



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

BOARD OF DIRECTORS

REGULAR MEETING AGENDA

Monday, March 22, 2010 – 2:00 P.M.

Irwindale City Hall

5050 Irwindale Avenue

Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|---|--------------------|
| I. | Pledge of Allegiance | |
| II. | Roll Call and Introductions | |
| III. | Approval of Minutes of February 22, 2010 Board Meeting (Pages 1-3) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | |
| VI. | Chief Executive Officer's Report (Pages 4-7) | Information |
| VII. | Approval of Closeout of East End Ave/Reservoir St. Construction Contract and Project Acceptance (Pages 8-9) | Action |
| VIII. | Approval of Amendment to FY 2010 Task Order for Engineering Survey Services with Wagner Engineering (Page 10) | Action |
| IX. | Approval of Project Definition Report for the San Gabriel Trench Project (Pages 11-15) | Action |
| X. | Approval of Property Requirements for the San Gabriel Trench Project (Pages 16-20) | Action |
| XI. | State Transportation Legislation – ABX8 6 and ABX8 9 (Pages 21) | Information |
| XII. | Closed Session: The Board will adjourn to closed in accordance with Government Code Section 54956.8 to discuss real property negotiations: Property: 2882 Pomona Blvd. Pomona, CA 91768 | Possible
Action |

The ACE Construction Authority is constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member. Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes. All disclosable public records related to this meeting are available for viewing at the ACE office above during normal working hours.

Negotiating Parties: ACE Construction Authority Mark Mendoza/Paragon
Partners and Altec Industries, Inc.
Matters for Discussion: Price & Terms

and Government Code Section 54965.9(a) to discuss existing litigation:
Los Angeles Superior Court Case No. BS 1223376
Edward Rowland LLC and Golden Pacific Realty vs ACE Construction
Authority & Caltrans

Possible
Action

XIII. Adjournment

Action



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ACE Construction Authority Board of Directors February 22, 2010 Meeting Minutes

1. Roll Call – Chairman Spohn called the meeting to order at 2:08PM at the City of Irwindale Council Chambers. In attendance were:

Tim Spohn, Industry
Tom King, SGVCOG
David Gutierrez, San Gabriel
Patricia Wallach, El Monte
Michael Antonovich, County of Los Angeles
Steven Atchley, Pomona

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Counsel
Deanna Stanley
Victoria Butler

Guests

Alan Ude, LA County Public Works
Jeanne Harvin, Jacobs Engineering
Bryce Little, PB Americas
Gary Neely, Senator Bob Huff
Polly Ann Walton, Athalye Consulting

2. **Pledge of Allegiance** – Member Gutierrez led the pledge of allegiance.
3. **Approval of January 25, 2010** – A motion was made to approve the minutes of January 25, 2010. M/S/C/Gutierrez/King /Unanimous
4. **Public Comments** – There were no public comments.
5. **Chair Report** – Chairman Spohn reported ACE hosted an Asian American community press conference on January 29th. He reported the event was successful in attracting significant media interest. He also reported ACE was busy making arrangements for the San Gabriel Valley Congressional appreciation reception March 15th co-hosted with the Economic Partnership, Foothill Transit and the SGVCOG.
6. **Chief Executive Officer's Report** – Mr. Richmond reported the Authority sought \$33M from the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program for the Baldwin Avenue grade separation.

He indicated the project was included in a recommendation from the four counties, however was not approved. He reported that overall California did not fare well in the program as there were only two projects statewide approved, a crossing in Colton and a project in the Bay area. He also reported that the USDOT was having a series of outreach meetings regarding the surface reauthorization and a meeting was held at the MTA on Friday. The first half was a town hall discussion. The second half was a panel discussion and Mr. Richmond was a panelist on goods movement. Victoria Butler reviewed construction project progress photos of the Sunset Avenue grade separation project.

7. **Approval of Contract Amendment with Demetriou, Del Guercio, Springer & Francis** - Mr. Richmond reviewed the history of the relationship with Demetriou, Del Guercio. He indicated in June 2009 the Board approved an assignment related to the Temple Avenue 4th Track Project with Altec Industries. ACE was uncertain at that time if the matter would reach a settlement. The matter has gone into condemnation and it is estimated the total budget to settle this matter would be approximately \$142,000, an amount which exceeds their approved budget. He indicated an additional \$71,000 was necessary to fully fund this assignment.

A motion was made to authorize the Chief Executive Officer to execute an amendment to the legal services agreement with Demetriou, Del Guercio, Springer & Francis for the amount not to exceed \$71,000 for a total contract value of \$944,000.

M/S/C/Gutierrez/King/Unanimous

8. **Approval of Emergency Contract with Miller Demolition for Demolition at Baldwin Avenue Grade Separation Project** – Mr. Richmond explained the emergency procurement procedures allow a procurement if the procurement is essential to an Authority requirement to deal with an emergency situation. He indicated the property purchased at 10021 Bessie Ave was acquired under condemnation, necessary for the Baldwin Avenue grade separation project. He indicated despite payment to the former owner, a court order to vacate and various deadlines the owner refused to vacate the premises. On February 5 the eviction process occurred, though the house appeared unoccupied at that time. On February 12 the former owner was discovered in the house threatening to jump from a second story window. The El Monte police responded and the

former owner was taken into custody and property secured. Under those circumstances ACE staff determined the property could be a safety issue if left standing. Under the existing contract for on-call demolition services staff has issued a task order to Miller Environmental Inc. to demolish the property in an amount not to exceed \$76,505.

9. **Closed Session** – Counsel reported the Board would adjourn to closed session in accordance with Government Code Section 54965.9(a) to discuss existing litigation: Los Angeles Superior Court Case No. BS 1223376 Edward Rowland LLC and Golden Pacific Realty vs. ACE Construction Authority and Caltrans. The Board returned to open session and counsel announced there was no action taken by the Board.

10. **Adjournment** –The meeting was adjourned at 3:05PM



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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: CEO Report

The following are items of note since the last meeting:

Construction Management Services - At the February meeting, we reported that a Request for Proposals for Construction Management Services for grade separation projects had been issued. Four responsive proposals were received and proposal evaluation has begun. A recommendation for selection is anticipated at the April board meeting. The responsive proposals were received by:

- Caltrop
- Jacobs Engineering
- URS
- Parsons Brinckerhoff

Community Outreach Update – Staff has conducted the following project outreach activities:

- Provided staff assistance for the public outreach meeting for the Baldwin Avenue grade separation project;
- Assisted with project tours of the Sunset Avenue construction site for representatives of the Los Angeles County Department of Public Works and for two groups of geotechnical engineering students from California State Polytechnic University, Pomona;
- Conducted ongoing business support program, community outreach and construction coordination activities for the Sunset Ave. grade separation and Temple Ave. projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. In addition to the changes identified in the monthly construction reports, the following changes have occurred:

<u>Consultant/Vendor</u>	<u>Reason for Change</u>	<u>Change Amount</u>	<u>Total Contract Value</u>
SEMA Construction, Inc.	Change notices addressing extra work on Temple 4 th Track project associated with the construction of the Spur Track Bridge, relocation	\$70,408	\$12,488,824

of a propane tank away from the spur track, and compensation for unforeseen buried objects.

SEMA Construction, Inc.	Change notices associated with extra work on Temple 4 th Track project on adjacent properties that impacted the construction site, changes to the elevation of column footings at SR-58; compensation to the contractor for delay to the construction of flood control channel walls and acceleration of the work in order to be complete prior to the start of the rainy season.	\$133,101.49	\$12,612,925
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ALAMEDA CORRIDOR EAST

PROJECT STATUS REPORT

SUNSET AVENUE GRADE SEPARATION PROJECT For the Month: February 2010

Scope:	Construction of grade separations at the UPRR crossings at Orange Avenue and Sunset Avenue. Orange and Sunset Avenues will be lowered slightly and the tracks raised on embankments and two steel thru-girder bridges. California Street will be raised and reconstructed to meet the new track locations. Valley Boulevard will be reconstructed at all three intersections. Trackwork will consist of a new raised mainline track; at grade drill track and industry track connection to the north; and a temporary shoofly to the south requiring temporary closure of the northerly lane of Valley Blvd.	
Contractor:	Atkinson Contractors, LP	
Construction Manager:	PB	
Contract Award:	August 28, 2006	
Notice to Proceed:	November 14, 2006	
Original Completion:	November 18, 2009	Schedule % Complete
Revised Contract Completion:	January 1, 2011	78%

Schedule Summary	Estimated Start	Estimated Completion	% Complete
California Ave Shoofly & Street Restoration	January 2007	December 2007	100%
Railroad ROW storm drain system	February 2007	June 2010	98%
Valley Blvd Shoofly	May 2007	August 2008	100%
Drill Track	April 2008	August 2009	99%
Main Line Retaining Walls & Backfill	August 2009	March 2010	85%
Sunset & Orange Bridge Steel Fabrication	November 2007	September 2009	100%
Sunset & Orange Bridge Installation	December 2009	March 2010	90%
Valley @ Sunset & Orange Street Restorations	August 2009	October 2010	10%
South Mainline RW's at Shoofly	August 2010	October 2010	0%
Landscaping & Irrigation	October 2010	December 2010	0%

Financial Summary			
Original Contract Value	\$41,938,421.50		
C.O.s Approved This Month	\$0		
C.O.s Approved to Date	\$9,867,659.36		
Current Contract Value	\$51,806,080.86		
Invoiced to Date (% of revised contract)	\$40,049,401.00		77%
Release of Liens are Current	<input checked="" type="checkbox"/>		

SUNSET AVENUE GRADE SEPARATION PROJECT

Contractor		Atkinson Contractors, LP
Contract Award		August 2006
Limited NTP		November 1, 2006
NTP		November 14, 2006
Original Contractual Completion		November 18, 2009
Revised Completion by Executed Change Order		April 27, 2010
Estimated Date of Completion	78%	January 1, 2011
Original Contract Value		\$41,938,421.50
Change Orders this Month		\$0
Amended Contract Value		\$51,806,080.86
Earned to date (Amended Value)	77%	\$40,049,401.00
Release of Liens are Current	<input checked="" type="checkbox"/>	

Progress Summary

• California Ave Shoofly & Street Restoration	100%
• Railroad ROW storm drain system	98%
• Valley Blvd Shoofly	100%
• Drill Track	99%
• Drill Track Revision 12 ,16 & 17	99%
• Mainline Retaining Walls & Backfill	85%
• Sunset & Orange Bridge Steel Fabrication	100%
• Sunset & Orange Bridge Installation	90%
• Sunset & Orange Roadway Installation	10%
• Valley at Sunset & Orange Street Restorations	35%
• Valley Street Restoration (CN 32.5)	0%
• South Mainline RW's at Shoofly	0%
• Landscaping & Irrigation	0%

Safety and Security Issues:

- LOST TIME INJURY STATUS: No lost time/injuries reported.
- RR INCIDENTS: None
- SITE INCIDENTS: None
- Security incidents: None

Issues

- ACE and Atkinson have agreed in principle on global settlement for all outstanding claims, including Shoofly TIA. This CN 053 is being reviewed by all parties.
- Contractor claims native material shortage of 15,000 CY. Contractor has proposed a settlement. CM to review.
- SCE has not scheduled installation of permanent Distribution line on Sunset Avenue. Potential to impact construction activities.

Utilities

- SCE Distribution Relocation; SCE designed phase 2 to relocate under UPRR ROW and Valley Blvd. ACE/CM requested SCE construction schedule. Target date is 04/19/10.
- SCE continuing outage of overhead Distribution electrical shoofly to allow the Sunset bridge construction to continue through mid March 2010.
- CM and ACE coordinating electrical service for signal shelters and way-side signal with SCE and UPRR. Service request for Sunset Avenue submitted by ACE. Service request for Orange Avenue submitted by UPRR.
- Scope Valley Blvd. street lights: ACE contractor to install conduit, wire and pull boxes. SCE to install poles. Atkinson to submit credit in CN 10.5.

Work Accomplished this Month

- Sunset bridge erection: Contractor is tightening bolts and welding.
- Continue form, rebar and pour Main track retaining walls east of Sunset Ave and west of Orange Ave.
- Installed and post-tensioned central tie rods. Installing east and west tie rods.
- Backfilling Main Track retaining walls. Central walls complete.
- Began forming Orange Avenue Abutment 2 Retaining Wall closure.

Upcoming Work next Month

- Complete backfilling east and west retaining walls.
- Continue retaining wall closure pours behind abutments.
- Form, pour, and strip southerly type 1 retaining walls to be constructed this phase.



Forming Orange Abutment 2 Footing



Constructing Drainage Line " Through Main Track RW



Erecting Sunset Ave Floor Beams





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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: Approval of East End Avenue & Reservoir Street Construction Contract
Closeout and Project Acceptance

RECOMMENDATION: It is recommended that the Board:

1. Accept the East End Avenue Grade Separation and Reservoir Street construction contract with Ortiz Enterprises, Inc. as being completed in conformance with the project plans and specifications.
2. Approve the final closeout of the construction contract.
3. Authorize the Contracts Manager to release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period, if no claims or objections have been filed, upon concurrence of the Chief Executive Officer.

BACKGROUND: At your March 29, 2004 Special Board meeting, you authorized a contract with Ortiz Enterprises, Inc. (Ortiz) for the East End Avenue and Reservoir Street grade separations in the City of Pomona, in the amount of \$30,208,600. Ortiz was given full notice to proceed June 1, 2004.

The Reservoir Street grade separation was opened to traffic in December 2006. At your June 2007 meeting, the Board accepted the Reservoir Street grade separation project as substantively complete. At that time, staff advised that it would return to the Board to approve the acceptance of the contract work at East End Avenue, and advise as to the final contract amount and DBE percentage.

The East End Avenue grade separation was opened to traffic in May 2008. All work described in the project plans and specifications for both grade separation projects was completed in September 2008.

ACE staff has accepted all construction work. The major components of the two grade separations include construction of roadway bridges, ancillary roadways, pump stations, curb/gutter, sidewalks, traffic signal installation and landscaping.

Operation and maintenance of the project has been transferred to participating agencies, as follows:

- City of Pomona: streets, bridge abutments, sidewalks, local sewers, landscaping, pumphouse and traffic signals;
- Los Angeles County Sanitation Districts: trunk sewer;
- Union Pacific Railroad: railroad bridge;
- Various companies and agencies: water, gas, electrical and communications lines.

During the progress of the work, a number of significant cost issues arose. The Board has approved additional authorization in May 2007, June 2008, December 2008, and May 2009. Significant change orders resulted from:

- Delays due to Union Pacific Railroad shoofly installation and shop drawing reviews,
- Delays due to utility relocations,
- Increases in quantities,
- Changes to the railroad shoring design, and
- Driveway access changes.

In January 2010, the Board authorized execution of a final settlement amount of all outstanding claims.

The final construction contract amounts are as follows:

Original Contract Value:	\$30,208,600
Change Orders 01-27:	\$ 7,225,647
Final Settlement (Change Order 28):	<u>\$ 300,000</u>
Final Contract Value:	\$37,734,247
Change order percentage	24.91%

Staff requests that the Board approve final contract closeout and accept the East End Avenue & Reservoir Street Grade Separation projects as completed.

The DBE subcontracting commitment from Ortiz contract award was 8.16%. The actual DBE subcontracting participation attained was 8.18%.

BUDGET IMPACT: None.



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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: Approval of Amendment to FY 2010 Task Order for Engineering Survey Services with Wagner Engineering & Survey

RECOMMENDATION: Staff requests Board authorization to amend the Fiscal Year 2010 task order with Wagner Engineering & Survey, Inc. (WES) to provide additional services necessary for closing out of a grade separation project and survey for modified property takings on another project. The additional cost will not exceed \$38,000, resulting in a new FY 2010 task order of \$174,200.

BACKGROUND: WES is currently under contract with ACE to provide survey and mapping services for the ACE Project. WES is one of our ongoing support contractors who operate under annual task orders. Included in the FY '10 authorization was the preparation of legal descriptions and plat maps for property takings, updating of right-of-way certification maps and the related legal descriptions and plat maps for property transfers for the completed projects.

The survey scope for the Nogales project has been expanded to accommodate modifications to parcels required by detour road realignment and acquisition negotiations. These modifications were required after initial survey work had been completed.

Also, the City of Diamond Bar has required property transfer legal descriptions and plat maps for the Brea Canyon Road project in a level of detail not contemplated at the start of this endeavor. Staff is seeking reimbursement from the City of Diamond Bar for the extraordinary level of effort required to satisfy its criteria for property transfers.

Staff is requesting that an amount of \$38,000 be added to the FY 2010 task order for the additional efforts described above. This will result in a total task order value of \$174,200.

BUDGET IMPACT: Funds for this amended contract are available from Federal and MTA grants.



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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: Approval of San Gabriel Trench Project Definition Report

RECOMMENDATION: Staff recommends approval of the attached Project Definition Report for the trench construction and grade separations at Ramona Street, Mission Road, Del Mar Avenue, and San Gabriel Blvd. in the City of San Gabriel.

BACKGROUND: Our project management procedures call for the ACE Construction Authority Board to approve individual construction projects at certain important milestones. They are:

- Approval of a Project Definition Report, typically done at completion of preliminary engineering;
- Adoption of environmental impact findings and any mitigation;
- Approval of a Property Acquisition Inventory; and
- Approval of plans, specifications, and estimates at completion of design.

Right-of-way needs for the project have been identified at the current preliminary stage of design and are being presented separately.

Attached is the Project Definition Report for this project.

The staff will have a project overview and visual presentation at your March 22nd meeting illustrating the project scope of work and right-of-way requirements.

Attachment



PROJECT DEFINITION REPORT

SAN GABRIEL TRENCH GRADE SEPARATION PROJECT

PROJECT DEFINITION

The San Gabriel Trench (SGT) project scope of work will include lowering of the Union Pacific Railroad (UPRR) railroad tracks from approximately MP 489.57 thru MP 491.80 along the Alhambra Subdivision. The project will result in the grade separation of four streets over the Union Pacific rail line in the City of San Gabriel. Grade separation overhead structures will be constructed at Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard in the City of San Gabriel. The project will also include modifications to the at-grade crossing at Walnut Grove Avenue. The limits of the trench will begin in the City of Alhambra, transverse through the City of San Gabriel, and terminate within the City of Rosemead just east of Walnut Grove Avenue. The Rubio Wash and Alhambra Wash will be altered to match the newly proposed elevations.

DIVISION OF WORK

The current plan is to construct the San Gabriel Trench grade separation project using a single prime construction contractor for all project elements not performed by the UPRR or utility company contractors. Specific details regarding construction responsibilities will be detailed in the Construction and Maintenance Agreement between ACE, the City of San Gabriel/UPRR.

Work to be done by Contractor:

- Relocation of municipal utilities such as County storm drains, private City drains, County Sewer, etc., including sewer siphons
- Grading site preparation, and track installation for the shoo-fly tracks to detour train traffic during construction
- Modify approaches to each crossing location at Ramona Street, Mission Road, Del Mar Avenue, San Gabriel Blvd., and Walnut Grove Avenue. Construct modifications to traffic signals at Ramona Street and Mission Road.
- Demolition of existing utility facilities and excavation for trench structure
- Construction of piles, pile caps and tiebacks for trench walls
- Construction of trench base slab
- Construction of bridges, abutments, substructure and superstructure
- Construction of UPRR bridges over Alhambra Wash and Rubio Wash
- Construction of earth temporary retaining structures at both the west and east approaches to the trench
- Construction of the drainage system for the trench and infiltration bed for water treatment

- Modifications to existing Rubio Wash Culvert and Alhambra Wash Bridge
- Construction of landscaping and architecture treatment within the Mission District
- Relocate of fiber optic lines.

Work to be done by Railroad (UPRR's) Forces:

- Remove the existing at-grade crossing panels and highway safety equipment (gates and flashing lights) prior to bridge construction;
- Relocate all affected train control signals within the project limits.
- Relocate signal houses and install positive train control

Work to be done by Utility Companies:

- Design and relocation of private utilities will be managed by respective utility owners.

OUTSTANDING ISSUES

Right of Way:

The Project will require the full acquisition of one (1) property and forty-five (45) partial acquisitions that affect 60 properties. These properties are required for adequate railroad right of way width, bridge widening, tie backs, shoofly signal houses and pedestrian crossings. In addition, there will be a need for utility and temporary construction easements. Right of way staff will also facilitate the removal of encroachments on UPRR property along the railroad right of way.

Utility Relocations:

Utilities within public and railroad right of way which will be affected by the project will require relocation. ACE is currently working with the utility agencies and their design consultants to find the most cost effective relocation alternatives to accommodate the realigned utilities. Some utility relocations may require temporary relocations, however most are able to complete a permanent relocation during the timeline of the construction schedule and therefore would not require a temporary relocation. Utility relocations affect the following companies:

- AT&T
- Southern California Edison (SCE)
- The Gas Company (SCG)
- San Gabriel County Water District
- Sprint
- Level 3
- Time Warner

Construction Traffic Detour:

Construction of the proposed trench grade separation along the Union Pacific Railroad Alhambra Subdivision, MP 489.57 to MP 491.80, will result in approximately a three-year interruption in traffic flow between Chapel Avenue and Walnut Grove Avenue. There will be street closures for a period of approx. 3 mos. at each street crossing location for construction of each bridge. There is a commitment to alternate street closures. While one street is closed, adjacent streets are open to through traffic. Due to the traffic volumes within the project vicinity, a detailed construction-duration traffic evaluation was conducted. It evaluates the traffic impacts during construction and identifies viable mitigation measures. Haul routes and detour routes have been established based on information gathered from this study.

Railroad Construction and Maintenance Agreement:

This agreement is required to clearly define the responsibilities for each party and describe the scope and estimated cost for work required to be done by UPRR for the project.

CURRENT COST ESTIMATE

	(\$ 1,000's)
Design Cost	\$ 34,089,581
Construction Contractor	\$340,895,810
UPRR Construction	\$ 21,090,843
Construction Management Cost	\$ 17,044,791
Design Support Construction	\$ 3,408,958
Right of Way Cost	\$ 19,887,043
Utilities Cost	\$ 40,731,325
ACE PM & Labor Compliance	\$ 6,817,916
Total Project Direct Costs	\$483,966,267
Indirect Costs (3%)	\$ 14,518,988
Total Project Costs	\$498,485,255

SCHEDULE

April 2008	Design notice-to-proceed
April 2010	Environmental Impact Report/Environmental Assessment (EIR/EA) Completed
April 2010	Begin right of way acquisition
September 2010	100% design complete
April 2011	Bid for construction



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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: Approval of Property Requirements for the San Gabriel Trench Grade Separation Project

RECOMMENDATION: Staff recommends approval of the attached property requirements for the San Gabriel Trench. This authorization is subject to our future approval of a Finding of No Significant Impact (FONSI) for the project and completion of State and Federal environmental compliance processes (CEQA/NEPA).

BACKGROUND: The Authority's property acquisition guidelines call for the Board to approve all property acquisitions required for a project prior to staff initiating acquisition activities. Right-of-way needs for a project are generally identified at the 30% project design stage and presented for review and consideration by the Board in conjunction with the Project Definition Report, also being presented to the Board for its approval today.

The project will require the full acquisition of one property and forty-five partial acquisitions that affect 60 properties. These properties are required for adequate railroad right of way width, railroad bridge widening, tie backs, shoofly signal houses and pedestrian crossings. In addition, there is need for utility and temporary construction easements. The details of the property requirements are included in the attached table.

Once authorized staff will begin to negotiate the attached acquisitions with the property owners. Under our adopted property acquisition guidelines, if a negotiated purchase can be negotiated within 125% of our appraised value, staff can conclude the purchase. A negotiated price over 125% of appraised value must be approved by the Board. If, after a reasonable effort to negotiate purchase is unsuccessful, you will be asked to adopt a Resolution of Necessity which begins the eminent domain process.

BUDGET IMPACT: Funds for the acquisition of this property are available from MTA and Measure R funds and are included in the Authority's FY 2010 budget.

Attachments

RIGHT OF WAY REQUIREMENTS SAN GABRIEL TRENCH

ACE PARCEL NUMBER	PROPERTY	COUNTY TAX ASSESSOR PARCEL NUMBER	PROPERTY TYPE	ACQUISITION TYPE/USE
4a(S)	Alhambra City School District 801 S. Ramona Street San Gabriel, CA 91773	5347-032-900	Municipal Property	Permanent Easement-Tie Backs Temporary Construction Easement
4a-1(S)	City of Alhambra 630 South Almansor Street Alhambra, CA	5347-031-902	Municipal Property	Removal of Encroachments
4c(S)	Alhambra City School District 801 S. Ramona Street San Gabriel, CA 91773	5347-032-901	Municipal Property	Permanent Easement-Tie Backs Temporary Construction Easement
4g(N)	San Gabriel Unified School District 408 Clary Avenue San Gabriel, CA 91776	5362-016-900	Heavy Industrial	Permanent Easement-Tie Backs Utility Easement Temporary Construction Easements (2) Permit to Enter – storm drain
4h(S)	China Times, Inc. 333 W. Mission Drive San Gabriel, CA 91776	5361-005-008	Warehouse	Permanent Easement-Tie Backs Temporary Construction Easement Removal of Encroachments
4i(S)	Ralph Horowitz 429 Madera Street San Gabriel, CA 91776	5361-005-004	Light Industrial	Permanent Easement-Tie Backs
4j(N)	Clary Associates, Inc. 320 Clary Avenue San Gabriel, CA 91776	5362-016-005	Light Industrial	Permanent Easement-Tie Backs
4k-2(S)	Ralph Horowitz 429 Madera Street San Gabriel, CA 91776	5362-016-003	Parking Lot	Permanent Easement-Tie Backs Removal of Encroachments
4L(N)	Asian Youth Center 100 Clary Avenue San Gabriel, CA 91776	5362-017-003	Light Industrial/ Warehouse	Permanent Easement-Tie Backs Utility Easement Temporary Construction Easement
	Norman and Alice M. Wong 202 Clary Avenue San Gabriel, CA 91776	5362-017-004		
	Nancy Shen 206 Clary Avenue San Gabriel, CA 91776	5362-017-005		
	Edward T. & Tienyao Kung 210 Clary Avenue San Gabriel, CA 91776	5362-017-006		
	Wen F. & Chen S. Chang 220 Clary Avenue San Gabriel, CA 91776	5362-017-007		
	Jinxiang & Wendy Zheng Shih W. & Agnes M. Wu 226 Clary Avenue San Gabriel, CA 91776	5362-017-008		
	Bob and Wendy Wang Wang Family 230 Clary Avenue San Gabriel, CA 91776	5362-017-009		

ACE PARCEL NUMBER	PROPERTY	COUNTY TAX ASSESSOR PARCEL NUMBER	PROPERTY TYPE	ACQUISITION TYPE/USE
	Asian Youth Center 232 Clary Avenue San Gabriel, CA 91776	5362-017-010		
	Kit K. Ng 236 Clary Avenue San Gabriel, CA 91776	5362-017-011		
	Amy Shih 240 Clary Avenue San Gabriel, CA 91776	5362-017-012		
	Wooton Brothers LLC 242 Clary Avenue San Gabriel, CA 91776	5362-017-013		
	Greenwood Trucking Co. 246 Clary Avenue San Gabriel, CA 91776	5362-017-014		
	Chunjie Zhu & Sun Xiaohui 250 Clary Avenue San Gabriel, CA 91776	5362-017-015		
	UNIK Investment LLC 256 Clary Avenue San Gabriel, CA 91776	5362-017-016		
	Gino & Lifeng Chang 260 Clary Avenue San Gabriel, CA 91776	5362-017-017		
4m(S)	San Gabriel Hyrail, LLC 405 S. Del Mar Avenue San Gabriel, CA 91776	5362-017-002	Mini Storage	Full Acquisition
4n-1(N)	Paul & Cheryl Brow 330 S. Del Mar Avenue San Gabriel, CA 91776	5367-027-054	Commercial	Removal of Encroachments
4o(N)	130/210 Agostino Inc. 130 Agostino Rd. San Gabriel, CA 91776	5367-027-057	Commercial	Permit to Enter – storm drain Removal of Encroachments
4p-1(S)	Cecilia Ruvalcaba 101 E. Main Street San Gabriel, CA 91776	5368-001-028	Single Family Residential	Permanent Easement-Tie Backs Removal of Encroachments
4p-2(S)	Julio Espinoza & Sandra L. Ramirez 105 E. Main Street San Gabriel, CA 91776	5368-001-027	Single Family Residential	Permanent Easement-Tie Backs
4p-3(S)	Tin M. Tran & Wendy Ngo 109 E. Main Street San Gabriel, CA 91776	5368-001-026	Single Family Residential	Permanent Easement-Tie Backs
4p-4(S)	Salvador & Olga Garcia 111 E. Main Street San Gabriel, CA 91776	5368-001-025	Single Family Residential	Permanent Easement-Tie Backs
4p-5(S)	Quirino & Ana Sanchez 115 E. Main Street San Gabriel, CA 91776	5368-001-024	Single Family Residential	Permanent Easement-Tie Backs
4p-6(S)	Tracy Nguyen 117 E. Main Street San Gabriel, CA 91776	5368-001-036	Single Family Residential	Permanent Easement-Tie Backs
4p-7(S)	Eufelio L. & Lucy Hernandez 123 E. Main Street San Gabriel, CA 91776	5368-001-021	Single Family Residential	Permanent Easement-Tie Backs

ACE PARCEL NUMBER	PROPERTY	COUNTY TAX ASSESSOR PARCEL NUMBER	PROPERTY TYPE	ACQUISITION TYPE/USE
4p-8(S)	Avila Family Trust Severino & Frances Avila 201 E. Main Street San Gabriel, CA 91776	5368-001-033	Single Family Residential	Permanent Easement-Tie Backs
4p-9(S)	Alfred & Margaret Jimenez 205 E. Main Street San Gabriel, CA 91776	5368-001-032	Single Family Residential	Permanent Easement-Tie Backs Removal of Encroachments
4p-10(S)	Andy & Verna Madrid 207 E. Main Street San Gabriel, CA 91776	5368-001-017	Residential Lot	Permanent Easement-Tie Backs
4p-11(S)	Fred & Ruth Morales 211 E. Main Street San Gabriel, CA 91776	5368-001-031	Single Family Residential	Permanent Easement-Tie Backs
4p-12(S)	Magdaleno & Maria Mercado 215 E. Main Street San Gabriel, CA 91776	5368-001-035	Single Family Residential	Permanent Easement-Tie Backs
4p-13(S)	Jonathan S. Leung 219 E. Main Street San Gabriel, CA 91776	5368-001-012	Single Family Residential	Permanent Easement-Tie Backs
4p-14(S)	Chan Family Trust 223 E. Main Street San Gabriel, CA 91776	5368-001-011	Single Family Residential	Permanent Easement-Tie Backs
4p-15(S)	Catalina Gaete 227 E. Main Street San Gabriel, CA 91776	5368-001-029	Single Family Residential	Permanent Easement-Tie Backs
4p-16(S)	Bernardo & Silbestra Sanchez 301 E. Main Street San Gabriel, CA 91776	5368-001-010	Single Family Residential	Permanent Easement-Tie Backs
4p-17(S)	Wong Ko Lap & Huang Aimei Ko 305 E. Main Street San Gabriel, CA 91776	5368-001-009	Single Family Residential	Permanent Easement-Tie Backs
4p-18(S)	Jason M. Ray 309 E. Main Street San Gabriel, CA 91776	5368-001-008	Single Family Residential	Permanent Easement-Tie Backs
4p-19(S)	Daniel Hernandez 311 E. Main Street San Gabriel, CA 91776	5368-001-007	Single Family Residential	Permanent Easement-Tie Backs
4p-20(S)	Nancy Tran 313 E. Main Street San Gabriel, CA 91776	5368-001-006	Single Family Residential	Permanent Easement-Tie Backs Removal of Encroachments
4p-21(S)	Woo Li Sao 325 E. Main Street San Gabriel, CA 91776	5368-001-034	Single Family Residential	Permanent Easement-Tie Backs Removal of Encroachments
4p-22(S)	Ester B. Sandoval & Maria T. Barbosa 327 E. Main Street San Gabriel, CA 91776	5368-001-003	Single Family Residential	Permanent Easement-Tie Backs Removal of Encroachments
4p-23(S)	Robert & Yolanda Rojas 329 E. Main Street San Gabriel, CA 91776	5368-001-002	Single Family Residential	Permanent Easement-Tie Backs
4p-24(S)	Gabriel E. Gonzales 333 E. Main Street San Gabriel, CA 91776	5368-001-001	Single Family Residential	Permanent Easement-Tie Backs

ACE PARCEL NUMBER	PROPERTY	COUNTY TAX ASSESSOR PARCEL NUMBER	PROPERTY TYPE	ACQUISITION TYPE/USE
4r-1(N)	Mueller Family Trust 336 Agostino Road San Gabriel CA 91776	5367-028-048	Light Industrial	Utility Easement Temporary Construction Easement
4t-1(S)	Juan Reyes 434 S. California Street San Gabriel, CA 91776	5368-005-006	Single Family Residential	Permanent Easement-Tie Backs
4t-2(S)	Frankie H. Tang 438 S. California Street San Gabriel, CA 91776	5368-005-007	Single Family Residential	Permanent Easement-Tie Backs
4t-3(S)	Mei Lin Tse Chu 715 E. Angeleno Avenue San Gabriel, CA 91776	5368-005-005	Single Family Residential	Permanent Easement-Tie Backs
4t-4(S)	Leland D. Smith 445 S. San Gabriel Street San Gabriel, CA 91776	5368-005-011	Light Industrial	Permanent Easement-Tie Backs
4u(N)	Cam Le & Dong W. Chan 516 S. San Gabriel Boulevard San Gabriel, CA 91776	5373-026-004	Light Industrial	Temporary Construction Easement
4v(S)	Public Storage, Inc. 550 S. San Gabriel Boulevard San Gabriel, CA 91776	5373-027-003	Mini Warehouse	Permanent Easement-Tie Backs Temporary Construction Easement
4x-1(N)	Los Angeles County Flood Control District	5373-026-900	Municipal Property	Temporary Construction Easement
4y-2(N)	Ou Hu 5306 Pondsosa Avenue San Gabriel, CA 91776	5373-015-030	Single Family Residential	Temporary Construction Easement
4z(S)	Jung Family Trust 5012 Walnut Grove Ave. San Gabriel, CA 91776	5389-006-046	Light Industrial	Removal of Encroachments



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: ABX8 6 and SBX8 6: Gas Tax-Sales Tax Swap Legislation

At the conclusion of a special session to grapple with California's budget deficit, the Legislature approved in early March, largely on partisan lines, two identical and complicated bills to swap out taxes on gasoline. The bills would immediately repeal the state sales tax on gasoline, replacing that sales tax (equal to about 18 cents per gallon at \$3 per gallon) with an excise tax of 17.3 cents per gallon of gas.

The legislation, introduced by the budget committees in each House, borrowed from a similar sales/gasoline tax swap proposal proposed by Governor Schwarzenegger, with the primary exception that the Governor's proposal would have resulted in a reduction of taxes at the pump. In both cases, the legislation was designed to be revenue neutral with the intent of supplementing revenues to the general fund by substituting the excise tax for the sales tax on gas, a portion of which is required by Proposition 42 to be dedicated to capital improvement projects, public transit, and local streets and roads. The Democratic legislation proposes to "back-fill" the lost funds through a sales tax increase on diesel fuel (substituting for a diesel tax decrease of 4.4 cents per gallon) and a one-time grant from existing transportation accounts. Transit agencies have given the legislation mixed reviews, and the League of California Cities remains opposed, with a primary concern that the legislation would undermine Prop. 42.

Of particular interest to the ACE Construction Authority is that the legislation proposed by the Democratic legislative leaders, as well as the Governor's initial proposal, would require that the gas excise tax revenues be allocated to state, county and local roads programs only after state transportation debt service is first paid starting in fiscal year 2011-2012. This prioritization of bond debt repayment could help the state issue bonds, which is an issue of great interest to ACE. The San Gabriel Trench will move toward a construction start in 2011, at which time we would need to draw upon \$336 million allocated in Prop 1B bonds. In addition to the impact of the current budget crisis on the state's ability to sell bonds, state transportation debt service costs will continue to grow, reaching approximately \$1.3 billion annually over the next 10 years, according to the League of California Cities.

ACE staff will continue to monitor the legislation, which has been sent to the Governor's desk, and report to you.