



**METROPOLITAN  
TRANSPORTATION  
COMMISSION**

Agenda Item 4e

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## *Memorandum*

TO: Operations Committee

DATE: May 6, 2016

FR: Executive Director

RE: MTC Resolution No. 4226: Right of Way Certification Authority for MTC Projects

MTC Resolution No. 4226 would authorize MTC'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 MTC 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 before Caltrans will issue an encroachment permit to construct the improvements.

MTC Resolution No. 4226 allows for completion of right of way certifications required for MTC capital improvement projects on the State Highway System in the nine-county Bay Area. This certification confirms to Caltrans that the planned improvements are within state right-of-way, publicly owned right-of-way, or that MTC 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.

On April 27, 2016, The Bay Area Toll Authority (BATA) adopted a similar resolution (BATA Resolution No. 119) for capital improvement projects on the seven state-owned toll bridges and toll bridge approaches.

### **Recommendation**

Staff recommends that this Committee refer MTC Resolution No. 4226, which would delegate the authority to execute Right of Way Certifications to the MTC Executive Director or his designee, to the Commission for approval.

  
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Steve Heminger

SH: rc

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Date: May 25, 2016  
Referred By: Operations

ABSTRACT

Resolution No. 4226

This resolution authorizes the Metropolitan Transportation Commission (MTC) Executive Director, or designee, to execute Right of Way Certifications for MTC Projects on the State Highway System.

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

Date: May 25, 2016  
Referred By: Operations

RE: Authority to Execute Right of Way Certifications for MTC Projects on the State Highway System.

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4226

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 et seq.; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county Bay Area; and

WHEREAS, MTC 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 MTC Executive Director, or his designee, is hereby authorized to execute all Right of Way Certifications on behalf of the Metropolitan Transportation Commission as required for projects to be constructed within the State Highway System.

METROPOLITAN TRANSPORTATION COMMISSION

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Dave Cortese, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on May 25, 2016