

**NORTH COUNTY CORRIDOR
TRANSPORTATION EXPRESSWAY AUTHORITY**

ITEM: 3b

SUBJECT:

Approval of the North County Corridor Project Charter (SR 99 to SR 120)

STAFF RECOMMENDATIONS:

By motion, consent to the NCC TEA Authority Manager's approval of the attached NCC Project Charter (SR 99 to SR 120) between the NCC TEA and the Department of Transportation, District 10.

FISCAL IMPACT:

There are no fiscal impacts related to approval of the NCC Project Charter (SR 99 to SR 120).

DISCUSSION:

The purpose of the NCC Project Charter (SR 99 to SR 120) is to memorialize the working relationship and delivery agreement between the NCC TEA and the Department of Transportation. This Charter shall only address the milestone activities associated with the project approval and environmental document.

The basic tenets of the Charter are to achieve the following:

- Qualify the project for future federal funding.
- Allow the NCCTEA to implement alignment preservation strategies.
- Permit the initial constructible segment to begin final design and right of way activities. The EIR/EIS document would identify environmental impacts and mitigation for the constructible segment. Each future segment would be subject to re-evaluation for subsequent environmental documentation for project-specific impacts and mitigation measures, which means that some form of supplemental documentation for each segment can be anticipated.
- Enable the new route to qualify as a replacement project for the Oakdale SR 120 by-pass project as outlined by the California Transportation Commission.

The Charter identifies roles and responsibilities between The Department and the NCC and includes constraints, risks and assumptions, review times, deliverable management and a conflict resolution and communications plan.

PROJECT CHARTER

North County Corridor Project
On New Alignment between State Route 99 and
SR 120, 6 miles east of Oakdale in Stanislaus County
EA 10-0S801
PID 100000263
Date Prepared: March 2011



CHARTER PURPOSE

This Project Charter documents the mutual understandings between the State of California Department of Transportation (Caltrans), and the North County Corridor Transportation Expressway Authority, hereinafter referred to as "NCCTEA" on the essential elements of the North County Corridor Project, State Route 99 to State Route 120 in Stanislaus County.

PROJECT DESCRIPTION

The North County Corridor Project (SR-99 to SR-120) is a high-priority project for Stanislaus County, its communities and the growing urbanized cities of Modesto, Oakdale, and Riverbank. The intent of the project is to ultimately build a high-capacity, west-east expressway/freeway to provide inter-regional connectivity and accommodate planned growth in the area, improve safety, accommodate multi-modal travel, benefit commerce, and reduce projected vehicle emissions.

This new roadway would begin from a location on State Route 99 in the vicinity of Kiernan Avenue/Hammett Road near the Salida community to a location on State Route 120 approximately six miles east of the City of Oakdale. The project may be an entirely new roadway or incorporated into the existing roadway network and would serve as a bypass for the cities of Riverbank, Oakdale and Modesto. This phase of the project will identify an alignment which will preserve right of way from SR-99 to SR-108 (McHenry Avenue) near SR-219 (Kiernan Avenue), or near Hammett Road and will be studied as a local facility and also as a state freeway/expressway. The remaining roadway will identify a constructible segment from near SR-108 (McHenry Avenue) and SR-219 (Kiernan Avenue)/Claribel Avenue intersection to SR-120, approximately six miles east of the City of Oakdale. The North County Corridor Transportation Expressway Authority anticipates that the ultimate facility would be planned as a multi-lane, access-controlled expressway/freeway, with interchanges, at-grade intersections, grade-separated railroad crossings, irrigation district crossings, frontage roads, and local street alignments. Total funding for the future 25 mile roadway has not been identified as constrained in the StanCOG 2011 Regional Transportation Plan. As a result, Caltrans in cooperation of the NCCTEA is planning a phased approach as additional funds become available for the construction of the future 25 mile freeway/expressway facility with interchanges, grade-separated railroad crossings, at-grade intersections, frontage roads, and street alignments.

The proposed roadway would be built in unincorporated Stanislaus County and is not anticipated to cross any current city boundaries, though portions of it may travel less than one mile south of

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Riverbank and through the city's sphere of influence, less than one mile south of Oakdale, and less than one mile north of Modesto and through the city's sphere of influence.

Currently, there are several build alternatives and one 'No Action' alternative identified. These alternatives stay within unincorporated Stanislaus County, but cross into the designated sphere of influence for the cities of Modesto and Riverbank. The 'No Action' alternative would leave the SR 108 in its existing condition, with no improvements to SR-108, SR-120 and the local roads.

INTENT OF PROJECT

The intent of the project is to provide an expressway/freeway to provide inter-regional connectivity and accommodate planned growth in the area. The project has been identified as a necessary improvement to accommodate inter-regional east-west traffic and help improve north-south network connectivity in northern Stanislaus County.

1. Along the route, the cities of Modesto, Riverbank, and Oakdale are anticipating population growth, which will quickly encroach on available highway/expressway Corridors.
2. The existing and planned development in this area limits the possibility to increase capacity along the existing route.

Traffic through the Corridor is a combination of commuter, local commerce, and goods movement, with a large component of recreational traffic. This traffic currently conflicts with local traffic on the existing facilities, creating congestion and safety concerns, as well as, elevated noise and air pollution levels. These conditions are expected to worsen significantly over time as development continues and traffic increases within the corridor.

PROJECT BACKGROUND

Existing SR-108 functions as a "main street" passing through the congested downtown areas of Modesto, Oakdale, and Riverbank. The current transportation facility does not provide for efficient, reliable and continuous interregional travel. The trucks, recreational vehicles, and commuter traffic using SR-108 during peak travel times add to the congestion in these urban areas; and a significant increase in local and interregional traffic demand is expected in the coming years.

The North County Corridor has been identified as a priority corridor by the Stanislaus Council of Governments (StanCOG), the cities of Oakdale, Riverbank, Modesto; and Stanislaus County. The four entities have formulated a Joint Powers Authority (JPA) known as the North County Corridor Transportation Expressway Authority (NCCTEA) to develop and implement the construction of this project. The NCCTEA JPA agreement was executed on April 1, 2008. The NCCTEA is committed to the development of a multi-modal transportation corridor with interregional significance.

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Two studies have been completed to document the feasibility, scope, and funding needs for the project. The North County Corridor Feasibility Study was completed in January 2008. This study described and analyzed existing conditions and anticipated constraints, potential alignments, environmental issues, future 2030 traffic forecasts, and conceptual construction cost estimates along the corridor. The North County Corridor, Preliminary Design Report (PDR) was completed in April 2008. This report further defined the conceptual alternatives along the two major alignments in the feasibility study, performed an intensive outreach program to the member agencies, Caltrans and the California Transportation Commission, and identified project development funding possibilities for the next phase. The PDR served as the programming document for the Project Approval and Environment Document (PA&ED) phase of the project in the 2008 State Transportation Improvement Plan (STIP).

The North County Corridor (NCC) SR-108 East Route Adoption was approved by the California Transportation Commission in May 2010. The adopted potential wide corridor provides for approximately 18 miles of a future freeway/expressway on new alignment from near SR-219/SR-108 intersection north of the City of Modesto and west of the City of Riverbank to SR-120 approximately six miles east of the City of Oakdale.

Funding for the current phase (PA&ED) of the project is being provided by the California Transportation Commission along with regional transportation impact fees. The NCCTEA also received the commitment of state funding that was once part of the cancelled state Oakdale Bypass project at the California Transportation Commission in May 2010. The 2011 RTP identified in the Tier I constrained list (\$553,693,600) for the entire corridor as a 2-6 lane freeway/expressway. The Tier II costs identified in the 2011 RTP are \$800 Million for a total of approximately \$1.2 Billion.

Traffic Forecasts. The traffic analysis prepared for the Route Adoption portion of this project evaluated future (2030) operations on the NCC and its effects on the adjacent roadway system by analyzing their operations both with and without the corridor. These forecasts will be updated for a 20-year design life for the next phase of the project. This assumption of a 2030 completion year is based on current funding scenarios. The StanCOG 2011 Regional Transportation Plan (RTP) travel demand model will be used to develop traffic forecasts. The base year model will be updated to reflect any recent infrastructure and land use changes. The model will be validated and calibrated to daily and peak hour conditions.

The project is being designed for mainline to operate at Level of Service (LOS C) or better conditions for the section between SR 99 and McHenry Avenue and LOS D or better for the section between McHenry Avenue and SR 108/120 east of Oakdale. Traffic shifts caused by the project may degrade the LOS at any other roadways. Opening year and design year traffic daily forecasts (roadway) will be developed for up to four alternatives including No Build conditions.

Environmental. With the California Transportation Commission (CTC) action of Project Approval and Route Adoption in May 2010, the preparation of a combined California

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Environmental Quality Act (CEQA)/ National Environmental Policy Act (NEPA) document to define specific North County Corridor /SR-108 East alignments within the project limits from SR-99 to a connection to existing SR-108 east of Oakdale will begin. A combined Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be prepared as a single document to comply with CEQA and NEPA, respectively. Within the combined CEQA/NEPA document, the specific description of the proposed action (e.g., number of lanes, interchange locations, etc.) will be defined, a distinct range of reasonable alternatives identified, and the preferred alignment (location) for the route ultimately identified.

As part of the preparation of an EIR/EIS for this phase of the project, the approximate six-mile segment between SR-99 and near the SR-108 (McHenry Avenue)/SR-219 (Kiernan Avenue/Claribel Avenue) intersection area is being evaluated as both a non-state highway (or a roadway under the local jurisdiction) and potentially a state highway. The remaining 18-mile segment may use either or a combination of a new alignment or the state-adopted corridor from near McHenry/SR-219 easterly to SR-120 approximately six miles east of the City of Oakdale.

The project description will be defined as a combination of a project-specific alignment for the initial constructible segment within the limits of the project with the remainder of the project and its alternatives being defined as a design footprint of approximately 350 to 400 feet in width to allow for meaningful comparison of impacts. It is assumed this initial constructible phase will be a 2-lane roadway with at-grade intersections and no interchanges from SR-120 to SR-108/McHenry Avenue.

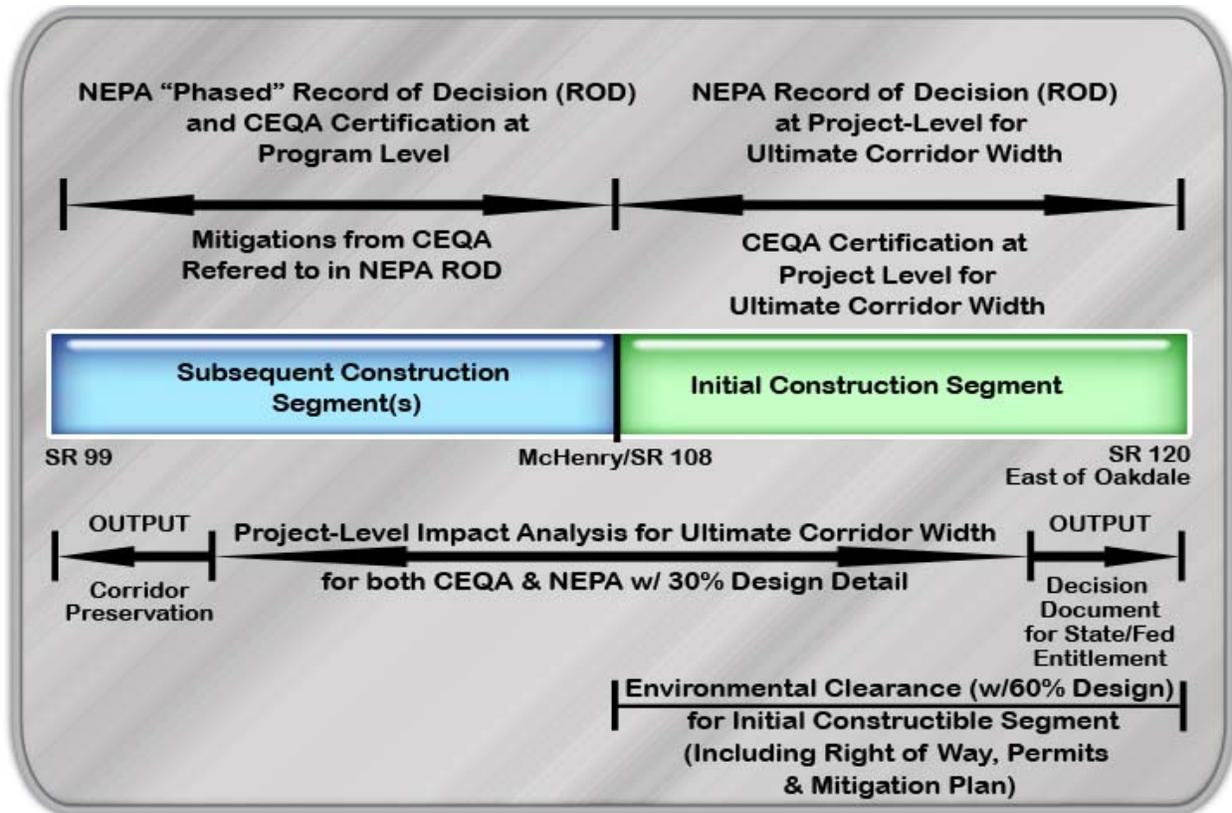
Impact assessments of both initial and future constructible segments will be at a project level. The assessment for the initial constructible segment will include a project-specific impact analysis and will recommend mitigation measures for that portion of the project; the assessment for future constructible segments, however, will present the types of mitigation measures available to those segments and will state that specific mitigation measures will be identified in subsequent environmental documents. Within the range of alternatives to be considered, the alternatives for the portion between SR-99 and McHenry Avenue will include both a local road and state route alternatives.

Under this approach, Caltrans will serve as CEQA and NEPA lead agency. The NCCTEA will serve as the responsible agency under CEQA and as a cooperating agency under NEPA. Under CEQA, Certification EIR would authorize two actions – project-level for the initial constructible segment and right of way preservation from McHenry to SR 99. Under NEPA, the Record of Decision (ROD) would be phased with the first phase of the ROD pertaining only to the initial constructible segment and right of way preservation from McHenry to SR 99. Future phases of the ROD would be applied to future constructible segments upon completion of subsequent NEPA documents for the future constructible segments.

A graphical depiction of this approach is shown below.

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DELIVERY STRATEGY

The CEQA/NEPA document would achieve the following:

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- Enable the new route to qualify as a replacement project for the Oakdale SR-120 by-pass project as outlined by the California Transportation Commission.

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Quality:

Quality control procedures in the Quality Management Plan will be strictly adhered to and properly documented throughout the entire course of the work. Specific activities may include:

- Verification that all preliminary design is accomplished in accordance with appropriate design criteria and required processes.
- Approvals by NCCTEA prior to submittal of plans to Caltrans.
- Periodic audits of the Project Team for conformance with contract requirements, design criteria, and other project quality standards.

PROJECT SUCCESS RESPONSIBILITY

The project will establish a Caltrans Executive Management Team comprised of agency management representatives, consultant management, Caltrans representatives at the executive level, and the Caltrans project manager. This team will have the primary role of strategic guidance of the project, policy resolution, conflict resolution and inter-jurisdictional communication. The Project Development Team (PDT) will include Caltrans personnel at the Senior and functional unit level. Technical focus team meetings will be held as directed by the PDT. These will be comprised of agency representatives, consultant members and appropriate functional unit representatives in Caltrans in the following areas:

- Project Management
- Environmental
- Public Involvement
- Traffic
- Design, Surveys, Maintenance, Hydraulics, Stormwater and Construction

Decisions on issues of a technical nature will be delegated to the focus teams. The focus teams will keep the PDT informed and elevate issues where conflicts or policy issues arise. Please refer to the Conflict Resolution portion of this Charter.

The PDT agrees as follows:

1. All PDT members shall use generally accepted principles of project management and task management, in order to deliver the project on time, on budget, and in a quality form.
2. Each PDT member has the responsibility for the products and processes associated with the project delivery plan.

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3. Task Managers are responsible for the delivery of their outputs in a timely, thorough, and quality manner. If inputs are delayed, the Task Manager for that element (receiving the inputs) shall contact the provider of the inputs and take active steps to obtain, in a timely manner, the information that is required. If the inputs are not forthcoming, the Task Manager will inform the Project Manager, and undertake a course of action to correct the situation. This may cause a schedule amendment, and appropriate documentation.

CONSTRAINTS, RISKS AND ASSUMPTIONS

It is understood that there are several constraints and risks that need to be overcome jointly in order to maintain the project schedule. Please refer to the attached Risk Plan matrix that presents these constraints and risks.

The key assumptions for this project are as follows:

1. To meet the schedule requirements, concurrent submittals of traffic and environmental drafts to NCCTEA and Caltrans will be necessary.
2. The local community concerns will be properly investigated and incorporated into the project design.
3. The first constructible phase of the project shall commence at the east end of the corridor and proceed westerly as funding and traffic analysis allows.
4. It is recognized by all PDT, and Focus Team members that conditions can change that will affect the original schedule. PDT, and Focus Team members will work together to minimize the impacts of such changes.
5. Project personnel should be maintained for the duration of the project to preserve decisions, maintain schedule and provide continuity. Decisions made shall be documented and those decisions shall survive changes in team members.
6. All comments will be addressed during the review, comment, and resolution process.
7. Caltrans will complete the review and submit written comments and/or concurrence of all documents within a 15 working day review period, unless specified times are provided by Caltrans function units to review pertinent documents.
8. The NCCTEA's Project Manager, its Consultant's Project Manager and the Caltrans Project Manager will facilitate expedited decision making (where they have the authority), and may designate alternates from time to time on specific tasks.
9. Documented decisions will hold as final unless conditions have changed. Decisions shall be documented, including those identifying any changed assumptions, issues and conditions leading to the change(s).

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10. It is assumed that the Resource Agencies will review the project documents in the time allowed and all team members will work expeditiously to pursue the review and approval from Resource Agencies.
11. All project mapping, engineering reports, technical studies, and preliminary design drawings will be developed in English units.
12. The Project will be coordinated with other current/future construction projects in the vicinity. The NCCTEA and Caltrans will ensure that the Agency(s) responsible for such projects will expeditiously provide all pertinent information needed for successful coordination.
13. Environmental Impact Report for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance will be required and Caltrans shall be lead agency for both.
14. A Risk Management Plan will be maintained.
15. Public outreach will continue.
16. Project mapping information will be provided to the project environmental team as expeditiously as possible so that field surveys can commence in a timely manner.
17. It is NCCTEA's goal to work toward qualifying the new route as a replacement project for the Oakdale SR-120 by-pass project as outlined by the California Transportation Commission.

The key risks for this project are as follows:

1. Limited protocol-level surveys are included in this scope of work. If the U.S. Fish and Wildlife Service (USFWS) does not concur with team protocol survey plan, additional surveys may lead to additional seasonal surveys and delay the schedule by 18 to 24 months.
2. The NEPA 6002 Agency Coordination regulations require the lead agencies to involve and consult with regulatory agencies early in the environmental process. While this is a potentially positive action, there is a risk that the regulatory agencies may ask for more detailed studies, more analyses, and more alternatives than what is reasonable and feasible.
3. USFWS requires additional field studies to support analysis of potential growth-inducing effects on listed species; additional surveys are season sensitive. If triggered, this could lead to additional field surveys in an area larger than the project footprint study area, and the timing of which could cause at least a 12 month delay (as well as an increase in cost).
4. Increase in the number of formal alternatives or significant changes in alternative alignments assumed would require re-work of preliminary engineering impacting scope and schedule.

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5. The aerial surveys are not approved for design purposes and therefore may be at risk for the buildable segment (defined at this time to be between SR-108 (McHenry Avenue) near SR-219 (Kiernan Avenue) and SR-120 east of Oakdale, which the intent is to prepare 60% level PS&E design work.

PHASE DELIVERABLES & BASELINE SCHEDULE

Key Deliverables PAED & Programming of Initial Construction Segment			
Deliverable Item	Responsible Party	Approval Agency	Delivery Date
1. Draft Traffic Forecast Report	F&P	Caltrans	Complete
2. Final Traffic Forecast Report	F&P	Caltrans	2/11
3. Draft Traffic System Planning Analysis	F&P	Caltrans	10/11
4. Final Traffic System Planning Analysis	F&P	Caltrans	2/12
5. Draft Environmental Technical Studies	JE/ICF/BB	Caltrans	5/11
6. Final Environmental Technical Studies	JE/ICF/BB	Caltrans	1/12
7. Draft Environmental Document	JE/ICF	Caltrans	2/12
8. Draft Project Report	JE	Caltrans	5/12
9. Approved Environmental Document	JE/ICF	Caltrans	2/14
10. Final Project Report	JE	Caltrans	3/14
11. Notice of Determination/Record of Decision	JE/ICF	Caltrans	4/14
12. Re-submittal of revised Route Adoption to CTC and ITIP Nomination of Phase 1 (if necessary)	JE	Caltrans	4/14
JE = Jacobs Engineering, F&P = Fehr and Peers, ICF = ICF International, BB = Blackburn NOTE: Future project implementation steps will be amended into this Charter once they are more clearly defined.			

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DELIVERABLE MANAGEMENT

Maximum Review Times for Design Documents	
5 days	Readiness Check.
15 days	Caltrans reviews and approves the documents or returns them with notification on why they are unacceptable.
10 days	Agency makes appropriate changes and submits a written response to Caltrans comments, using the Comments and Response table. Comments are resolved and the Agency makes a resubmittal of documents.
20 days	Caltrans verifies all comments are addressed and changes have been made and obtains approval of documents.
60 days	Total Review Time

NOTE: If comments are not addressed or the submittal is incomplete, the documents are returned within 20 days and the last two steps are repeated until the documents are approved.

CONFLICT RESOLUTION AND COMMUNICATION PLAN

The Conflict Resolution and Communication Plan for the NCCTEA is intended to provide open and timely communication and provide the framework for resolving conflicts between the local agency sponsor (NCCTEA) and Caltrans. The Plan will define the need and purpose of each group, (the Project Development Team and NCCTEA staff and consultants) and will establish the process and timing for the distribution of meeting agenda, minutes and action items. This will be made available on a file-share website as well as distributed by email.

It is the intent of Caltrans and the local agency sponsor to settle conflicts at the PDT level. It is only when an impasse is reached at the PDT level that the particular topic under question will elevate to Caltrans Executive Management Team and follow the conflict resolution process.

Caltrans and NCCTEA share the following principles in the resolution of conflicts:

1. The efficient delivery of effective, appropriate projects is the primary goal of both parties.
2. The parties will focus on their common goals rather than maintain their differences.
3. Win/win solutions to disputes should be sought.
4. Differences of opinions are acceptable.
5. Timely, open, and honest communication is the key to avoiding and resolving conflicts.

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6. Technical concerns should be separated from interpersonal issues.
7. Standard policies and procedures, as well as Caltrans interpretation of the California Environmental Quality Act are established. Reasonable interpretation must be made in developing a purpose and need statement, considering a full range of alternatives, developing and evaluating technical data, and other steps in the project development process.
8. Decisions should be made and conflicts resolved at the lowest possible level.

Decision Process

The "Conflict Resolution Matrix" will be followed to identify the process by which unresolved concerns may be elevated to a higher decision authority. It is the intent of both parties to resolve conflicts quickly.

Conflict Resolution Matrix			
Level	Decision Timeframe	NCCTEA	Caltrans
1	1-5 days	Project Manager and Consultant Manager	Caltrans Executive Management Team
2	10-15 days	Director	District Director

The first level of review and resolution takes place within the Project Development Team, especially those questions that do not affect the scope, cost, or schedule. The team will review the question, options for resolution, pros and cons to each option, and the advocate's reasons in support of the option. If the team and Project Managers do not have the authority or cannot agree, then the conflict will be presented to the Caltrans Executive Management Team.

If the issue is not resolved the second level of review and resolution takes place at the Caltrans District Director and the NCCTEA Chair. An Issue Memo should be written by the Caltrans Project Manager and the NCCTEA's Project Manager to detail the question, options for resolution, pros and cons to each option, and the advocate's reasons in support of the option. The memo should specifically present completed staff work performed to resolve the question.

Some conflicts may fall within the purview of Caltrans Design, Legal, or Headquarters. In those instances, the questions, options for solutions, and pros and cons may be raised to each subsequent management level by the District Director. These issues will be brought to forward at Caltrans Executive Management briefings. At NCCTEA's direction, the NCCTEA's Consultant will assist the District Director in presenting the issue(s) to Caltrans Headquarters team.

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Caltrans expressly reserves the right to exercise its authority to direct the implementation of appropriate responses to questions affecting:

- The safety of the traveling public.
- Future Caltrans liability of the operation and maintenance of the completed facility.
- Future operations and maintenance costs of constructed project facilities.
- Future statutory obligations pertaining to the new or existing facility.

In those rare instances where Caltrans exercises this authority, the NCCTEA will be informed 15 days before Caltrans issues a determination in a letter signed by the District Director.

It is anticipated that most concerns will be resolved at the levels identified in the matrix above. If an impasse is reached, the NCCTEA may submit a written request for further review by Caltrans to the District Director. The request must fully describe the position of the regional agency on the problem. The District Director will forward the NCCTEA's request to the appropriate Caltrans Headquarters Management for consideration. In addition, the District Director (with assistance provided by the Caltrans Project Manager) will provide a report to NCCTEA describing the steps taken to attempt to resolve the problem. This report should provide a problem overview and detailed discussion of the items in dispute, with references to sections in policy manuals and memos that support the District's position, and a District recommendation on the problem.

RISK MANAGEMENT PLAN

The Risk Management Plan for the project is intended to establish a comprehensive plan that clearly defines roles and responsibilities for risk management and addresses the process by which it will identify and quantify project risks, implement and track risk response activities, and monitor and control risks throughout the duration of the project. This plan will quantify the effect of identified risks in financial terms, develop and maintain documents to track identified risks and related mitigation steps. This plan is independent from the Charter but is incorporated by reference.

RESPONSIBILITIES

NCCTEA:

- Ensures that its staff, consultants, and contractors comply with applicable state and federal laws, regulations, policies, and procedures, and with the Cooperative Agreement.
- Provides adequate resources to ensure that projects can be developed to meet Caltrans standards and submittal requirements.
- Ensures the adequacy of its products through a quality control and quality assurance procedure.

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- Designates a person to be the Project Manager.

NCCTEA's Project Manager:

- Fulfills the Agency's responsibilities for successfully completing the Project Report.
- Coordinates with the Caltrans Project Manager to assemble a Project Development Team in accordance with Chapter 8, Section 4, of Caltrans' Project Development Procedures Manual (PDPM).
- Schedules a Caltrans Executive Management Team kick-off meeting to provide an overview of the project and schedule.

Caltrans Project Manager:

- Assists and advises the NCCTEA's Project Manager and serves as the project ombudsman within Caltrans.
- Ensures that Caltrans' interests are represented and addressed adequately in the alternatives studied by the PDT.
- Ensures that submittals are given to the appropriate support unit for review and responds to the NCCTEA and consultants with the support units' comments in a timely manner. Makes decisions on behalf of Caltrans at the PDT meetings and actively facilitates the Caltrans team to make the PDT meetings more effective.

PDT:

- Ensures that information is disseminated and discussed for impacts to others. Discusses and makes recommendations on policy issues to the Caltrans Executive Management Team.

Caltrans Executive Management Team:

- Ensures that issues from the PDT are discussed and resolved if possible and makes recommendations on policy issues to the NCCTEA Chair and Caltrans District Director.

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Approvals:

JESUS VARGAS
Project Manager
Program Project Management
Caltrans - District 10

MATT MACHADO
Director
North County Corridor Transportation Expressway Authority (NCCTEA)

CARRIE BOWEN
District Director
Caltrans - District 10