

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 2.4a.(2)  
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 Resolution of Necessity (Resolution) C-21130 summarized on the following page. This Resolution is for 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 owner is contesting the Resolution and has 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 owner's objections 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 the Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owner has 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 this appearance proceed to the December 2013 Commission meeting. Legal possession will allow the construction activities on the parcel 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 property.

C-21130 - Henry Olivier and Ileana Viscal-Olivier

08-SBd-215-PM 17.06 - Parcel 22508-1, 2 - EA 0K7109.

Right of Way Certification Date: 07/31/14; Ready to List 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, on the north side of Cajon Boulevard, east of Devore Road.

Assessor Parcel Number 0348-131-07.

Attachments:

- Attachment A - Project Information
- Exhibit A1 and A2 - Project Maps
- Attachment B - Parcel Panel Report
- Exhibit B1 and B2 - 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 21<sup>st</sup> 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): 140,000 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 2100 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:

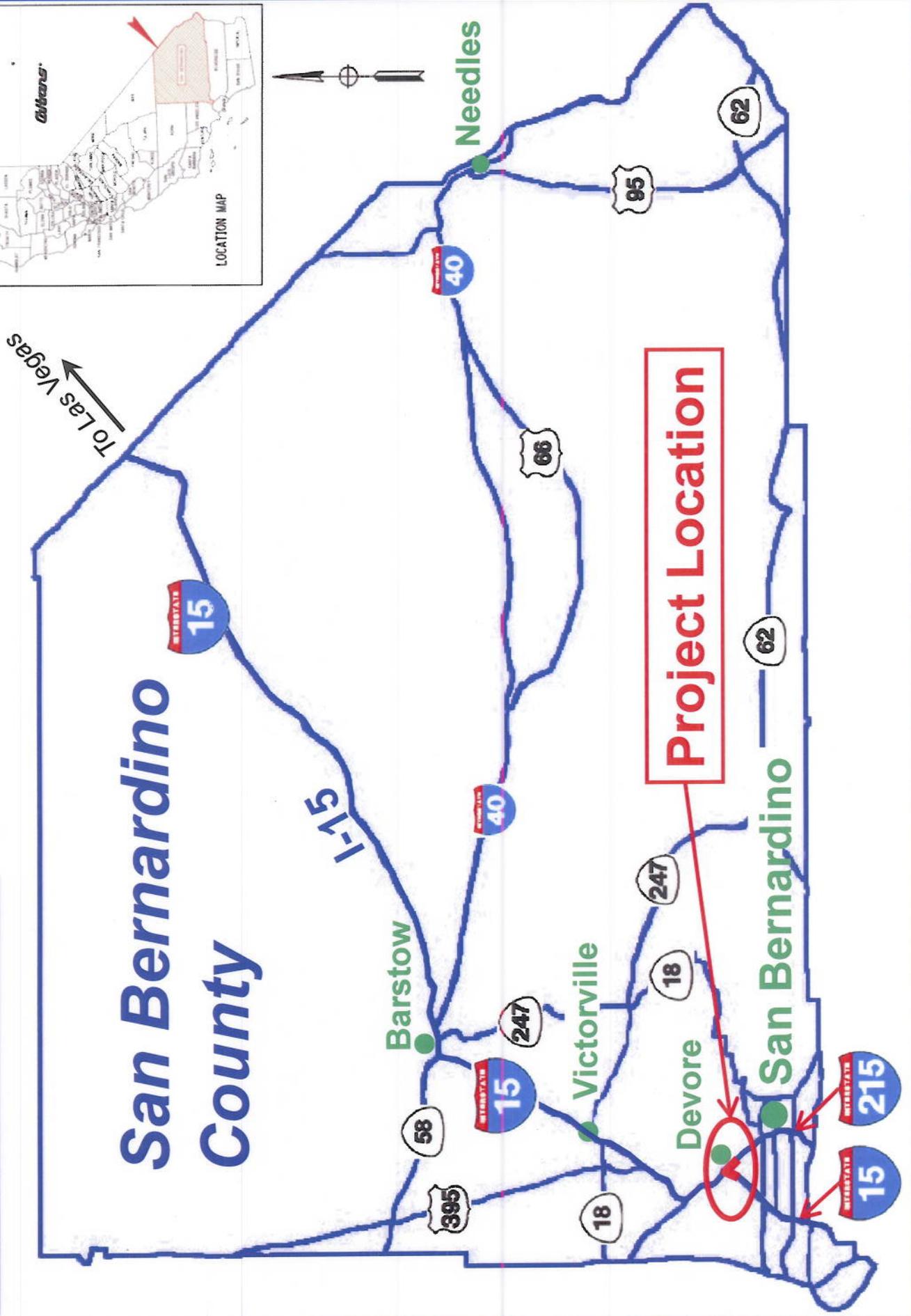
1. ATC 3 – This change shifted the “braid” of the I-15 and I-215 roadways in the vicinity of Kenwood Avenue to improve the design by eliminating complicated bridges over the southbound off-ramp intersection with Kenwood Avenue. The braid was shifted south and with the new design, only a widening of the 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

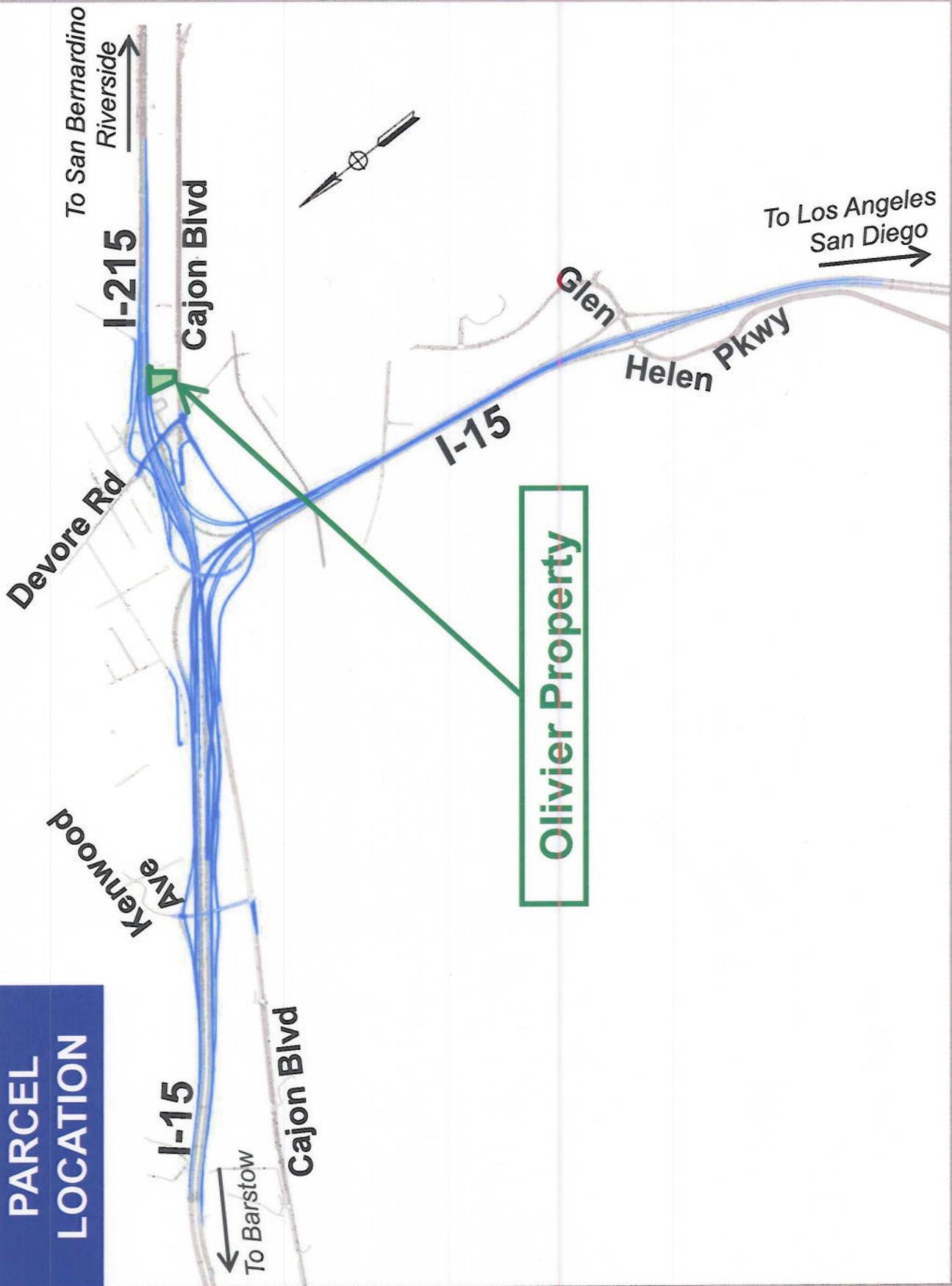
DIST.	COUNTY	ROUTE	TOTAL MILES	NO. OF MILES
08	Sbd	15/215	14.0/16.4	16.0/17.8

*Caltrans*

LOCATION MAP



**PARCEL  
LOCATION**



## **PARCEL PANEL REPORT**

### **PARCEL DATA**

Property Owners: Henry Olivier and Ileana Viscal-Oliver

Parcel Location: North side of Cajon Boulevard, east of Devore Road in the County of San Bernardino. Assessor Parcel Number 0348-131-07

Present Use: Vacant Land

Zoning: C/TS – Commercial, Traveler Services / Glen Helen Specific Plan

Area of Property: 114,063 Square Feet (SF)

Area Required: Parcel 22508-1: 33,999 SF - Fee  
Parcel 22508-2: 3,768 SF - Temporary Construction Easement

### **PARCEL DESCRIPTION**

The subject parcel consists of approximately 114,063 SF of unimproved land, irregular in shape and level. The site is zoned Commercial, Traveler Services (C/TS) according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor Parcel Number 0348-131-07.

### **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 33,999 SF fee acquisition located at the northern most portion of the property, along with an adjacent 3,768 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 the storm water run-off from the freeway. The run-off will then be directed to a retention basin to the southeast just downstream from the subject property. 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. Present at the meeting was property owner Henry Olivier and 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 following is a description of the concerns/contentions expressed by the owners' representatives, followed by the Department's response:

### **Owners Contend:**

The offer of just compensation does not comply with the requirements of Government Code Section 7267.2 because the appraisal report is 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 a fair market value appraisal prepared which determined the just compensation for the real property, and has made an offer to the owners of record to acquire the property in the full amount of the appraisal. At the time of the original offer, the amount of just compensation was based on current fair market value appraisal. 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 the appraisal, and a revised offer was made to the owners of record on October 25, 2013.

**Owners Contend:**

What was the reason for changing the interchange design at Devore Road?

**Department Response:**

The Design Builder proposed three significant changes in the interchange design during the bid phase. These were submitted to the Department as Alternative Technical Concepts (ATC's). Of these three major ATC's, ATC-5 directly impacted the subject property. This ATC changed the design and turned the Devore Road interchange into a conventional diamond interchange, eliminating the hook ramps originally designed south of Devore Road. This standard diamond interchange is a more desirable configuration for drivers as the hook ramps required motorists exiting to Devore Road to go on Cajon Boulevard and then drive north to Devore Road.

The elimination of the hook ramps significantly reduced impacts to the subject property. The initial design necessitated a full acquisition of the subject property as the hook ramps basically bisected the property. With the elimination of the hook ramps, only a portion of the subject property is now needed for the project to accommodate the diamond interchange on-ramp and drainage basin.

**Owners Contend:**

The Department delayed its decision to acquire only a portion of the subject property. Therefore the owners attorney wanted to know when it was determined that only a partial acquisition of the subject property was needed instead of the full acquisition that was initially offered in July of 2012.

**Department Response:**

The initial offer in July of 2012 for a full acquisition was based on Alternative 3A (the preferred alternative) of the initial design. However, as part of the Design-Build process, the procurement of bids for the project's Design Builder started in April 2012. Proposed ATC's were presented by the bidders in June/July 2012. Only one proposal offered a revision to the Alternative 3A as an ATC at the subject property, eliminating the hook ramps. It was unknown in June/July of 2012 after conditional approval of the ATC's, whether the bidders would include all ATC's in their final bids. There were four bids submitted for the project in late August, 2012. All had to be reviewed prior to securing the Design Builder as the evaluation of the bids was based on best value, which includes both technical value and cost. This evaluation was not complete until late September, 2012. The Design Builder was not actually under contract until November, 2012. After the Design Builder was under contract, it was still necessary to go through a conceptual design approval process and confirmation of right of way requirements based on the approved conceptual design. This process was not completed until March, 2013. Once the revised design was approved, a modified access report had to be prepared and an environmental revalidation was processed to address the design and right of way

changes. The offer for a partial acquisition was then made in June of 2013. To the extent the owners and/or their attorney claim the Department unreasonably delayed its decision to acquire only a portion of the subject property, this is an issue of alleged damages, which would need to be determined by a court.

**Owners Contend:**

The proposed drainage plan and facilities along Interstate 215 (I-215) adjacent to the proposed acquisition 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. 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. Therefore 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.

**DEPARTMENT CONTACTS**

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

<b>Type of Contact</b>	<b>Number of Contacts</b>
Mailing of information	6+
E-Mail of information	22+
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 a Resolution of Necessity to the Commission.

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

I concur with the Panel's recommendation:

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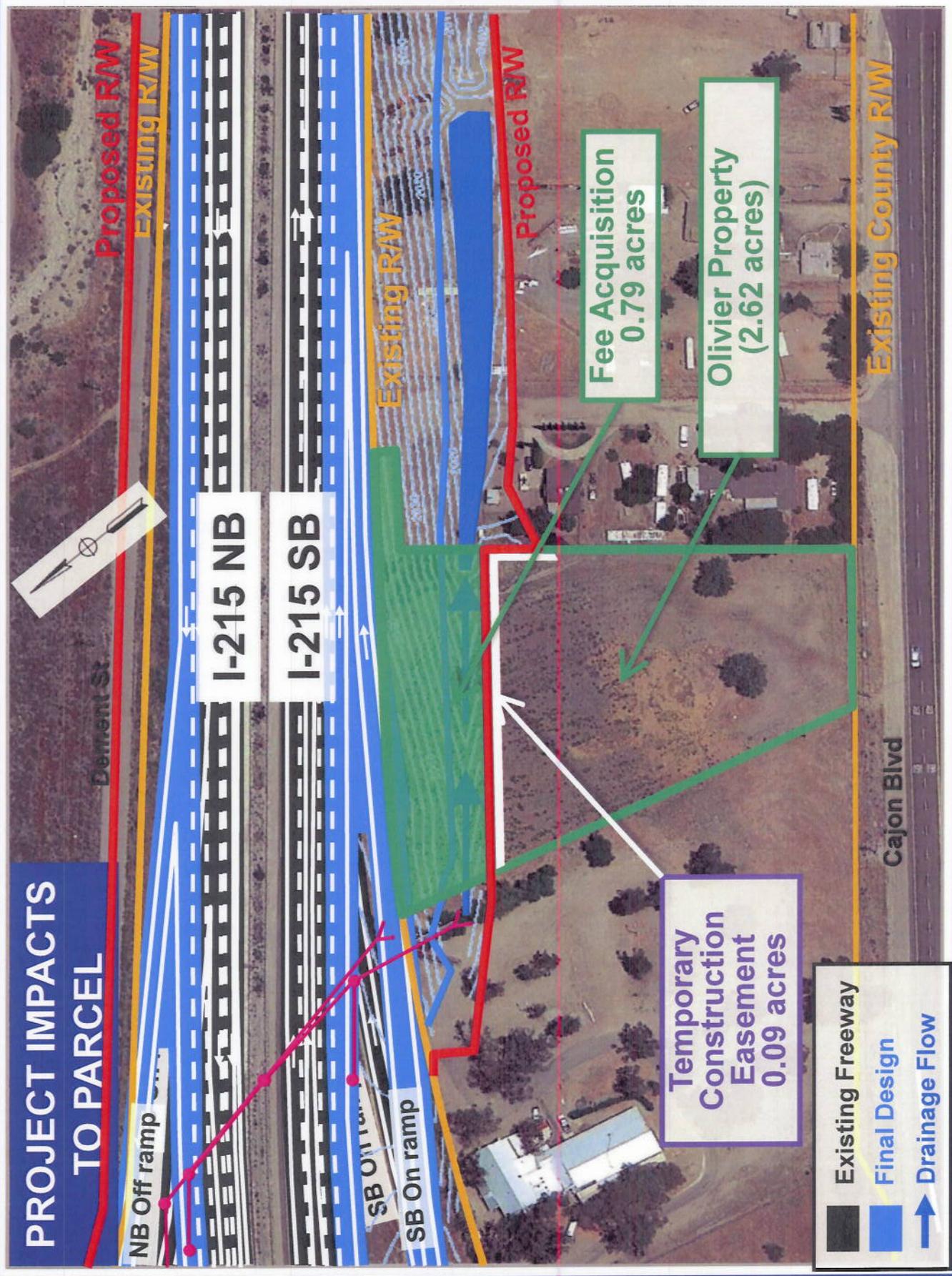
KARLA SUTLIFF  
Chief Engineer

**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

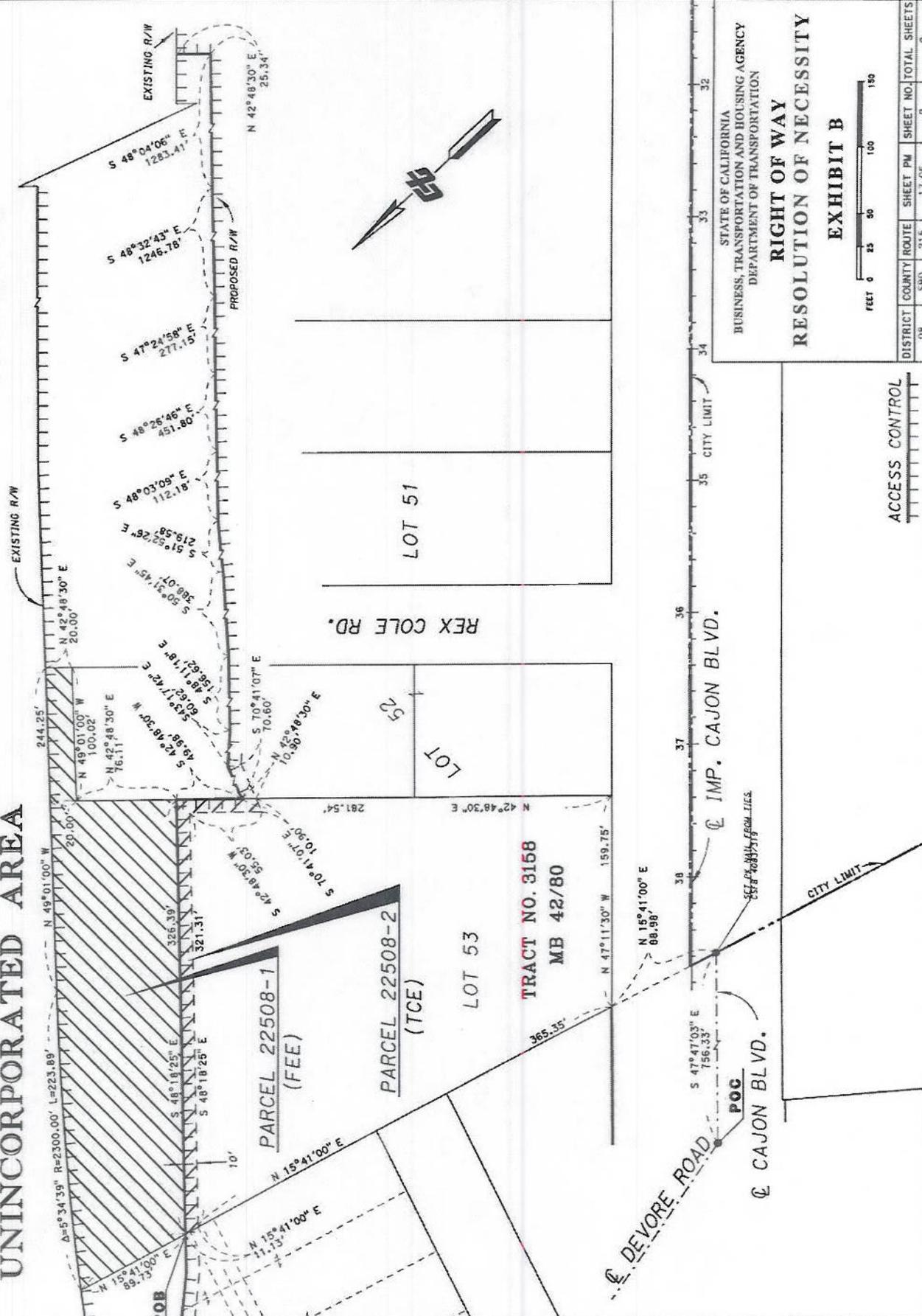
Henry Olivier, Property Owner  
Michael Kehoe, Attorney for the Property Owner

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



# COUNTY OF SAN BERNARDINO UNINCORPORATED AREA

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.



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

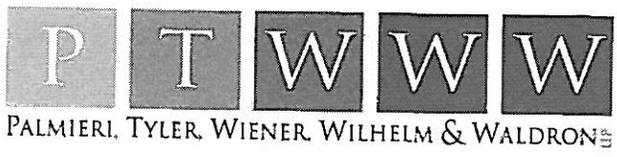
## RIGHT OF WAY RESOLUTION OF NECESSITY EXHIBIT B

FEET 0 25 50 100 150

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
08	SBD	215	17.06		2	2

ACCESS CONTROL

Exhibit B2



PALMIERI, TYLER, WIENER, WILHELM & WALDRON<sup>®</sup>

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.

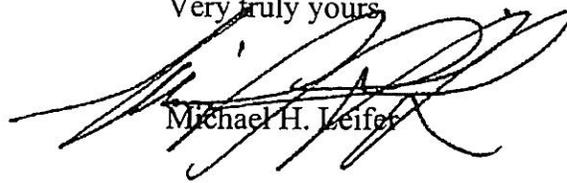
We request that the hearing on the resolutions be postponed so that our concerns may be addressed prior to authorization of any condemnation action.

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", written over a printed name.

Michael H. Leifer

MHL:sh

cc: Mark Zgombic (via email)  
Clients