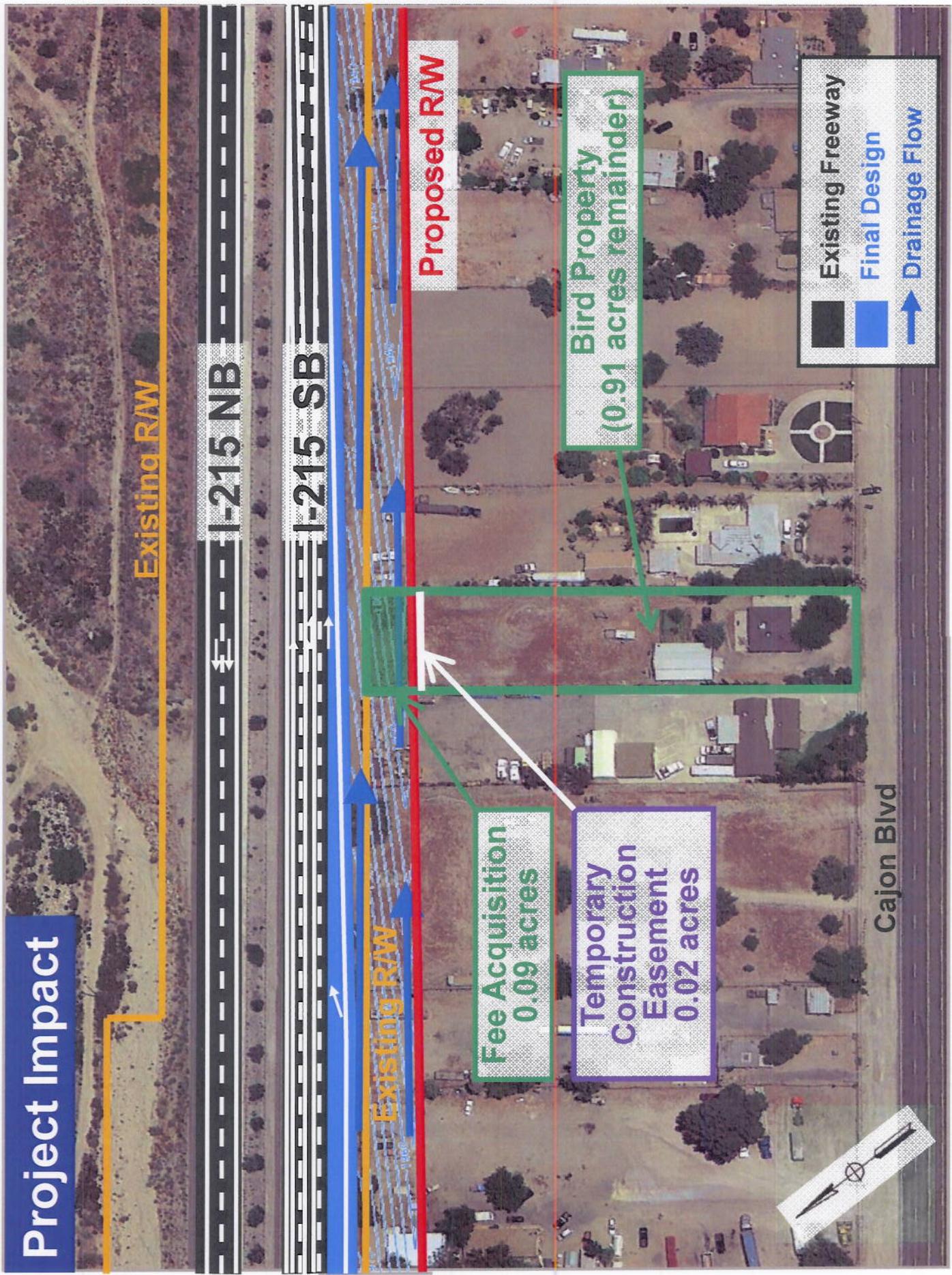
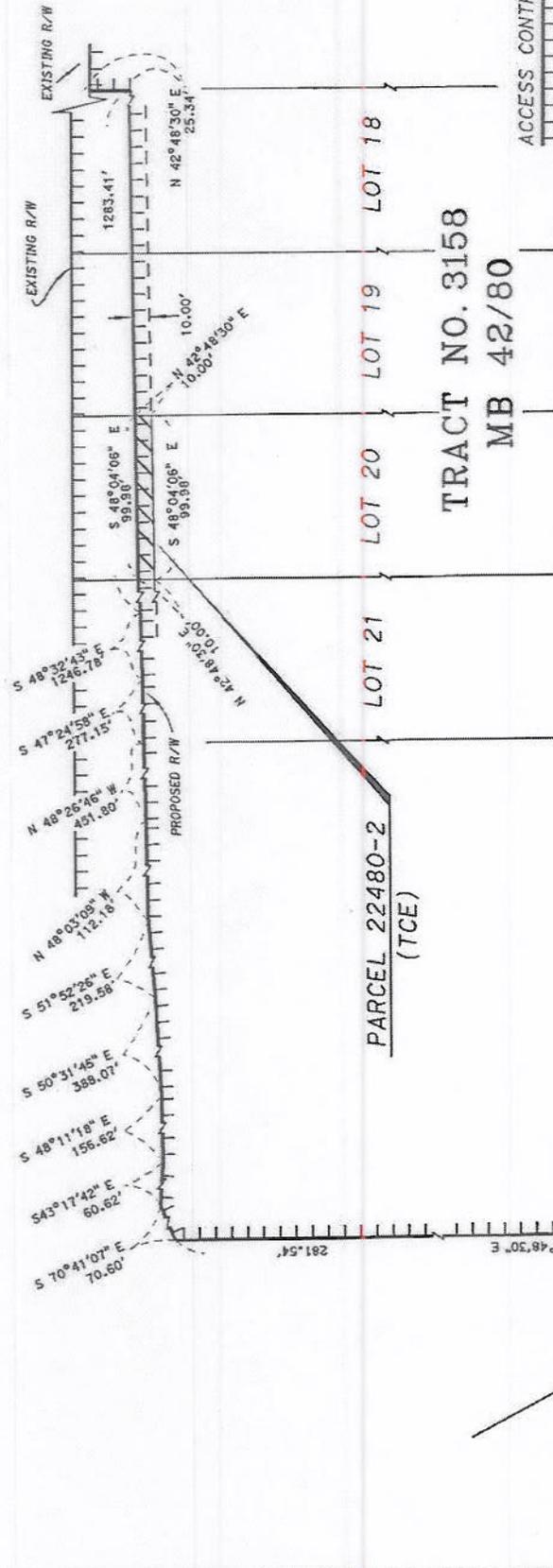
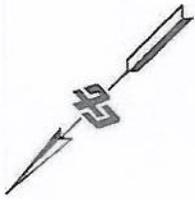


Exhibit G1

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

COUNTY OF SAN BERNARDINO UNINCORPORATED AREA



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

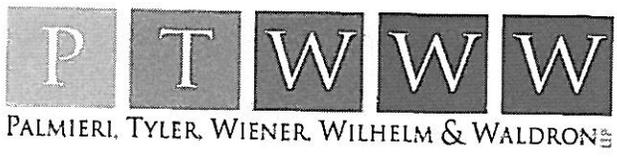
**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT C

FEET 0 25 50 100 150

DISTRICT	COUNTY ROUTE	SHEET NO.	TOTAL SHEETS
08	SBD 215	16-41	3
			3

Exhibit G3



2603 MAIN STREET
EAST TOWER - SUITE 1300
IRVINE, CALIFORNIA 92614-4281
(949) 851-9400
www.ptwww.com

P.O. BOX 19712
IRVINE, CA 92623-9712

WRITER'S DIRECT
DIAL NUMBER
(949) 851-7294

WRITER'S DIRECT
FACSIMILE NUMBER
(949) 825-5412

FIRM'S DIRECT
FACSIMILE NUMBERS
(949) 851-1554
(949) 757-1225

mleifer@ptwww.com

REFER TO FILE NO.
36471-001

- ANGELO J. PALMIERI (1928-1996)
ROBERT F. WALDRON (1927-1998)
- | | |
|----------------------|---------------------|
| ALAN H. WIENER* | DONNA L. SNOW |
| ROBERT C. IHRKE* | RYAN M. EASTER |
| MICHAEL J. GREENE* | ELISE M. KERN |
| DENNIS W. GHAN* | MELISA R. PEREZ |
| DAVID D. PARR* | MICHAEL I. KEHOE |
| CHARLES H. KANTER* | CHADWICK C. BUNCH |
| PATRICK A. HENNESSEY | ANISH J. BANKER |
| DON FISHER | RYAN M. PRAGER |
| GREGORY N. WEILER | ROBERT H. GARRETSON |
| WARREN A. WILLIAMS | BLAINE M. SEARLE |
| JOHN R. LISTER | JERAD BELTZ |
| MICHAEL H. LEIFER | ERIN BALSARA NADERI |
| SCOTT R. CARPENTER | ERICA M. SOROSKY |
| RICHARD A. SALUS | PETER MOSLEH |
| NORMAN J. RODICH | JOSHUA J. MARX |
| RONALD M. COLE | ERIN K. OYAMA |
| MICHAEL L. D'ANGELO | STEVEN R. GUESS |
| STEPHEN A. SCHECK | |
- MICHAEL C. CHO, OF COUNSEL
JAMES E. WILHELM, OF COUNSEL
DENNIS G. TYLER*, RETIRED
*A PROFESSIONAL CORPORATION

December 11, 2013

VIA E-MAIL & FACSIMILE (916) 653-2134

Executive Director
California Transportation Commission
P.O. Box 942873, Mail Station 52
Sacramento, CA 94273-0001

Re: Olivier, Eckrote, Grange, Lee, Damron, Bird
Objection to Resolutions of Necessity For
Acquisition Parcels 22508-1, 2; 22504-1, 2;
22502-1, 2; 22498-1, 2; 22482-1, 2; 22480-1,2

Dear Commissioners:

Our clients object to the adoption of the proposed resolution of necessity. Unless specifically indicated otherwise, these objections apply to each of our clients and the aforementioned proposed takes.

The offer is not valid. It relies on an appraisal that fails to account for the fact that the Glen Helen Specific Plan zoning is project-impacted. As confirmed by staff at the design review hearings, SANBAG has been in communication with the County of San Bernardino about the I-15/I-215 Junction project since at least 2005. The project-impacted zoning likewise reflects that it is in anticipation of the project. The offer and appraisal on which it is based fundamentally ignores the overarching and depressing effect of this project not simply on specific sales within the Glen Helen Specific Plan but on the zoning imposed on the area.

Executive Director
December 11, 2013
Page 2

The project as designed does not cause the least private injury. The report to commission represents that Caltrans 25-year flood event meets or exceeds County of San Bernardino standards. That was not the position taken at the design review meetings. To the contrary, at the review meetings it was claimed that Caltrans did not need to meet County standards. As we pointed out at the second review meeting, County of San Bernardino development standards for drainage affecting private property is for a 100-year storm event, a fact of which Caltrans and SANBAG are eminently aware. The project increases the impervious area of the freeway adjacent to the subject properties. While increasing runoff, the project fails to meet the same standards that are used and required to protect private property to which the project abuts. The project should be designed to standards applied to protect the adjacent private property, i.e., from a 100-year event, to accomplish the least private injury and greatest public good.

In addition, as it relates to the Eckrote parcel, Caltrans proposes a detention basin. Again, it is deficient because it is inadequately designed to a 25-year event. In the event the basin gets filled with debris, there is no mechanism or monitoring system to identify overflow causing our clients' property to be subject to flooding in such event.

Further, providing retaining walls versus 4:1 slopes is within Caltrans standards. Rather than taking less land, Caltrans is taking more to implement slopes. Numerous projects throughout southern California include retaining walls. The same good, i.e., the freeway expansion, with less injury can be accomplished by provided retaining walls versus earthen slopes.

Caltrans has pre-committed the Commission to acquire the right-of-way. Prior to this hearing, the right of way was set. Caltrans' report to the Commission makes a point of highlighting that the right of way was set on April 11, 2013. As has been repeatedly referenced in the Caltrans report, this is a design-build contract. As a result, Caltrans/SANBAG have already contractually pre-committed to deliver the right-of-way to the design-builder well before this hearing undermining any discretion of this Commission to reject the proposed takings. As a result adoption of the resolution would constitute an abuse of discretion.

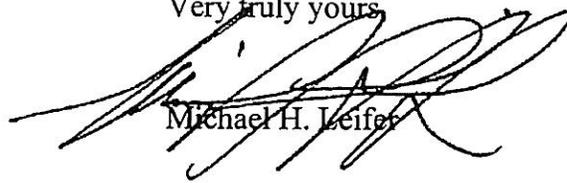
We request that the hearing on the resolutions be postponed so that our concerns may be addressed prior to authorization of any condemnation action.

Please include this letter as part of the record on this matter.

Executive Director
December 11, 2013
Page 3

We incorporate by reference the zoning documents, project documents, offer/appraisal, and correspondence.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Leifer", is written over the typed name. The signature is stylized and somewhat illegible due to the cursive style.

Michael H. Leifer

MHL:sh

cc: Mark Zgombic (via email)
Clients