Subject: S-1 Path Study in the Caltrans Right of Way

Dear Mr. Romero:

During the past four weeks BKF Engineers has analyzed the feasibility of constructing a Class I path from Page Mill Road to “cattle tunnel”. As part of our feasibility study we have conducted the follow activities:

1. **Research and Data Collection:** The Interstate 280 as-built construction drawings and right of way acquisition documents were retrieved and reviewed.
2. **Topographic Survey:** An aerial topographic survey, supplemented by a ground survey has been completed to clearly identify the existing field conditions.
3. **Conceptual Design:** A conceptual design of the path was developed to evaluate the merits of the alignment. The conceptual design drawing clearly identifies the design challenges and proposed solutions for this alignment.
4. **Presentation to Caltrans:** An introductory meeting was held with Caltrans Project Development and Right of Way Engineering. The conceptual design was presented and informal discussions were held.

The results of the feasibility study indicate that it is technically possible to design and construct a Class I path from Page Mill Road to the “cattle tunnel”. Obtaining the land rights from Caltrans and the Federal Highway Administration is somewhat problematic. Based upon our initial discussions with Caltrans the following policy questions need to be explored:

- **Longitudinal Encroachment:** The California Streets and Highways Code Section 660 gives authority to Caltrans to prohibit encroachments within the State highway. Exceptions to this policy will be considered on an individual basis. The request for the exception requires the approval of the Chief of OPPD (Caltrans Office of Project Planning and Design).

Exceptions to the encroachments will not be granted unless all of the following criteria are met (per the Caltrans Project Development Procedures Manual):
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1. There is sufficient consideration, in the form of benefits to Caltrans, to compensate for the removal of material from – or some other use of – the right of way.
2. The encroachment does not create a safety hazard.
3. The encroachment does not create additional maintenance requirements.
4. The encroachment does not obligate Caltrans to any current or future liability to protect the proposed adjoining private work.
5. The encroachment does not restrict the current or future use of the rights of way for transportation purposes.
6. The encroachment does not conflict or reduce current or future income associated with airspace leasing, excess land sales, or other Caltrans income-earning capabilities.

- **Jurisdiction:** Caltrans would have to enter into a cooperative agreement with a public agency as the path is for public use. The conceptual path alignment is within the town limits of Los Altos Hills. The proposed path cannot be held by a private entity. If a private entity owns the path it is interpreted that the public is granting a gift to a private entity which is prohibited by the Streets and Highway Code. The maintenance and liability of the path would also need to be included in the cooperative agreement; this will satisfy items 1 and 3 stated above.

- **Federal Highway Administration Approval:** The existing Freeway was constructed with 92% federal dollars and is classified as an interstate facility. Consequently, path construction will require approval from FHWA and Caltrans.

Attached please find a copy of our conceptual design. We have developed a path alignment that considers the impacts to the existing drainage facilities and the crossing of Matadero Creek. Due to the close proximity of the northbound on ramp, additional safety measures would have to be incorporated into the design. The additional safety measures to protect the path would be developed through the encroachment exception process.

At this point, it is our recommendation that the policy issues be explored in more depth. The first step would be to determine which public agency is willing to enter into a cooperative agreement with Caltrans. The next step would be to work with Caltrans to obtain their support of the project. BKF recommends that refinement be made to the conceptual design to provide compliance with encroachment exception criteria. We would not recommend submitting a formal application with FHWA without Caltrans support and approval. FHWA will not approve an application without Caltrans prior approval.
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We appreciate the assistance and guidance your staff has provided in developing the conceptual design. Should you have any questions or comments please contact me at 408.467.9116.

Very truly yours,
BKF Engineers

David A. Richwood, P.E.
Principal and Vice President

cc: Charles Carter, Stanford University
    Mark Frederick, Santa Clara County Parks

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