



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: July 23, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000				

SUBJECT: Right of Way Transfer Agreement with California High Speed Rail Authority

REQUEST(S):

That the Board of Supervisors:

1. Approve the Right of Way Transfer Agreement with the California High Speed Rail Authority for the California High-Speed Rail Project which will allow the parties to transfer right-of-way for certain County roads for state high-speed rail system purposes and for public use; and
2. Authorize the Chairman to sign the Agreement; and
3. Authorize Resource Management Agency Director authority to approve future changes to Exhibit A of the Right of Way Transfer Agreement.

SUMMARY:

The California High-Speed Rail Authority (CHSRA) has requested that Tulare County enter into a Right of Way Transfer Agreement with the CHSRA to allow the parties to transfer right-of-way in accordance with the requirement set forth in the Cooperative Agreement (Tulare County Agreement No. 27430) between the County and the CHSRA.

The Right of Way Transfer Agreement (Attachment A) summarizes the right-of-way transfer process between the CHSRA and the County of Tulare. Summarized below are bullet points of the agreement:

- All Facility Work, defined as any road, street, bridge, or grade separation

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owned and operated by local agency, shall be performed in accordance with the requirement for the Cooperative Agreement, and in the event of any inconsistency between the provisions of this Agreement and the Cooperative Agreement, the provisions of the Cooperative Agreement shall prevail.

- By this Agreement, the Parties agree and consent to the transfers of right-of-way, as delineated in Exhibit A attached. The County's conveyance obligations apply only to the extent of its existing property rights as owned by the County at the time of execution of this Agreement.
- By this Agreement, the County's Board of Supervisors authorizes the Director of County's Resource Management Agency, to execute written changes to Exhibit A, which is included as part of the agreement, on behalf of County for the purpose of reconciling Exhibit A, without an amendment to this agreement.
- The County will accept control and maintenance of County Roads as agreed to in the yet to be executed Ownership and Maintenance Agreement. The county will accept title to the portions of such County Roads or other County-owned facilities lying outside the Authority's right-of-way limits, upon transfer by the Authority.

The time frame, or Period of Performance, of Right of Way Transfer Agreement will be for the duration of the California High-Speed Rail (HSR) Construction Project (CP) segment 2-3 and all requirements set forth in the Cooperative Agreement have been fulfilled.

Project Background

The Fresno-Bakersfield segment of the HSR project is approximately 118 miles long and includes an approximately 23-mile stretch that transects a southwestern portion of Tulare County. The alignment generally enters Tulare County from the north, southeast of the City of Corcoran, then heads southeasterly toward the City of Wasco, exiting Tulare County west of Road 80.

Tulare County has entered into a series of agreements with CHSRA for reimbursement of costs associated with the Project. These agreements include: Master Agreement, Cooperative Agreement, Utility Agreement #1, Sub-Utility Agreements 1.01-1.09, Sub-Utility Agreement 1.10, and Sub Utility Agreements 2.01-2.05. In addition, a draft Ownership and Maintenance (O&M) Agreement is currently in the process of being reviewed by Tulare County and is anticipated to be submitted to the Board of Supervisors for approval later this year. Once approved, the O&M Agreement will establish each parties' roles and responsibility with regards to post-construction, modification, use, ownership, and maintenance of the grade separation crossings mention below.

As part of the HSR project, approximately 12.5 miles of County roadway improvements were identified by Resource Management Agency staff. In addition,

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the project will include three (3) overhead structures in Tulare County, which will take Avenues 56, 88, and 120 over the High Speed Rail lines. Further, Avenues 144 and 136 will cross under an elevated section of the High Speed Rail line and an underpass structure will be constructed that will allow Avenue 24 to cross under the rail lines as well.

Thus far, approximately 6.5 miles of roadway improvements have been completed as part of the HSR project. In addition, construction has commenced on the Avenue 88 overhead structure. Substantial completion of the remaining work in Tulare County is anticipated by the CHSRA at this time to occur before 2021.

FISCAL IMPACT/FINANCING:

No Net County Cost to the General Fund.

Costs for review and negotiation of the terms of the Right of Way Transfer Agreement will be fully reimbursed by the project through provisions of the previously executed Master Agreement with CHSRA (Agreement No. 26274).

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Safety and security includes the goal of improving and maintaining the transportation infrastructure. The California High-Speed Rail Project will ultimately provide an alternative mode of transportation for the residents of California.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Attachment A – Right of Way Transfer Agreement

