



NEWPORT BEACH

City Council Staff Report

October 12, 2021
Agenda Item No. 6

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311,
dawebb@newportbeachca.gov

PREPARED BY: Andy Tran, Senior Civil Engineer, atran@newportbeachca.gov

PHONE: 949-644-3315

TITLE: Resolution No. 2021-96: Authorizing the Public Works Director, City Engineer or Designees to Execute Right-of-Way Certifications

ABSTRACT:

Local agencies are required to execute Right-of-Way Certifications for all projects that involve federal funding or projects located on state highways. To simplify the right-of-way review process, staff recommends adopting Resolution No. 2021-96, to authorize the Public Works Director, City Engineer, or their designees, to sign Caltrans' Right-of-Way Certifications.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2021-96, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Public Works Director, City Engineer, and Their Designees to Execute Right-of-Way Certifications.*

DISCUSSION:

The City of Newport Beach administers various improvement projects that involve federal funding. Federally funded projects, as well as projects that are not federally funded but within Caltrans' right-of-way, require review and approval by the Federal Highway Administration. This approval authority has been delegated to the State of California Department of Transportation (Caltrans).

In accordance with the Caltrans Local Assistance Procedures Manual (LAPM), right-of-way certifications are required for projects that involve federal funding as well as projects on state highways. Local agencies are required to sign Right-of-Way Certifications as described in the LAPM.

Historically the City Engineer has undertaken this function of Certifying the Right-of Way, by verifying all the project street Right-of-Way is in place and under control of the agency (City). However, we currently do not have that authority function designation identified in documentation. To formalize the right-of-way review process, staff recommends adopting Resolution No. 2021-96, to authorize the Public Works Director, City Engineer, and their designees, to sign Right-of-Way Certifications.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2021-96