



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 21, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** Engineering Division, Public Works Department  
**SUBJECT:** State Route 225 Relinquishment Update

**RECOMMENDATION:** That Council:

- A. Receive an update on the State Route 225 Relinquishment; and
- B. Provide direction to City staff and the City Attorney regarding the State Route 225 Relinquishment and negotiations with Caltrans for the transfer of State Route 225 to the City.

### **DISCUSSION:**

#### Background

On May 1, 2012, staff provided Council with an update on the State Route 225 (SR 225) Relinquishment (attached). Council directed staff to return to them within the month of May with an outline of a work plan and budget target to address the following issues:

- Identify trends and patterns of accident history to determine critical targets for safety improvements.
- Identify potential phased safety oriented improvements along SR 225 that are viable upon a future relinquishment of SR 225 to the City, including cost estimates and expected timelines.
- Report on how traffic operations have changed/improved since implementation of re-striping of Cliff Drive, which was completed by Caltrans last summer, including speed analysis.
- Additional analysis of accident claim history and related issues.

#### SR 225 Liability and Litigation Concerns

At the May 1, 2012 Council hearing on this subject, the City Attorney continued to express concern about the City's potential tort liability if the City were to unconditionally accept the relinquishment of SR 225 from Caltrans, in particular with respect to certain SR 225 intersections which, according to state records, have a high rate of injury

accidents. However, at the May 1, 2012, Council hearing, Caltrans representative Aileen Loe, Deputy District Director, reiterated that Caltrans is unwilling to consider any commitment to fund a reserve amount for such potential liability or to indemnify the City from SR 225 claims or litigation. As a result, the City Council asked Public Works staff to provide Council with a more comprehensive discussion of possible future risks, and directed staff to do further specific analysis of areas of SR 225 where potential traffic safety concerns are apparent.

#### Staff Response to Council Direction

Staff is proposing the following outline of a scope of work that will be presented and discussed at the May 21, 2012 Council meeting. The scope of work outline includes:

- An updated summary and analysis of accident data on SR 225, including key locations of highest accident occurrences.
- Identification of potential phased safety oriented improvements along SR 225 that are viable upon a future relinquishment of SR 225 to the City.
- Cost estimates and expected timelines of the potential phased improvements.

The work plan is expected to take six to nine months to complete and is estimated to cost between \$15,000 and \$30,000. The work plan is not expected to include a Public Outreach element in order to more quickly develop the data requested and in recognition of the fact that, if relinquishment were to occur, the involvement of the public in the development of an implementation strategy would follow.

#### **BUDGET/FINANCIAL INFORMATION:**

If directed by Council to proceed with the work plan, there are sufficient funds in the Streets Fund to cover these costs.

#### **SUMMARY:**

The SR 225 Relinquishment issues and updated information, as identified in previous Council Agenda Reports, form the basis for subsequent agreements between Caltrans and the City to accomplish the relinquishment.

Staff seeks Council direction for one of the following:

1. Move forward with the relinquishment without preparation of the proposed work plan identified above.
2. Move forward with relinquishment in parallel with preparation of the work plan.
3. Move forward with preparation of the work plan and return to Council for direction on how to proceed with the relinquishment.
4. Postpone the relinquishment until there is a better economic outlook for achieving community goals.
5. Table the relinquishment for future action.

**ATTACHMENT:** Council Agenda Report dated May 1, 2012, Item No. 13

**PREPARED BY:** John Ewasiuk, Principal Engineer/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 1, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** Engineering Division, Public Works Department  
**SUBJECT:** State Route 225 Relinquishment Update

**RECOMMENDATION:** That Council:

- A. Receive an update on the State Route 225 Relinquishment; and
- B. Provide direction to City staff and the City Attorney regarding the State Route 225 Relinquishment and negotiations with Caltrans for the transfer of State Route 225 to the City.

### **EXECUTIVE SUMMARY:**

Pursuant to Council direction, Public Works staff and Caltrans have been working for several years on issues related to relinquishing State Route 225 (SR 225) from Caltrans to the City. SR 225 consists of approximately 4.6 miles of roadway from the intersection of Castillo and Montecito Streets, west along Cliff Drive, then north along Las Positas Road to where it intersects US Highway 101 (see Attachment 1).

### **DISCUSSION:**

#### Background

On January 24, 2012, staff provided Council with an update on the SR 225 Relinquishment. As reported in the January 24, 2012, meeting minutes, Council directed staff to move forward with the SR 225 Relinquishment subject to the following conditions:

- 1) Resolution of the City Attorney's concerns with liability and litigation related to the roadway;
- 2) Caltrans' completion of required drainage improvements or agreement to fund the City's estimate for this work;
- 3) Satisfactory negotiation with Caltrans on the assessment of the Las Positas Bridge overcrossing and the completion of needed repairs to this structure; and
- 4) That staff would return to Council for additional direction if necessary.

Generally, the meeting included discussion regarding the apparent financial and legal concerns including one-time and ongoing costs, and liability issues.

### SR 225 Liability and Litigation Concerns

The City Attorney continues to have a concern about City tort liability regarding the City's acceptance of the relinquishment of SR 225 from Caltrans, in particular with respect to certain SR 225 intersections which, according to City records, have a high rate of accidents. As a result, the City Attorney's Office has recommended that the relinquishment of SR 225 to the City be expressly conditioned upon either the State agreeing to defend and indemnify the City with respect to those accidents or Caltrans agreeing to fund a reserve amount to cover the potential tort liability which would accrue to the City in taking title to SR 225. In addition, the City Attorney's Office suggests that Caltrans should agree to cooperate with the City in preserving the original Caltrans SR 225 design and maintenance records, which records will be necessary for the City to substantiate any design immunity defense applicable under the Government Tort Claims Act in the event of a lawsuit involving a serious accident on SR 225. However, to date Caltrans has responded that they are unwilling to consider any commitment to indemnify the City from SR 225 claims or litigation. As a result, the City Attorney is recommending that the City Council direct City staff and the City Attorney's office to continue their discussions with Caltrans for an appropriate form of indemnification of the City and concerning the transfer of SR 225 tort claim and litigation history records, as well as design and maintenance records to the City.

### Updated Relinquishment Information

Following the Council meeting of January 24, 2012, there have been some significant developments as identified below:

On February 24, 2012, a meeting was held that included City staff, Mayor Schneider, Assemblyman Das Williams, and the Caltrans District 5 Director and members of his staff, to discuss the key SR 225 Relinquishment issues. The meeting proved very productive and subsequently, Caltrans updated and increased their drainage repairs estimate. Staff and Caltrans mutually agreed on a drainage repair estimate of \$819,000 (Attachment 2). The 2011 City estimate was \$804,075. Further, in a letter dated March 8, 2012, Caltrans notified the City that they would retain the Las Positas Road railroad bridge within their jurisdiction and it would not be included in the SR 225 Relinquishment boundaries (Attachment 3).

### Additional City Improvements and Cost Considerations

As previously identified in the Council Agenda Report of January 24, 2012, if relinquishment were to occur, additional currently unfunded future costs are anticipated to be incurred by the City as described in detail in prior reports to Council.

- 1.) One Time City Expense for Traffic Signal Controller Conversion is approximately \$112,300.
- 2.) Ongoing Annual SR 225 Maintenance is approximately \$367,000 per year.
  - Street Infrastructure Maintenance (excluding Pavement Maintenance) is approximately \$159,000 per year.
  - Pavement Maintenance is approximately \$165,000 per year.
  - Traffic Signal Control System Maintenance is approximately \$43,000 per year.

No additional Street Fund revenues are projected as part of the relinquishment, so the impact of additional ongoing pavement maintenance for SR 255 would result in reduced street maintenance in other areas of the City.

Based on past public comment, there is an expectation that the City will provide other public improvements soon after relinquishment. The cost of these additional improvements is difficult to estimate, but an estimate of \$11.5 million is reflected in the City's Six-Year CIP category of unfunded projects.

#### Relinquishment Cost Estimate Summary

As previously indicated, staff and Caltrans have mutually agreed upon the \$819,000 for the drainage improvements and repairs; increasing their drainage repair estimate from \$697,000. This amount would be paid to the City as part of the relinquishment City/Caltrans Cooperative Agreement.

#### **BUDGET/FINANCIAL INFORMATION:**

If relinquishment is completed, the annual maintenance costs would come out of the City Streets Funds, which is expected to result in less pavement maintenance funding available to maintain the rest of the City's roadways. Other than the \$819,000 for the drainage repairs, the City will not receive any additional funding from Caltrans if this route is relinquished. If the City accepts SR 225, the cost for rectifying existing and future infrastructure deficiencies and additional ongoing repair, maintenance, and liability responsibilities, will be incurred by the City. Any additional proposed City improvements on Cliff Drive and Las Positas Road will compete with other City Capital funding priorities. Future improvements would be implemented over time, as funding is identified.

## STEPS TO AFFECT RELINQUISHMENT

The relinquishment process, if approved, is anticipated to take 14 to 18 months and includes the following steps:

- Caltrans initiates the Project Scope Summary Report (PSSR),
- Caltrans submits the PSSR outlining relinquishment agreement terms,
- City and Caltrans finalize the Cooperative Agreement,
- City passes a resolution approving Cooperative Agreement accepting SR 225, and
- The California Transportation Committee approves the relinquishment and transfer of funds.

## SUMMARY

The SR 225 Relinquishment issues, as identified in this report, form the basis for subsequent agreements between Caltrans and the City to accomplish the relinquishment.

Staff seeks Council direction to either:

- A. Move forward with relinquishment; or
- B. Postpone the relinquishment until there is a better economic outlook for achieving community goals; or
- C. Table the relinquishment for future action.

**ATTACHMENTS:**

1. Highway SR 225 Vicinity Map
2. 2012 Caltrans Drainage Repair Estimate
3. Caltrans Letter dated March 8, 2012

**PREPARED BY:** John Ewasiuk, Principal Engineer/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office