



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Hans F. Larsen

**SUBJECT: ROUTE 85/COTTLE ROAD
INTERCHANGE IMPROVEMENT
PROJECT**

DATE: July 30, 2012

Approved

Date

8/3/12

COUNCIL DISTRICT: 2

RECOMMENDATION

- a) Approve the Freeway Agreement between the City of San José and the State of California for that portion of State Highway Route 85 from Miyuki Drive to 0.4 miles east of Route 87 and authorizing the construction or reconstruction of City streets as part of the highway project in accordance with California Streets and Highways Code Section 100.2.
- b) Adopt a resolution authorizing the City Manager to negotiate and execute all right-of-way certifications, utility agreements and related Caltrans-required documents associated with the implementation of the Route 85/Cottle Road Interchange Improvement Project.

OUTCOME

Approval of the recommended actions support the implementation of the Route 85/Cottle Road Interchange Improvement Project. This is in accordance with previously executed agreements with Hitachi and Caltrans.

BACKGROUND

In June 2005, the Council approved Hitachi's planned development zoning application. Subsequently, in August 2005, Ordinance No. 27492 was adopted by the Council approving a development agreement between the City and Hitachi. The Development Agreement identified a number of regional transportation improvements to be constructed by Hitachi. One of those improvements, and the subject of this memorandum, is the Route 85/Cottle Road Interchange Improvement Project.

On November 16, 2007, the City and Hitachi entered into a Master Agreement defining the roles and responsibilities between the City and Hitachi with respect to the implementation of the

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regional transportation improvements. Specifically, the City agreed to enter into a cooperative agreement with Caltrans as the sponsor of the Project on behalf of Hitachi, and that Hitachi would be responsible for the construction of the Project and all associated costs. The Cooperation Agreement between the City and Caltrans was subsequently executed on September 15, 2009.

Staff from the Departments of Transportation and Public Works have been facilitating the design development of the project with Caltrans, Hitachi and internally within the City. Key elements of the Project include:

- Removing the signalized left turn lane from eastbound Cottle Road to northbound Route 85 and replacing it with a loop onramp.
- Realigning and signalizing the northbound Route 85 off ramp to provide left turn movements onto westbound Cottle Road and removing the existing northbound Route 85 loop off ramp to westbound Cottle Road.

The Project plans have been finalized and Hitachi is preparing to move forward with the construction of the Project. The cost of the project is estimated to be \$3,500,000 and is funded entirely by Hitachi.

Prior to issuing the construction permit, Caltrans requires the City, as the project sponsor, to execute certain documents related to right of way certification, utility relocation agreements and an update to the Freeway Agreement.

ANALYSIS

Freeway Agreement

The California Streets and Highways Code (Section 100.2) requires Caltrans to enter into an agreement with the local agency having jurisdiction over the streets affected by a freeway project. The freeway agreement documents the general alignment and configuration of the planned freeway project, as shown in the attached Exhibit A, and it identifies local streets that will be affected and/or modified by the project construction. The current Freeway Agreement between the City and Caltrans was executed on June 14, 1988. Approval of the recommended Freeway Agreement will supersede this agreement and address the improvements associated with Project.

Specifically, improvements to Cottle Road include reconfiguring the traffic signal system on the easterly side of the interchange, widening of eastbound Cottle Road at the new northbound loop ramp location and reducing the width of the median to accommodate roadway alignment changes through the interchange. Caltrans will continue to own, operate, and maintain all highway improvements within the state right-of-way and the City will continue to be responsible for Cottle Road in accordance with the maintenance agreement currently in effect. The maintenance agreement will be updated prior to completion of the project to address changes to the physical and operational elements associated with the interchange improvement project. It is noted that the traffic signals on both sides of the interchange are currently operated by the City.

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Right-of-Way Certification

The documents associated with the right of way certification are standardized Caltrans forms that identify the property and/or rights to be acquired or are necessary for the Project and affected utilities. For this Project, Hitachi will dedicate the property needed to construct the interchange improvements. The City will be required to execute the right of certification assuring Caltrans that the City has the legal authority to allow Hitachi to move forward with construction within the state right-of-way. In terms of utilities, the Project will adjust AT&T communications facilities and a portion of the City's sewer system within State right of way. As the Project Sponsor, the City is required to complete and execute the standardized Caltrans form utility agreements with the AT&T to relocate its utilities as part of the Project. As part of the recommendation, staff is seeking authority to negotiate and execute these required agreements and any other Caltrans required documents to complete the project.

EVALUATION AND FOLLOW-UP

An update to the existing maintenance agreement between the City and Caltrans will be required prior to the completion of the project. .

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The recommendation of this memorandum does not meet any of the above criteria; however, this memorandum will be posted on the City's website as part of the August 21, 2012 Council Agenda.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the Department of Planning, Building and Code Enforcement and the Department of Public Works.

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FISCAL/POLICY ALIGNMENT

The recommended action aligns with the City's strategic goals associated with the implementation of the 2010 Economic Strategy that specifically discusses the Hitachi mixed-use development, the Edenvale Area Development Policy and the goals for community development as discussed the General Plan Update (Envision 2040).

CEQA

Resolution No. 72772.

/s/

HANS F. LARSEN

Director of Transportation

For questions please contact Ray Salvano, Division Manager for Regional Transportation, at (408) 975-3706.

Attachment

**Exhibit A
Vicinity Map**

