

# SBE TODAY

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## Eminent Domain Becoming More Frequent for High-speed Rail in the Valley



The back lot at Commercial Neon in northwest Fresno has a diverse collection of signs. Partner Susan Martin-Tanielian said the company hopes to put some of the signs on display on what is now the Golden State Boulevard frontage of the property, where high-speed train tracks are supposed to be built in the coming years. (MARK CROSSE — The Fresno Bee)

By Tim Sheehan

Under pressure to deliver property to construction contractors, the California High-Speed Rail Authority and the state are increasingly taking off the gloves and going to court under eminent domain law to get the land needed for a bullet-train line through the central San Joaquin Valley.

The State Public Works Board has adopted 192 resolutions declaring a public need to use eminent domain or condemnation to acquire about 425 acres of land in the Valley. In Fresno County, the state has followed up by filing more than four dozen eminent domain lawsuits against property owners.

A bill that could have slowed, if not halted, the use of eminent domain by the state by changing the rules for condemnation met a partisan end Monday in Sacramento.

Assembly Bill 1138 by Assembly Member Jim Patterson, R-Fresno, proposed to bar the California High-Speed Rail Authority or the Public Works Board from initiating condemnation actions unless the rail agency identifies where and when it will get the money needed to build a usable segment of the train line and certifies that

the segment has received all of the environmental clearances.

The bill was voted down Monday at the state Capitol by the Assembly's Transportation Committee. Three Republican members of the committee voted for it, but they were outnumbered by six "no" votes from Democrats. Earlier in the day, Patterson acknowledged in an interview that the odds were stacked against the bill.

Patterson, an outspoken opponent of the bullet-train project, said he fears that much of the \$68 billion needed to build the rail line from San Francisco to Los Angeles will never materialize, leaving an incomplete section of track sitting in the Valley. To date, the state has about \$6 billion available for construction in the Valley, including about \$3 billion in federal stimulus and transportation funds from the Obama administration. Patterson added that lawsuits also continue to confront the rail agency.

"Eminent domain is absolute and irrevocable," he said. "If the funds fall short or the litigation succeeds, there is a real possibility that all this property won't be utilized."

Like Patterson, Chris Mathys is no fan of California's contentious high-speed rail project. The former Fresno City Council member and avowed

tax-fighter is philosophically opposed to the state spending billions in taxpayer money on a 220 mph passenger train through the state by way of the Valley.

But when the California High-Speed Rail Authority and Public Works Board went to court last fall to take a piece of property he owns on G Street in downtown Fresno, Mathys understood it was just part of the state doing business.

Mathys' land is one of 50 properties for which the state has filed eminent domain lawsuits in Fresno County Superior Court since last spring. And the pace of those lawsuits is accelerating. Thirty condemnation cases have been filed by the state since March 1, including seven notices of pending legal actions recorded in a single day last week. And that doesn't count eminent domain lawsuits filed by the state Department of Transportation for its project to relocate Highway 99 between Ashlan and Clinton avenues in west-central

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# California Sub-Bid Request Ads



Is requesting quotes from qualified DBE Subcontractors, Suppliers, and Service Providers for the following (but not limited to) work:

Traffic Control, SWPPP, Hazardous Waste Haul/Trucking, Fencing, Paving, Potholing, Pipeline Testing, Shoring, PVC & CMLC Pipe, Ready Mix Concrete & Aggregates, Striping, Pipe Jacking

**Chino Desalter Phase 3 Expansion  
Chino Creek Well Fields 1 and II  
Raw Water Intertie Pipeline Project**

Located in Eastvale and Ontario, CA

**Chino Basin Desalter Authority**  
Specification No. CDAEXP3-12-06

**BID DATE April 29, 2015 @ 2:00 p.m.**

Sub & Vendor Bids Due Prior

**Sukut Construction, LLC**

4010 W. Chandler Avenue, Santa Ana, CA 92704

Contact: Robbie Zwick

Phone: (714) 540-5351 • Fax: (714) 545-2003 • Email: estimating@sukut.com

Plans/specs are available for viewing at our office by appointment, or may be obtained from Owner. Subcontractors must be prepared to furnish 100% performance and payment bonds and possess current insurance and workers' comp coverage. Sukut Construction will assist Qualified Subcontractors in obtaining bonds, insurance, and/or lines of credit. Please contact Sukut Construction for assistance in responding to this solicitation. Subcontractors/Vendors will be required to sign Sukut's Standard Subcontract/Purchase Order. Copies are available for examination.

Sukut Construction's listing of a Subcontractor in its bid to the agency is not to be construed as an acceptance of all of the Subcontractor's conditions or exceptions included with Subcontractor's price quotes. Quotations must be valid for the same duration as specified by Owner for contract award.

**Sukut Construction, LLC**  
An Equal Opportunity Employer

**GRANITE CONSTRUCTION COMPANY**

is seeking SBEs Qualified Sub-Contractors on the following Project

**Project Owner: Santa Clara Water District Estimate 15072SC  
LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT - Phase 1**

**Lead Estimator: Fred Ackerman**

**Phone 408-327-7053**

**Bid Date 5-13-15 12:00 PM**

**Please Fax Quotes to 408-327-7090**

Granite Construction Company (Granite) is requesting quotes from all qualified subcontractors and suppliers including certified SBE firms for the following items of work, including but not limited to: STEEL, LUMBER & TIMBER, REINFORCING STEEL, CONSTRUCTION AREA SIGNS, TRAFFIC CONTROL SYSTEM, CLEARING & GRUBBING, DEVELOP WATER SUPPLY, GRADING, STRUCTURE EXCAVATION, STRUCTURE BACKFILL, IMPORTED BORROW, HIGHWAY PLANTING, SWPPP PLANNING, CAST-IN-DRILLEDHOLE CONCRETE PILING, TRUCKER BROKER, BIOLOGIST SERVICES

**GRANITE CONSTRUCTION COMPANY**

Estimating Assistant: Teresa Rothney  
Tel: (408)327-7013 / Fax: (408)327-7090

Granite Construction Company (Granite) is signatory to Operating Engineers, Laborers, Teamsters, Cement Masons and Carpenters unions. No bid shall be accepted nor any subcontract entered into without proof of the Subcontractor's current registration to perform public work pursuant to Section 1725.5. 100% performance and payment bonds may be required for the full amount of subcontract price. Granite will pay for bond premium up to 1.5%. Subcontractors must possess a current contractor's license, insurance and worker's compensation coverage meeting Granite's requirements and will be required to sign the standard Granite Subcontract Agreement. A copy of the insurance requirements and agreement can be obtained by contacting the estimator. Plans and specifications are available for viewing at our office located at 715 Comstock St., Santa Clara, CA., 95054 or OUR FTP SITE <https://app.box.com/s/8au1k2bfkztivs5ujjzvcuqj6qjyofxr> Please call if you need assistance in obtaining bonding, insurance, equipment, materials and/or supplies. Granite intends to work cooperatively with all qualified firms seeking work on this project. Granite is an equal opportunity employer. Portions of work can be made available upon request prior to bid date. Please call if any assistance is needed.

REQUESTING BIDS FROM DBE/MBE/WBE/  
DVBE/SBE/LBE/OBE  
Subcontractors and Vendors

**Project: 2015 Asphalt Rubber Cape Seal,  
East Richmond Heights & Shadow Creek Area**  
**Owner: County of Contra Costa**  
**Bid Date: 5/12/2015**

Please submit quotes at least one day prior to bid

American Pavement Systems, Inc. (APSI) is requesting bids for above referenced project from the following trades and suppliers:

TRUCKING - CONSTRUCTION AREA SIGNS  
- TRAFFIC CONTROL SYSTEM - BMP INSTALLATION - LEAD COMPLIANCE PLAN - PCMS BOARDS - SLURRY SEAL - STRIPING - PAVEMENT MARKINGS - WEED ABATEMENT - SWEEPING or any other item of work or material you are qualified to perform or furnish.

For questions regarding the project, contact David Pimley at American Pavement Systems, Inc. via email to [dpimley@americanpavementsystems.com](mailto:dpimley@americanpavementsystems.com) or call 209.275.7031. If interested in bidding this project, APSI is willing to assist all qualified subcontractors/suppliers in obtaining bonding, required insurance, materials, equipment, supplies or lines of credit if requested. Quotations must be valid for same duration as specified by Owner for contract award. APSI IS SIGNATORY TO OPERATING ENGINEERS. All contractors must be registered with Dept. of Industrial Relations.

Plans and specifications can be viewed at our office in Modesto (by appointment only), or can be obtained at the Contra Costa County Public Works Dept, 255 Glacier Drive, Martinez, CA 94553 or are available for purchase at <http://www.cccounty.us/pwprojects>.

APSI is committed to working with qualified DBE/MBE/WBE/OBE subcontractors and suppliers who respond, and will analyze and consider each quote submitted. Delivery schedules will be accommodated and categories of work broken down into economically feasible units to facilitate maximum participation. Please include any certification from you may have when submitting bids. Self Certification is not acceptable.

**Mission Bay Development Group, LLC** is actively seeking a General Contractor for the upcoming **Blocks 11-12 Channel Street Surface Improvements Project.**

**Proposed scope of work for this phase of the project includes but is not limited to demolition, grading, curb and gutter, concrete road base and asphalt paving, sidewalks, landscaping, irrigation, signage, striping, street furnishings**

MBE, WBE, SBE and LBE participation is strongly encouraged. Bid documents will be distributed to each interested General Contractor.

Please contact

**Shaula Kumaishi of Alta Engineering Group** at (415) 355-6627 to pick up a set at the **Mission Bay Office, 410 China Basin Street, San Francisco, CA 94158.**

# California Sub-Bid Request Ads

C.C. MYERS, INC. IS REQUESTING BIDS FROM QUALIFIED DBE SUBCONTRACTORS AND SUPPLIERS FOR THE FOLLOWING PROJECT:

**Riverfront Reconnection Project**  
**City of Sacramento, Department of Public Works, Project No. T15998100**  
**Engineer Est. \$10,104,690, No. of Working Days: 260**  
**Bid Date: May 6, 2015 at 2:00 pm**

We hereby encourage responsible participation of local Disadvantaged Business Enterprises (10% Goal), and solicit their subcontractor or material quotation for the following types of work. This is a highway project with typical items of work associated, but not limited to: Preconstruction Photographs, Iron Pipe, Landscaping, Construction Area Signs, Traffic Control System, Temporary Traffic Stripe, Temporary Pavement Marker, Portable Changeable Message Sign, Temporary Crash Cushion, SWPPP, Temp Erosion Control, Temp Drainage Inlet Protection, Temp Reinforced Silt Fence, Temporary Fencing, Temp Construction Entrance, Street Sweeping, Temp Concrete Washout, Abandon Pipeline, Remove Asphalt Concrete Surfacing and Base, Relocate Sign, Remove Sign Structure, Adjust Valve Cover, Inlet, and Manhole Pull Box to Grade, Pavement Planning, Remove Concrete Seal Slab, Remove Concrete Sidewalk, Remove Concrete Barrier Rail, Prep Concrete Bridge Deck Surface, Furnish Polyester Concrete, Place Polyester Concrete Overlay, Treat Bridge Deck, Remove Chip Seal, Bridge Removal, Clear & Grub, Roadway Excavation, Structural Excavation, Structure Backfill, Irrigation Service, Aggregate Base, Microsurfacing, Asphalt Concrete, Grind Existing Bridge Deck, Temp Support, Permanent Steel Casing, CIDH Piling, CIP Concrete, Structural Concrete, Architectural Treatment, Drill And Bond Dowel, Retaining Wall, Sound Wall, Joint Seal Assembly, Rebar, Furnish and Install Sign Structure, Roadside Signs, Reinforced Concrete Pipe, Stamped Concrete, Misc. Concrete, Misc. Metal, Object Marker, Pedestrian Railing, Hand Railing, Tubular Hand Railing, Precast Planters, Traffic Signal Installation and Modification, Street Lights, Emergency Vehicle Detection System, Modify Traffic Operation System, Modify Lighting and Sign Illumination, Construction Rentals and Supplies, Trucking.

C.C. Myers, Inc. is willing to break down items of work into economically feasible units to encourage DBE participation. If you are interested in any of this work, please provide us with a scope letter or contact us immediately. Plans and Specifications are available from C.C. Myers, Inc.'s Sharepoint site, please contact us for log in information.

Conditions or exceptions in Subcontractor's quote are expressly rejected unless expressly accepted in writing. Subcontractor and Supplier quotes are required 24 hours prior to the bid date to enable thorough evaluation.



**C.C. Myers, Inc.**

3286 Fitzgerald Rd. • Rancho Cordova, CA 95742 • 916-635-9370 • Fax 916-635-1527

Each Subcontractor shall be prepared to submit faithful performance and payment bonds equal to 100% of their quotation. The Contractor will pay standard industry rates for these bonds.

Contact C. C. Myers, Inc. for assistance with bonds, insurance, lines of credit, equipment, supplies or project plans and specifications. C.C. Myers, Inc. is a Union Contractor.

AN EQUAL OPPORTUNITY EMPLOYER

Gallagher and Burk, Inc. is soliciting for SBEs for the following project:

**POTRERO AVENUE ROADWAY IMPROVEMENTS,**  
**Contract No. 2127J**

**OWNER:**

CITY AND COUNTY OF SAN FRANCISCO  
 1155 Market Street, 4th Floor  
 San Francisco, CA 94103

**BID DATE: APRIL 29, 2015 @ 2:30 P.M.**

We hereby encourage responsible participation of local Small Business Enterprises, and solicit their subcontractor or materials and/or suppliers quotation for the following types of work including but not limited to:

**ADJUST IRON, ELECTRICAL, LANDSCAPING AND IRRIGATION, MINOR CONCRETE, OVERHEAD CONTACT AND TRACTION POWER, RAILROAD TRACK REMOVAL, STRIPING, UNDERGROUND, TRUCKING, WATER TRUCKS, STREET SWEEPING, HOT MIX ASPHALT (TYPE A) MATERIAL.**

100% Performance and Payment Bonds may be required for full amounts of the subcontract price. Surety company will have to be approved by Gallagher and Burk, Inc. Gallagher and Burk, Inc. will pay bond premium up to 2%. Subcontractors must possess current insurance and worker's compensation coverage meeting Gallagher and Burk, Inc.'s requirements. Please call if you need assistance in obtaining bonding, insurance, equipment, materials and/or supplies. Plans and specifications are available for review at our Dublin office.

**Gallagher & Burk, Inc.**

344 High Street • Oakland, CA 94601  
 Phone: (510) 261-0466 • FAX (510) 261-0478

Estimator: STEVE LIPPIS

Website: www.desilvagates.com

An Equal Opportunity Employer

RGW Construction Inc. is seeking all qualified White Women/White Men/Ethnic Minority (both men & women) for the following project:

**Diablo Vista Pumping Plant and Leland Rate Control Station Replacement Lafayette**  
**EBMUD Specification 2077**

**Engineer Estimate: \$9,500,000 – 690 Calendar Days**

**Outreach Goal: White Men 25% / White Women 9% / Ethnic Minority (both women & men) 25%**  
**Bids: May 6th, 2015 @ 1:30 PM**

**Requesting Sub-quotes for (including but not limited to):** Construction Area Signs, Traffic Control, Landscaping, Irrigation, Aggregate Base, Asphalt Paving, Structural Concrete, Rebar, Structural Steel, Concrete Curb & Sidewalk Misc., Fencing, Painting /Coatings, Electrical/Instrumentation, Pipeline, Windows & Doors, Misc. Metal, Overhead Crane, Metal Decking, Metal Roofing, Pumps and Fabricated Steel Pipe.

**Scope of Work:** Construct above ground reinforced concrete structure which includes Diablo Vista Pumping Plant and Leland Rate Control Station. Furnish & install vertical turbine pumps & motors, site improvements, mortar lined and coated steel pipeline and new parking lot.

RGW is willing to breakout any portion of work to encourage WW/WM/EM participation. Contact us for a specific item list.

Plans and Specs are available to view and copy at our office or online at <http://www.ebmud.com/current-construction-bids>. Hardcopy sets available at no cost by calling 510-287-1040. RGW Estimator is Fraser Bradford 925-606-2400. Contact Fraser at [fraser.bradford@rgwconstruction.com](mailto:fraser.bradford@rgwconstruction.com) for any questions, including bonding, lines of credit, or insurance or equipment or material suppliers. Subcontractors should be prepared to submit payment and performance bonds equal to 100% of their quotation. For bonding and other assistance, please call.

**RGW Construction, Inc.**

Contractors License A/B 591940

550 Greenville Road • Livermore, CA 94550 • Phone: 925-606-2400 • Fax: 925-961-1925

An Equal Opportunity Employer

Mission Bay Development Group, LLC is actively seeking SBE General Contractors for the upcoming

**Mission Bay Owens, 16th, and Mariposa Street Public Improvements Project.**

The Project is administered by the SFMTA and the FTA. Federal Grant requirements will apply.

Work scope includes **Grading, Curb & Gutter, Roadbase, AC, Landscape, Irrigation, Streetlights, and Traffic Signs.**

This project carries a 100% SBE participation requirement. Bid documents will be distributed to each interested General Contractor.

Please contact **Cathy Serrano of Townsend Management, Inc., at (415) 355-6644** to pick up a set at the **Mission Bay Office, 410 China Basin Street, San Francisco, CA 94158**



# Eminent Domain Becoming More Frequent for High-speed Rail in the Valley

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Fresno to make way for the high-speed train tracks.

The growing number of lawsuits illustrate the pressure on the state to play catch-up on acquiring the land it needs to build the rail system. As of mid-March, the rail authority had managed to secure ownership of just 164 of the 1,066 parcels of property it needs in the first two construction sections of the rail route between Madera and the Tulare - Kern county line.

## A last resort

As recently as three years ago, rail authority CEO Jeff Morales was confident that fruitful negotiations would allow the agency to buy most of the property it needs, using eminent domain only as a last resort. But up and down the line, property owners have complained that the agency's offers are well below what they believe is fair, slowing the process considerably.

"The number we had in our head was different than the state's number, and we talked and talked before we eventually reached an impasse," Mathys said.

That impasse prompted the rail authority to ask the Public Works Board -- a three-member panel that includes the heads of the state Transportation, Finance and General Services departments -- to declare a public need for the property.

Just because the case makes it into the legal system, however, doesn't mean the two sides stop talking to one another. Mathys and other property owners told The Bee that their ongoing negotiations with the rail agency resulted in settlements with which they are satisfied and will nullify their lawsuits. "Although I do oppose the project and I oppose using taxpayer money for it, my personal beliefs cannot stop the legal right that taxpayers have to take the property," Mathys said. "We were pragmatic in our negotiations."

Mathys said a key for him, and for other property owners, is getting a second appraisal to back up their own arguments on the value of their land.

Susan Martin-Tanielian, a partner in CNI Sign-makers, better known as Commercial Neon Inc. on Golden State Boulevard in northwest Fresno, said her experience was similar to Mathys'.

About a year after the rail authority's appraisers examined her property, Martin-Tanielian said, the agency finally made its first offer for the two-thirds of an acre needed along the front of the site. "It wasn't awful, but it wasn't good," she said of the offer. "We had already discussed a number in our head that we thought would be fair, knowing our real estate and what it would take to replace it."

The company had made a counteroffer, and was about to take advantage of the state's offer to pay up to \$5,000 for a second appraisal, when the agency made a second offer. "And they hit the number I wanted," Martin-Tanielian said last week.

Martin-Tanielian said her settlement includes compensation for the cost of renovating their building. Because the rail route will cut off the Golden State frontage, the entrance has to be moved to the opposite side of the building. To make the best of an unusual situation, Martin-Tanielian said she hopes to install the company's collection of vintage neon



Commercial Neon partners Mark Haist, left, Arlen Tanielian and Susan Martin-Tanielian, right, in their shop on Golden State Boulevard in northwest Fresno. The state sued the company in January to acquire a portion of the property under eminent domain for high-speed rail, but has since reached a settlement that Martin-Tanielian described as agreeable. The train route means the company will have to redesign its building to move the main entrance to what is now the rear of the shop. (MARK CROSSE — The Fresno Bee)

signs -- many of them from longtime Fresno landmark businesses -- on the property facing the rail line so train passengers will be able to admire them.

## Long, winding road

Fresno attorney C. William Brewer has several clients with properties in the path of the rail line in Fresno and Kings counties. One is a warehouse property on Thorne Avenue near downtown Fresno for which a condemnation trial date has been set for May 2016 -- nearly two years after the eminent domain lawsuit was filed by the state.

"But that one is probably unlikely to go all the way to trial," Brewer said last week. "I think there's a decent chance that we'll reach an agreement."

Brewer added that most of his clients have been troubled by the negotiation process. "One of the clients who first came in was pleased with the offer," he said. "Most of the others are at the other end of the spectrum, that the offers were not fair and were not reasonable. ... There are pretty consistently big gaps" between what the rail authority is offering and what the owner wants for their property.

In Fresno and Madera counties, Brewer added, clients seem more inclined to engage the state in negotiations for their property. "There is more openness, and it's regarded as inevitable," he said. "They are not so much focused on the state's right to take, but on protecting their interest in terms of compensation."

In neighboring Kings County, where opposition to the rail project has been much more vigorous, "there is more of a propensity to dig in their heels." The state has adopted 26 resolutions authorizing condemnation against properties in Kings County in the last two months, but it appears that no eminent domain lawsuits have yet been filed in Kings County Superior Court.

Another attorney, Glenn Block of Glendale-based California Eminent Domain Law Group, has almost a dozen clients in the Valley, two of which are being sued and a third one likely to be within days, he said. One is the ownership of land at Fresno and G streets that is home to the Wildcat Adult Superstore. "That is one of my cases that's farthest

along in the litigation process," Block said. The eminent domain lawsuit was filed last September against the owners, Fresno Property Management LLC and New Wildcat Fresno LLC.

"So far, we certainly have a significant difference in the value of the property," Block said. "We are in the process of obtaining another appraisal, but we have been able to work cooperatively with the rail authority and their counsel ... and we anticipate that we will be able to make substantial headway early in the case."

## Keep moving forward

In some cases, the rail authority has been trying to work with property owners for several years, said Lisa Marie Alley, the agency's press secretary.

For the first construction section between Fresno and Madera, Alley said, "we began issuing notices to property owners in May, June and July 2012. For almost three years these property owners have been hearing from us. We're doing our due diligence and doing what we can to work with them."

As time passes, however, the schedule grows tighter to provide land to contractors to be able to build something. Earlier this year, Ron Tutor, CEO of contractor Tutor Perini Corp., said he plans to seek compensation from the state for an 18-month delay in the start of construction. That simply adds to the urgency for the rail authority to deliver enough property for contractors to do meaningful work.

"Yes, there are a number of cases where we have started eminent domain, but even in those there are some that have settled," Alley said. "Just because we start the process doesn't mean it goes all the way to court."

Some property owners want to use the eminent domain process "as a way to kill the program," Alley said. "If the property owner doesn't want to participate in an appraisal or even entertain the conversation, we still have to move forward in the process, and that's what we're doing. That's the position we're in with some property owners."

Source: <http://california.construction.com>