



County of Fresno

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Legislation Text

File #: 17-1294, **Version:** 1

DATE: November 14, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: United States Standard Form 299 for Temporary Land Use for Delta Mendota Bridge Replacement Project on Nees Avenue

RECOMMENDED ACTION(S):

Adopt resolution authorizing the Director of Public Works and Planning to execute a United States Government Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands and pay the associated fee; to execute a Letter of Agreement with the Bureau of Reclamation and pay the associated administrative fees for the Bureau of Reclamation's review process; and to execute a Temporary Construction Permit prepared by the Bureau of Reclamation.

The recommended actions approve a resolution authorizing submittal of a United States Government Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands (SF 299), a Letter of Agreement (LOA), and a Temporary Construction Permit (TCP) needed from the United States Bureau of Reclamation (Bureau) to install a temporary bridge on federal land to convey traffic during the replacement of the Delta Mendota Canal Bridge on Nees Avenue.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Department of Public Works and Planning (Department) would have to return to the Board for signature of the LOA and would have to return again for execution of the TCP, thereby incurring additional staff costs and delaying final acceptance of the Project.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The Federal Highway Bridge Program funds 88.53% of the project costs. The remaining funds are paid from the Road Fund. Sufficient appropriations for the permits are included in the Public Works and Planning - Roads Org 4510 Adopted Budget.

DISCUSSION:

The County, in cooperation with the California Department of Transportation, has secured funding from the Federal Highway Bridge Program for the replacement of the existing bridge on Nees Avenue crossing the Delta Mendota Canal. In order to accommodate the high volume of traffic on Nees during the replacement, a temporary detour bridge is to be installed adjacent to the existing bridge to convey traffic around the construction zone. The County has adequate permanent right-of-way to accommodate the wider replacement bridge, but needs permission from the Bureau to install the temporary bridge on Federal land.

The SF 299 is a simple form that is required when an applicant desires to utilize federal land for transportation

purposes. Typically, permit applications are executed by the Department; however, the application expressly requires a resolution authorizing submittal of the application. Due to the simplicity of the application and due to the fact that it does not obligate the County to any particular action and furthermore does not expressly require the County to provide any indemnification, the resolution does not require that the SF 299 be approved by County Counsel or by the Auditor-Controller/Treasurer-Tax Collector (ACTTC). The resolution also authorizes the Director of the Department to pay the fee associated with the submittal of the SF 299. Currently, the fee for the application is \$100.

The LOA provides an estimate of the total administrative cost to process the application completely, which may involve review of the National Environmental Policy Act implications of the Project and other activities to ensure compliance of the project with state and federal law. The LOA does not expressly require the County to provide any indemnification and the resolution does not require that the LOA be approved by County Counsel or by the ACTTC.

The TCP will allow occupancy, use, and maintenance of the temporary structure and bypass road for the duration of the construction contract. The TCP requires the County to indemnify and hold harmless the United States of America for any costs, damages, claims, liabilities and judgements arising from the past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. The resolution does require that the TCP be approved as to legal form by County Counsel and as to Accounting form by the ACTTC. The resolution authorizes the Director of the Department to pay fees associated with the LOA and with the TCP. Currently, such fees for a bridge project are approximately \$20,000.

OTHER REVIEWING AGENCIES:

The Bureau will issue the LOA and the TCP.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

John Hays