



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 23-1154

**Meeting Date:** 5/2/2023

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**TITLE:**

**RESOLUTION TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

**DEPARTMENT:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**PRESENTED BY:** RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR

**CONTACT INFORMATION:** SEUNG YANG, P.E., CITY ENGINEER (714) 754-5633

**RECOMMENDATION:**

Staff recommends the City Council adopt Resolution No. 2023-xx (Attachment 1) authorizing the Public Works Director or designee(s) to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements, including Right-of-Way Certifications, and any other certifications, amendments, and documents to facilitate processes related to the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA).

**BACKGROUND:**

The City of Costa Mesa (City) is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation (Caltrans) through various federal and state funding sources. Caltrans requires that agreements and right-of-way (ROW) certifications with other documents need to be signed by City staff as designated by City Council resolution authorizing designees to execute said agreements and ROW certifications.

On January 2, 2007, the City Council passed Resolution No. 07-01 (Attachment 2) entering into a revised 2006 Master Agreement No. 12-5312R that authorized the City Manager and the Director of Public Services (now Public Works Director) to execute future revisions to the Master Agreement on behalf of the City. However, the language in the resolution as well as previously required provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) are no longer applicable. Therefore, a new resolution is required that properly authorizes execution of ROW certifications.

**ANALYSIS:**

For all Federal and State funded projects, the Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements will need to be executed with Caltrans before such funds can be claimed. The City will work on projects within a reasonable time after receipt of notification from the State that funds have been approved. These projects will be carried to completion with reasonable diligence and will comply with the provisions of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), the

Americans with Disabilities Act (ADA), and any other federal, state, and/or local laws, rules and/or regulations where applicable.

The proposed resolution authorizes the Public Works Director or designee(s) to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and any amendments thereto, and also authorizes ROW certifications and any other certifications and documents to facilitate Caltrans and FHWA processes.

This resolution would also apply to Caltrans funded projects.

### **ENVIRONMENTAL DETERMINATION:**

The proposed action is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15306, 15307 and 15308 of the CEQA Guidelines.

### **ALTERNATIVES:**

The City Council may elect not to adopt the proposed resolution. However, this alternative is not recommended as this may jeopardize or delay the City's ability to secure Federal and/or State funding for street improvement and transportation projects.

### **FISCAL REVIEW:**

There are no fiscal impacts associated with this item. Projects receiving Federal and State grant funds are included in the Capital Improvement Program (CIP) along with match requirements and are approved through the budget process.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed this agenda report and resolution and approves them both as to form.

### **CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goals:

- Strengthen the Public's Safety, and Improve the Quality of Life
- Maintain and Enhance the City's Infrastructure, Facilities, Equipment and Technology

### **CONCLUSION:**

Staff recommends the City Council adopt Resolution No. 2023-xx authorizing the Public Works Director or designee(s) to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements, including Right-of-Way Certifications, and any other certifications, amendments, and documents to facilitate processes related to the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA).