

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 2.4a.(3)
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-21131 and C-21132 summarized on the following page. These Resolutions are 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 owners are contesting the Resolution and have requested an appearance before the Commission. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury. The common issues and concerns of the property owners and the Department's responses are contained in Attachment B.

BACKGROUND:

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

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

C-21131 - San Bernardino Hotel, LLC

08-SBd-15-PM R14.75 - Parcel 22549-1, 2 - EA 0K7109.

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

Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and a permanent easement for utility purposes to be conveyed to Southern California Edison Company. Located in the unincorporated area of San Bernardino County north of Cajon Boulevard, east of Kenwood Avenue. Assessor Parcel Numbers (APN) 0349-114-02, -03. Attachment C.

C-21132 - San Bernardino Development, LLC

08-SBd-15-PM R14.89 - Parcel 22550-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 Interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of extinguishment of abutter's rights of access for State highway purposes. Located in the unincorporated area of San Bernardino County at the northeast corner of Cajon Boulevard and Kenwood Avenue. APN 0349-102-06. Attachment D.

Attachments:

Attachment A - Project Information

Exhibit A1 and A2 - Project Maps

Attachment B - Common Issues and Concerns

Attachment C - Parcel Panel Report - San Bernardino Hotel, LLC

Exhibit C1 and C2 - Parcel Maps

Attachment D - Parcel Panel Report - San Bernardino Development, LLC

Exhibit D1 and D2 - Parcel Maps

PROJECT INFORMATION

PROJECT DATA

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

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

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

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

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

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

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

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

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

NEED FOR THE PROJECT

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

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

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

two miles of a freeway-to-freeway interchange. When existing roadway interchanges cannot be moved at least two miles from freeway-to-freeway interchanges, the Department's design standards provide for alternative design measures.

- **Goods Movement:** The capacity of the I-15/I-215 Interchange is further compromised by high volume of trucks, many of which need to weave across three more travel lanes because they enter or exit the freeway from the left. This lack of capacity hampers critical goods movement function of the freeway.
- **Existing and Forecast Travel Demand:** The I-15/I-215 Interchange does not provide an adequate Level of Service (LOS) for motorists or trucks. The LOS is anticipated to further decline in future years which will result in a failure to provide an adequate level of service during weekday commute hours.
- **Arterial Highway Network Deficiencies:** The local circulation system does not provide a parallel arterial road adjacent to the existing sections of I-15 and I-215, requiring local motorists, including those seeking to connect from Cajon Boulevard west of I-215 to Cajon Boulevard west of Kenwood Avenue, to use the freeway system.

PROJECT PLANNING AND LOCATION

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

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

The following is a description of each the build alternatives:

Alternative 3A (Preferred Alternative):

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

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

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

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

I-15/I-215 Branch Connectors

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

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

Cajon Boulevard Reconnection

The project includes the reconnection of Cajon Boulevard from Kenwood Drive to existing Devore Road in basically the same alignment. The Cajon Boulevard component of the project would reopen two lanes of the abandoned roadway, and bring the Kenwood Avenue/Cajon Boulevard intersection up to standard. The existing north segment of Cajon Boulevard ends south of Kenwood Avenue; the existing south segment ends 1,200

feet north of the Devore Road intersection. An abandoned segment of Cajon Boulevard southeast of Kenwood Avenue would be reactivated and realigned.

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

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

Northbound I-15

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

Southbound I-15

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

Northbound I-215

- Construct one additional northbound lane starting 1/2 mile south of Devore Road, ending at the merge with the Northbound I-15, for a total distance of 1.5 miles.

- Reconfigure the northbound entrance ramps at Devore Road interchange to access northbound and southbound I-15.
- Realign northbound exit ramp at Devore Road.
- Construct northbound truck bypass to merge with the northbound I-15 truck slip ramp.
- Construct auxiliary lane up to the truck bypass diverge.

Southbound I-215

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

Local Roads

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

Design Revisions after Public Review

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

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

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

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

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

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

Alternative 3A Best Meets Purpose and Need

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

Alternative 3A has the Least Impacts to Key Biological Resources

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

Alternative 3A is the Least Costly Build Alternative

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

Alternative 2:

Northbound I-15

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

Southbound I-15

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

Northbound I-215

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

Southbound I- 215

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

Local Roads

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

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

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

Alternative 3:

Northbound I-15

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

Southbound I-15

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

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

Northbound I-215

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

Southbound I-215

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

Local Roads

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

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

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

Alternative 5:

Northbound I-15

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

Southbound I-15

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

Northbound I-215

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

Southbound I-215

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

Local Roads

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

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

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

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

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

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

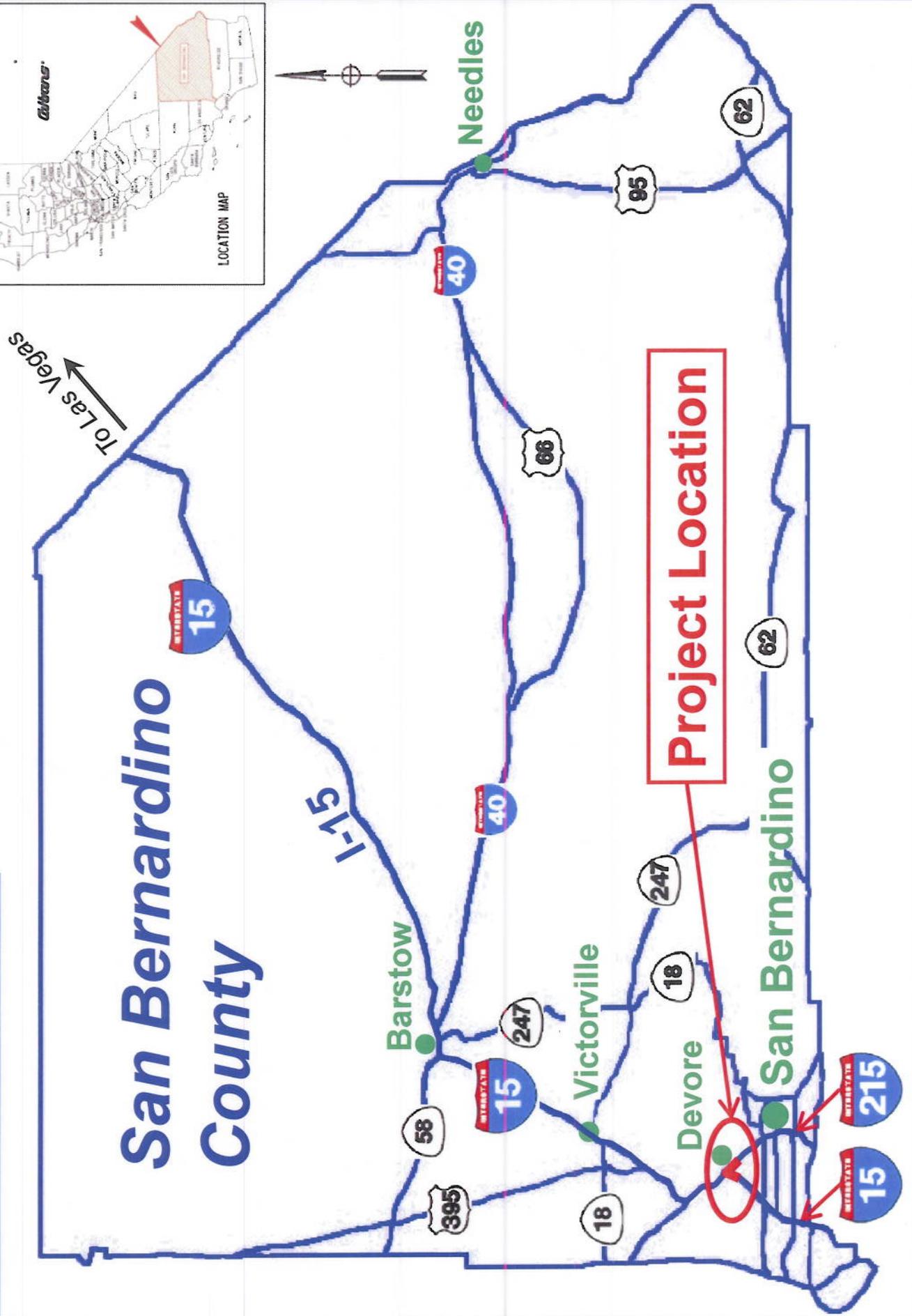
1. ATC 3 – This change shifted the “braid” of the I-15 and I-215 roadways in the vicinity of Kenwood Avenue to improve the design by eliminating complicated bridges over the southbound off-ramp intersection with Kenwood Avenue. The braid was shifted south and with the new design, only a widening of the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

LOCATION MAP

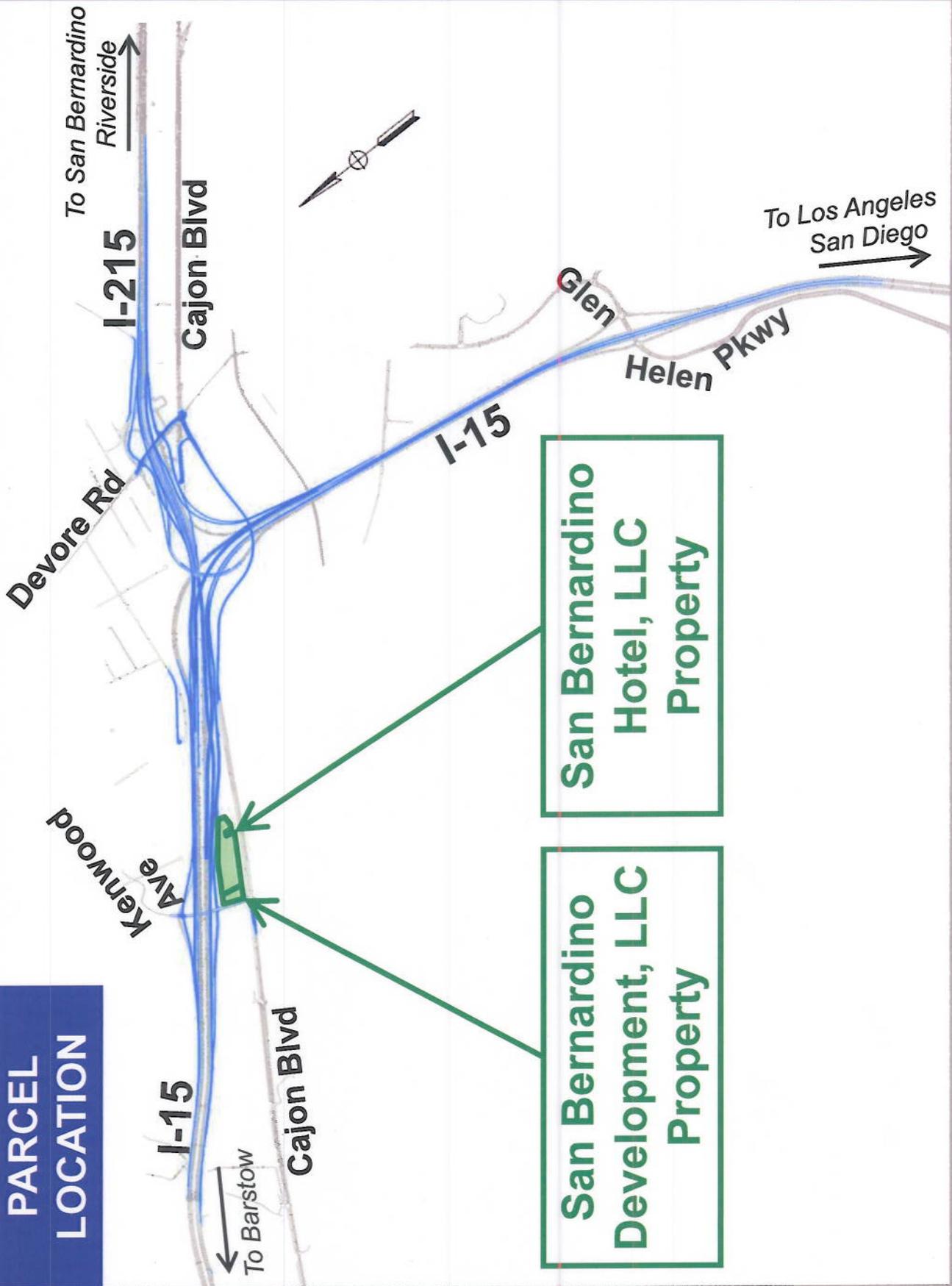
STATE	COUNTY	ROUTE	POST MILE	DATE
08	Sbd	15/215	14.0/16.4 16.0/17.8	

Caltrans

LOCATION MAP



**PARCEL
LOCATION**



COMMON ISSUES AND CONCERNS

The Condemnation Review Panel (Panel) met in San Bernardino on September 23, 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 owners George and Emil Ayoub, geotechnical consultant Henry Olivier, and the property owners attorney, Michael Leifer.

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

Owners Contend:

As a result of the proposed project, a portion of the San Bernardino Hotel property located outside the proposed right of way will be left in a condition that renders it to be an uneconomic remnant to the owner. As such, the Department should also make an offer to purchase this portion of their property.

Department Response:

The area in question (southeastern portion of the San Bernardino Hotel property) was not considered to be an uneconomic remnant by the Department's appraiser and is not needed for the construction of the proposed project. Pursuant to the owner's verbal request, the Department did make an alternate offer to purchase this portion of their property on November 8, 2013. However unless expressly consented to by the owner, the Department cannot purchase or condemn this portion of their property as it's not needed for the project. To date the owners have not provided their express written consent.

Owners Contend:

The existing drainage culvert adjacent to the San Bernardino Development property may be impacted by the project and affect or alter current drainage patterns towards their property.

Department Response:

The drainage along Interstate 15 (I-15) adjacent to the San Bernardino Hotel property is located within a cut area (I-15 is lower than subject properties). Therefore, drainage will flow toward I-15 and will not be directed toward the subject property. There is an existing 48" culvert under the I-15 freeway adjacent to the San Bernardino Development property that will be extended to accommodate the proposed widening. No additional inlets will be connected to this culvert, and discharges from this culvert will not increase.

PARCEL PANEL REPORT

Resolution of Necessity C-21131

PARCEL DATA

Property Owners: San Bernardino Hotel, LLC

Parcel Location: South of Interstate 15 (I-15), north of Cajon Boulevard east of Kenwood Avenue in the County of San Bernardino
Assessor Parcel Numbers 0349-114-02, -03

Present Use: Vacant Land

Zoning: RL-5 – Rural Living

Area of Property: 377,574 Square Feet (SF)

Area Required: Parcel 22549-1: 94,691 SF – Fee
Parcel 22549-2: 2,057 SF – Public Utility Easement

PARCEL DESCRIPTION

The subject parcel is comprised of Assessor Parcel Numbers 0349-114-02, -03 and encompasses 377,574 SF of land located on the north side of Cajon Boulevard, east of Kenwood Avenue, in the county of San Bernardino. Irregular in shape, this vacant unimproved site has a topography that consists of rolling hills with steep elevations. The site is zoned RL-5, Rural Living (five acre minimum lots) by the County of San Bernardino. It should be noted that the parcel is encumbered by an existing public utility easement for overhead power lines and with wooden H-frame poles which crosses the site west to east, then to the north across I-15.

NEED FOR THE SUBJECT PROPERTY

A portion of the subject property is needed as a result of the I-15 / I-215 interchange improvement project which includes the widening of existing I-15 in both directions. The project requirements consist of a 94,961 SF fee acquisition along the northern portion of the property to provide a two to one slope as part of the I-15 widening, construction of the Kenwood Avenue on-ramp to southbound I-15, and the addition of a

truck bypass lane on I-15 southbound. In addition, a 2,057 public utility easement is required in order to secure and anchor a new wooden H-frame utility tower/poles located on the subject property.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 23, 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 owners George and Emil Ayoub, geotechnical consultant Henry Olivier, and the property owners attorney, Michael Leifer.

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.

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

DEPARTMENT CONTACTS

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

Type of Contact	Number of Contacts
Mailing of information	6+
E-Mail of information	19+
Telephone contacts	31+
Personal/meeting contacts	5

STATUTORY OFFER TO PURCHASE

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

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

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

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 23, 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

George Ayoub, Property Owner
Emil Ayoub, Property Owners son
Henry Olivier, Geotechnical Consultant for the Property Owner
Michael Leifer, Attorney for the Property Owners

Basem Muallem, District 8, District Director
Christy Connors, District 8, Deputy District Director, Design
Syed Raza, District 8, Deputy District Director, Right of Way
Jesus Paez, District 8, Project Director
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Andrew Nelson, Atkinson Construction, Project Engineer
Dennis Saylor, San Bernardino Associated Governments, Project Manager
Terry Haines, San Bernardino Associated Governments, Right of Way
Brenda Morrison, District 8, Supervising Right of Way Agent
Min Saysay, Overland, Pacific & Cutler, Principal Transportation Programs
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

PROJECT IMPACTS TO PARCEL

Existing Freeway
Final Design

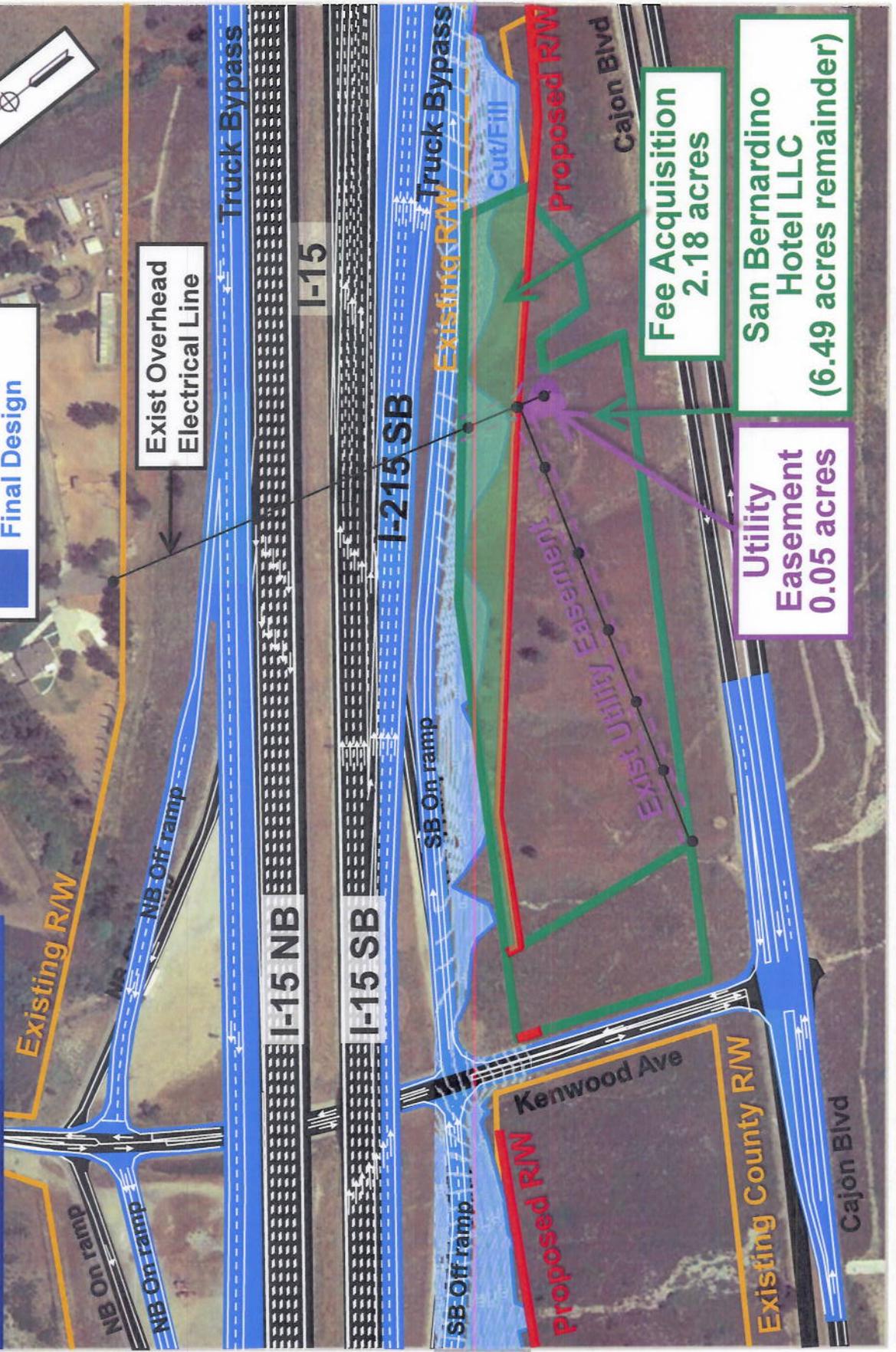


Exhibit C1

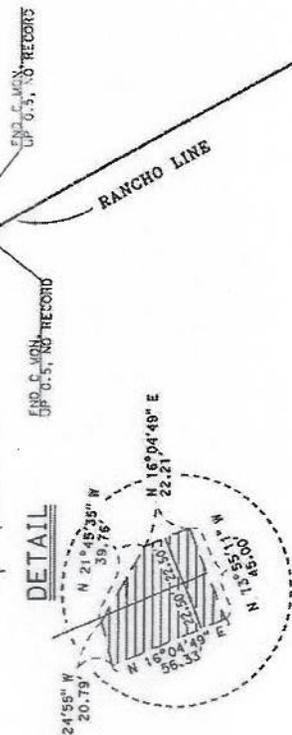
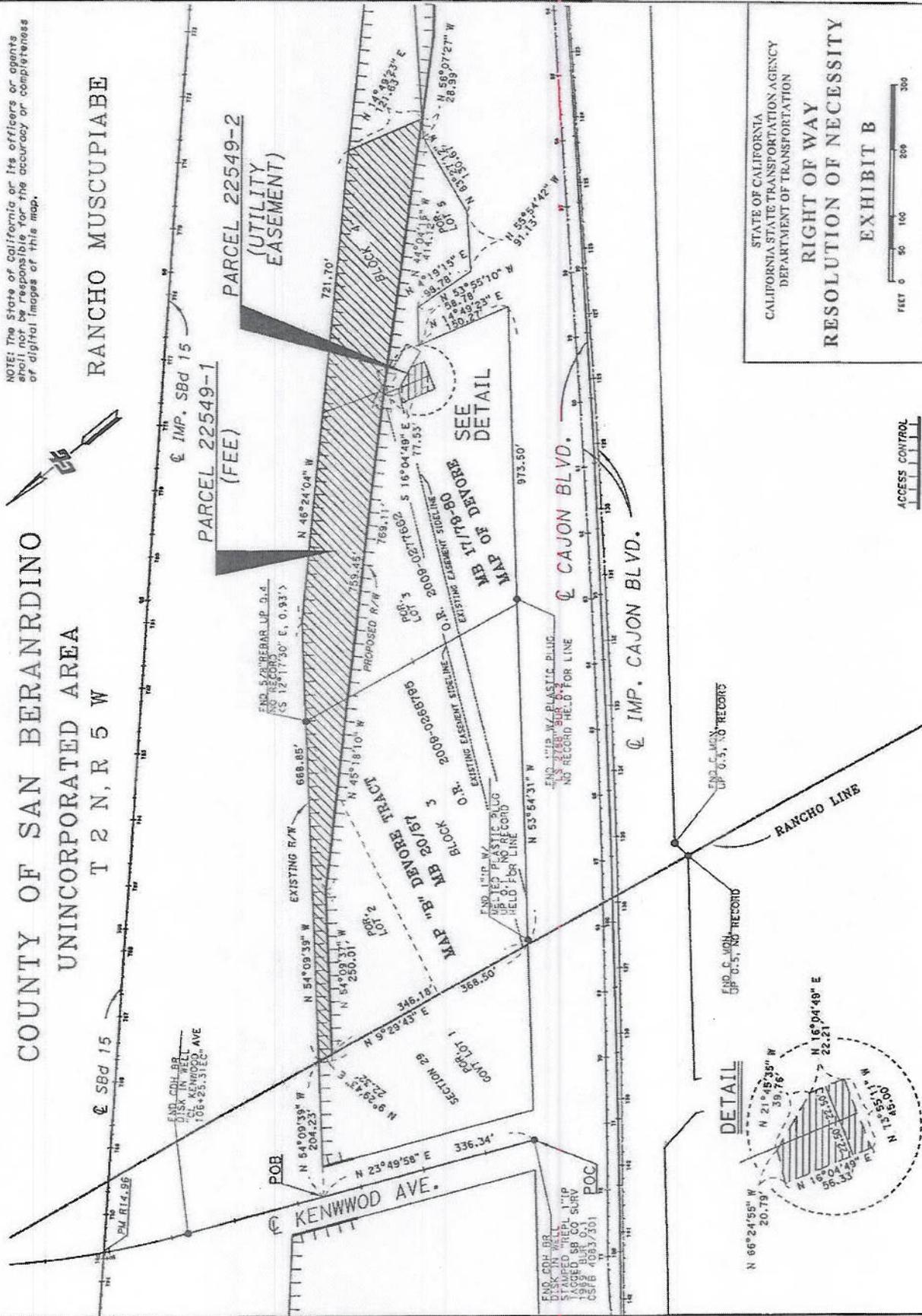
Exhibit C1

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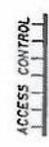
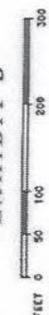


COUNTY OF SAN BERARDINO
UNINCORPORATED AREA
T 2 N, R 5 W

RANCHO MUSCUIPIABE



STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY**
EXHIBIT B



DISTRICT	COUNTY ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
08	SBD 15	R14.75	2	2

Exhibit C2

PARCEL PANEL REPORT

Resolution of Necessity C-21132

PARCEL DATA

Property Owners: San Bernardino Development, LLC

Parcel Location: South of Interstate 15 (I-15), at the northeast corner of Cajon Boulevard and Kenwood Avenue in the County of San Bernardino
Assessor Parcel Number 0349-102-06

Present Use: Vacant Land

Zoning: CN – Commercial Neighborhood

Area of Property: 67,849 Square Feet (SF)

Area Required: Parcel 22550-1: 47.85 Linear Feet – Access Rights

PARCEL DESCRIPTION

The subject parcel is identified as Assessor Parcel Numbers 0349-102-06 and consists of 67,849 SF of land located south of I-15 at the northeast corner of Cajon Boulevard and Kenwood Avenue in the county of San Bernardino. Irregular in shape, this vacant unimproved site has a topography that consists of rolling hills. The site is zoned CN - Commercial Neighborhood under the Glen Helen Specific Plan by the by the County of San Bernardino.

NEED FOR THE SUBJECT PROPERTY

A portion of the property rights are needed from the subject property as a result of the I-15 / I-215 interchange improvement project which includes the widening of existing I-15 in both directions. Specifically, to facilitate the reconstructed Kenwood Avenue interchange and on-ramp to southbound I-15, access rights are needed to prohibit any access along Kenwood Avenue, adjacent to the southbound I-15 on-ramp at Kenwood Avenue. This project requirement provides for safety and better operational characteristics of the interchange. Access control shall extend south along Kenwood Avenue 100 feet from the beginning of the curb return at the Kenwood Avenue and the

southbound I-15 on-ramp. In order to comply with this requirement, 47.85 linear feet of access rights are needed along the northwestern portion of the property adjacent to Kenwood Avenue.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

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PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

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

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW
MEETING ON SEPTEMBER 23, 2013**

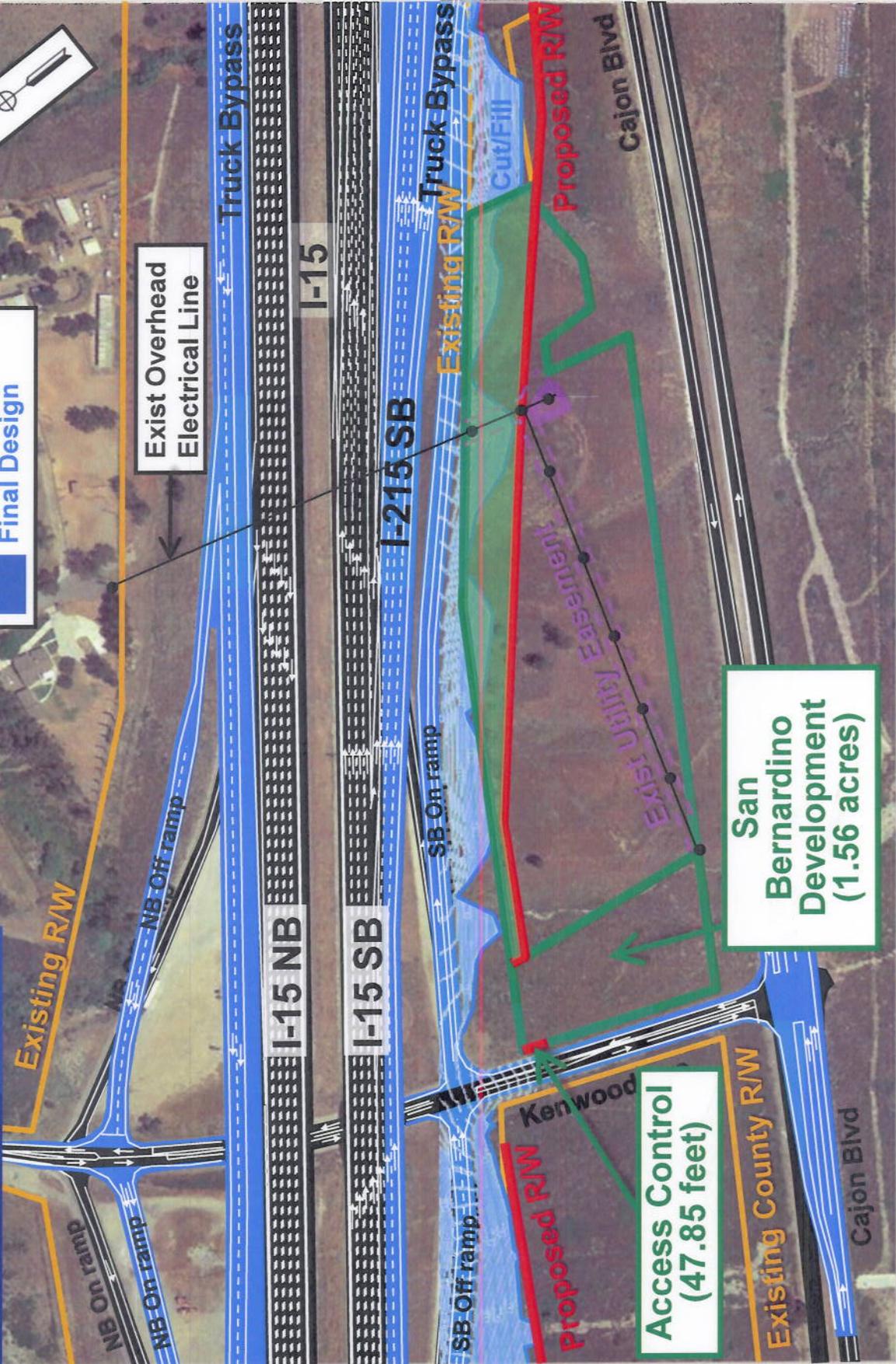
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Min Saysay, Overland, Pacific & Cutler, Principal Transportation Programs
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

PROJECT IMPACTS TO PARCEL

Existing Freeway
Final Design



San Bernardino Development (1.56 acres)

Access Control (47.85 feet)

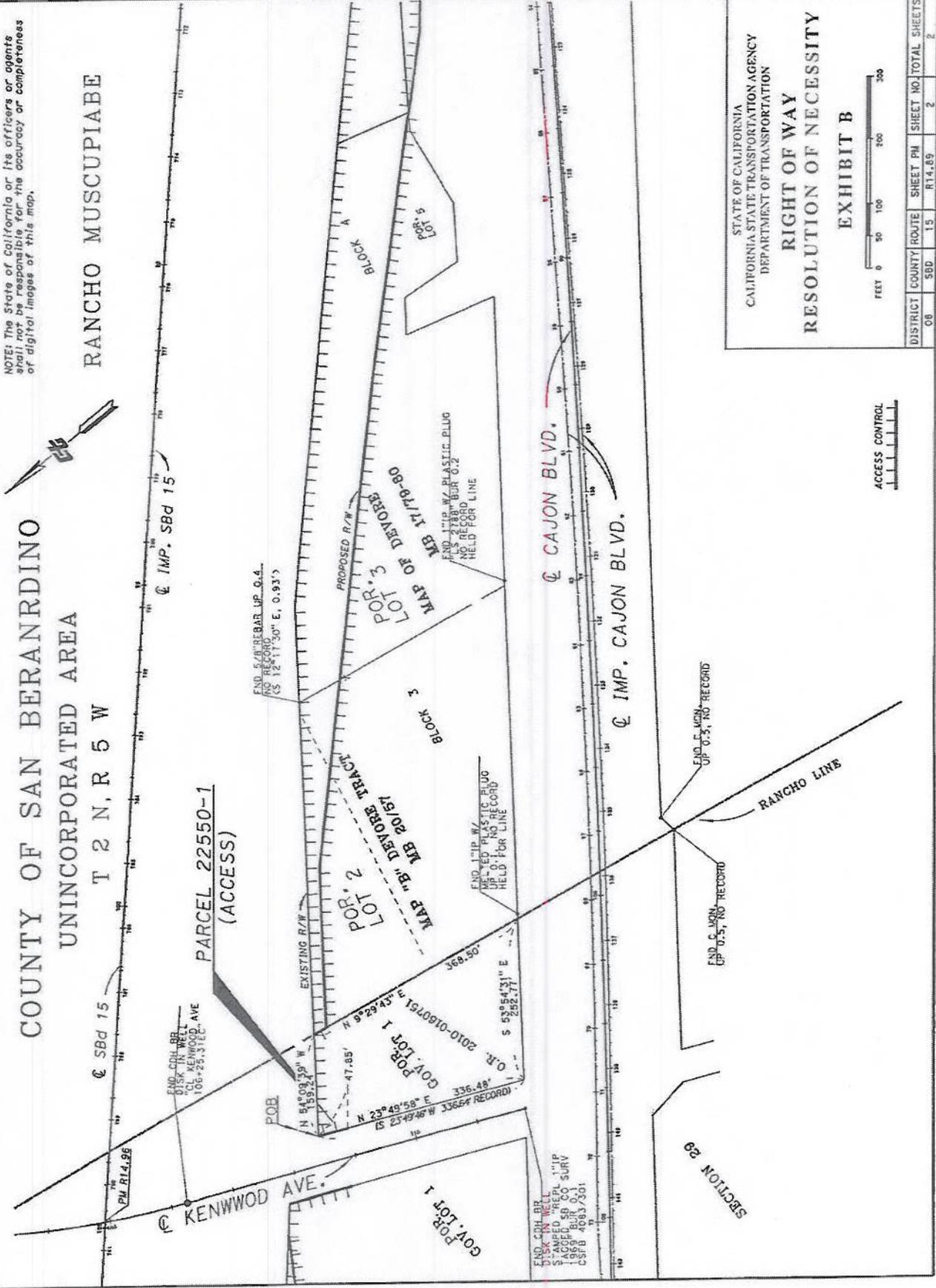
Exhibit D1

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COUNTY OF SAN BERARDINO
UNINCORPORATED AREA
T 2 N, R 5 W

RANCHO MUSCUIPIABE



STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B

FEET 0 50 100 150 200 300

ACCESS CONTROL

DISTRICT	COUNTY	ROUTE	SHEET	PM	SHEET NO.	TOTAL SHEETS
08	SBD	15	R14.69		2	2

Exhibit D2

Tab 8



PALMIERI, TYLER, WIENER, WILHELM & WALDRON[®]

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

mieifer@ptwww.com

REFER TO FILE NO.
37460-000

ANGELO J. PALMIERI (1926-1996)
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

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

Re: San Bernardino Development LLC, San Bernardino Hotel, LLC; Objection to Resolutions of Necessity For Acquisition Parcel Nos. 22550-1; 22549-1, 2

Dear Commissioners:

Our clients object to the adoption of the proposed resolution of necessity.

The offer is not valid. It fails to compensate for what is being taken because what is being taken was not appraised. Caltrans and its contractor conceded during multiple design-review meetings it is taking fee to get my clients' dirt for use as fill on other portions of the project. What Caltrans and its contractor call "project balancing". Dirt as construction fill material admittedly has value. The cost/value of the dirt to be acquired as fill material was not appraised. No offer was received for such taking. Instead, the offer provided for \$0.20 per square foot! According to Caltrans, you could buy 20 square feet of my clients' property for the cost of a Starbucks latte. As discussed at the design review, Caltrans is taking 130,000 cubic yards; values of \$8 to \$12 per cubic yard were likewise discussed. As \$9 per cubic yard, the value of the fill is \$1,117,000. No such offer was made because no appropriate appraisal was done.

California Transportation Commission
December 11, 2013
Page 2

A new appraisal and new offer should be made consistent with the value of what is being taking. Since the appraisal did not value what is really being taken, the offer fails.

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.

The proposed fee taking is not necessary and leaves the property owner with an uneconomic remnant. To construct its project on the subject property, Caltrans does not need a fee taking. An easement would suffice. Yet, fee is being proposed in order to acquire the dirt as fill (without paying for it as such). The proposed take is unnecessary. By taking in fee to get the dirt, the project causes greater injury than necessary by leaving the property owner with an uneconomic remnant. Essentially, the project takes the developable, freeway-fronting portion of the property and leaves the undulating hills making development infeasible.

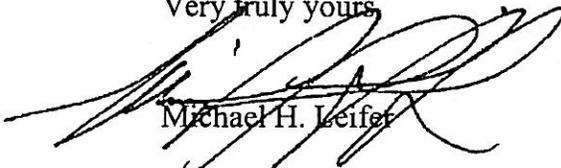
The project will not cause the least private injury. Caltrans admits it needs to relocate the Edison power pole. However, Caltrans is failing to take the rights necessary to do the relocation.

Caltrans is at the same time taking too much (without compensating for it) and taking too little.

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

Very truly yours,


Michael H. Leifer

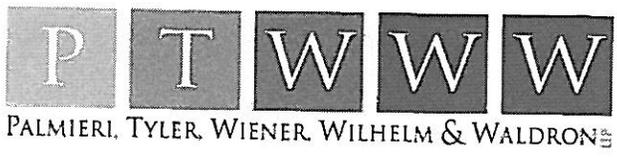
MHL:sh

California Transportation Commission

December 11, 2013

Page 3

cc: Mark Zgombic (via email)
Clients



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EAST TOWER - SUITE 1300
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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 |
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DENNIS G. TYLER*, RETIRED
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December 11, 2013

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

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

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

Dear Commissioners:

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

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

Executive Director
December 11, 2013
Page 2

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

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

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

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

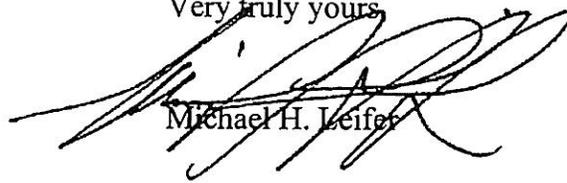
We request that the hearing on the resolutions be postponed so that our concerns may be addressed prior to authorization of any condemnation action.

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

Executive Director
December 11, 2013
Page 3

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

Very truly yours,

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

Michael H. Leifer

MHL:sh

cc: Mark Zgombic (via email)
Clients