



Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TDD/TTY 510.817.5769  
FAX 510.817.7848  
E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

## *Memorandum*

TO: BATA Oversight Committee

DATE: April 6, 2016

FR: Executive Director

W. I. 1251

RE: BATA Resolution No. 119, Right of Way Certification Authority for BATA Projects

BATA Resolution No. 119 would authorize BATA's Executive Director or his designee to execute California Department of Transportation (Caltrans) right of way certifications required for capital improvement projects being sponsored and implemented by BATA within the State Highway System.


### **Background**

Caltrans requires local agencies completing highway improvements inside state owned right-of-way to complete a Caltrans right of way certification. Each project must have its own certification in order for Caltrans to issue an encroachment permit to BATA to construct the improvements.

BATA Resolution No. 119 allows for the completion of right of way certifications required for BATA capital improvement projects on the seven state-owned toll bridges and toll bridge approaches. This certification confirms to Caltrans that the planned improvements are within state right-of-way, publically owned right-of-way or that BATA has obtained all of the required property rights necessary to complete the highway improvements. Caltrans requires that each local agency assign a designated employee within the local agency to execute the certification.

### **Recommendation**

Staff recommends that this Committee refer BATA Resolution No. 119, which would delegate the authority to execute Right of Way Certifications to the BATA Executive Director or his designee, to the Authority for approval.

  
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Steve Heminger

SH:CL  
Attachment

Date: April 27, 2016  
Referred by: BATA Oversight

ABSTRACT

BATA Resolution No. 119

This resolution authorizes the Bay Area Toll Authority (BATA) Executive Director, or designee, to execute Right of Way Certifications for BATA Projects on the State Highway System.

Further discussion of this resolution is contained in the Executive Director's Memorandum to the BATA Oversight Committee dated April 6, 2016.

Date: April 27, 2016  
Referred by: BATA Oversight

BAY AREA TOLL AUTHORITY  
RESOLUTION NO. 119

WHEREAS, Streets and Highways Code Sections § 30950 et seq. created the Bay Area Toll Authority (“BATA”); and

WHEREAS, Streets and Highways Code § 30950 et seq. transfers to BATA certain duties and responsibilities of the California Transportation Commission (“CTC”) and California Department of Transportation (“Caltrans”) for the toll bridges owned and operated by Caltrans in the San Francisco Bay Area; and

WHEREAS, in accordance with Streets and Highways Code §§ 30950.2 and 30886, BATA is responsible for the administration of all toll revenues from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission (“MTC”); and

WHEREAS, Bay Area bridges are defined in Streets and Highways Code § 30910 to include the Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland, San Mateo-Hayward, and Dumbarton Bridges, and

WHEREAS, BATA undertakes capital and operational projects within the State Highway System; and

WHEREAS, with regard to such projects, Caltrans requires, as part of the project approval process, the execution of Caltrans’ Right of Way Certifications by a local agency prior to issuing Caltrans Encroachment Permits; and

WHEREAS, Caltrans further requires the Right of Way Certifications be submitted with a resolution by the governing body that formally delegates the authority to execute the document to a designated employee; now, therefore, be it

RESOLVED, that the BATA Executive Director, or his designee, is hereby authorized to execute all Right of Way Certifications on behalf of the Bay Area Toll Authority as required for projects to be constructed within the State Highway System.

BAY AREA TOLL AUTHORITY

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Dave Cortese, Chair

The above resolution was entered into by the Bay Area Toll Authority at a regular meeting of BATA held in San Jose, California, on April 27, 2016.