

San Paso Truck Stop

OBJECTIONS TO RESOLUTION OF NECESSITY

CTC BOARD MEETING: DECEMBER 7, 2023

1

Caltrans - District 5 - Wellsona Safety Improvements Project

Project # 0518000052

Parcel Nos. 12271-1 & -2

Owner: Wine Country Gateway Recreational Vehicle Park, LLC

- dba San Paso Truck Stop

Mr. Andy Pham

12/7/2023



San Paso Truck Stop

2





San Paso Truck Stop

3





San Paso Truck Stop

4

Annual Fuel Volume Growth 2020 - 2023

2020	4.6 million gallons	
2021	5.3 million gallons	<u>15%</u> increase
2022	6.7 million gallons	<u>26%</u> increase
2023	7.7 million gallons	<u>15%</u> increase



San Paso Truck Stop

5

Truck Stop Traffic Counts (2023)

Total Vehicles/Day	1,700
Trucks/Day	500
Tractor-Trailers/Day	330

- The 101 / Wellsona Rd Intersection has long been planned for a Freeway Interchange
- Caltrans plans to convert this small section of highway along the 101, upgrading to freeway standards
 - *Freeway Design Standards dictate a Freeway Interchange*
- The following conceptual Freeway Interchange design demonstrates the viability of a Freeway Interchange



Pirzadeh
& ASSOCIATES, INC.

San Paso Truck Stop

7

This conceptual Freeway Interchange design demonstrates viability of a Freeway Interchange primarily within Caltrans' existing right-of-way



PAI# 16514

May 24, 2023

Wellson Rd and US-101



30 Executive Park
Suite 270
Irvine, CA 92614-4726

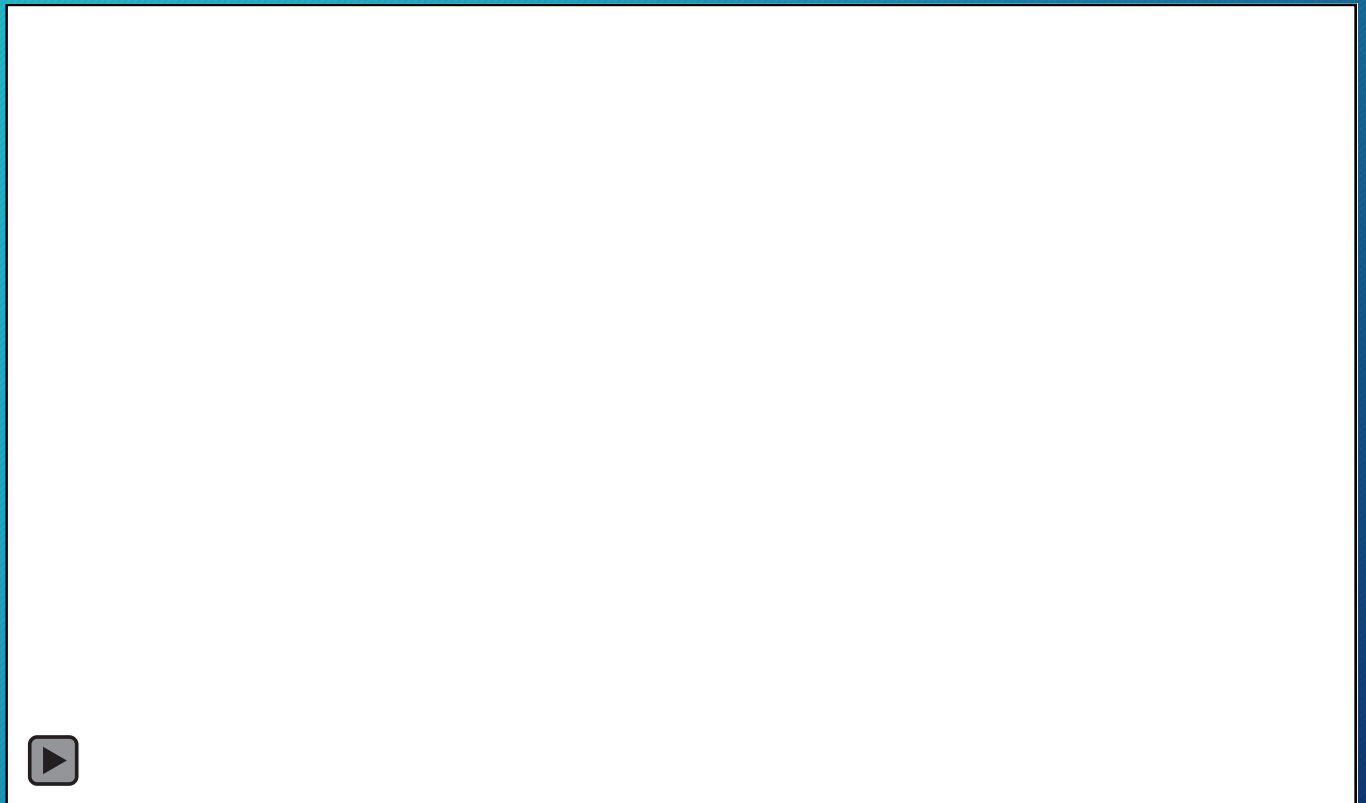
T: (949) 851-1367
F: (949) 851-5179



San Paso Truck Stop

8

The Truck Stop
Functions and Operates
Efficiently for All Large
Truck Access & On-Site
Circulation, as depicted
in these video excerpts



Caltrans' Engineering Analysis Establishes that the Wellsona Safety Improvements Project Will Eliminate Truck Access to San Paso Truck Stop for Northbound 101 Traffic





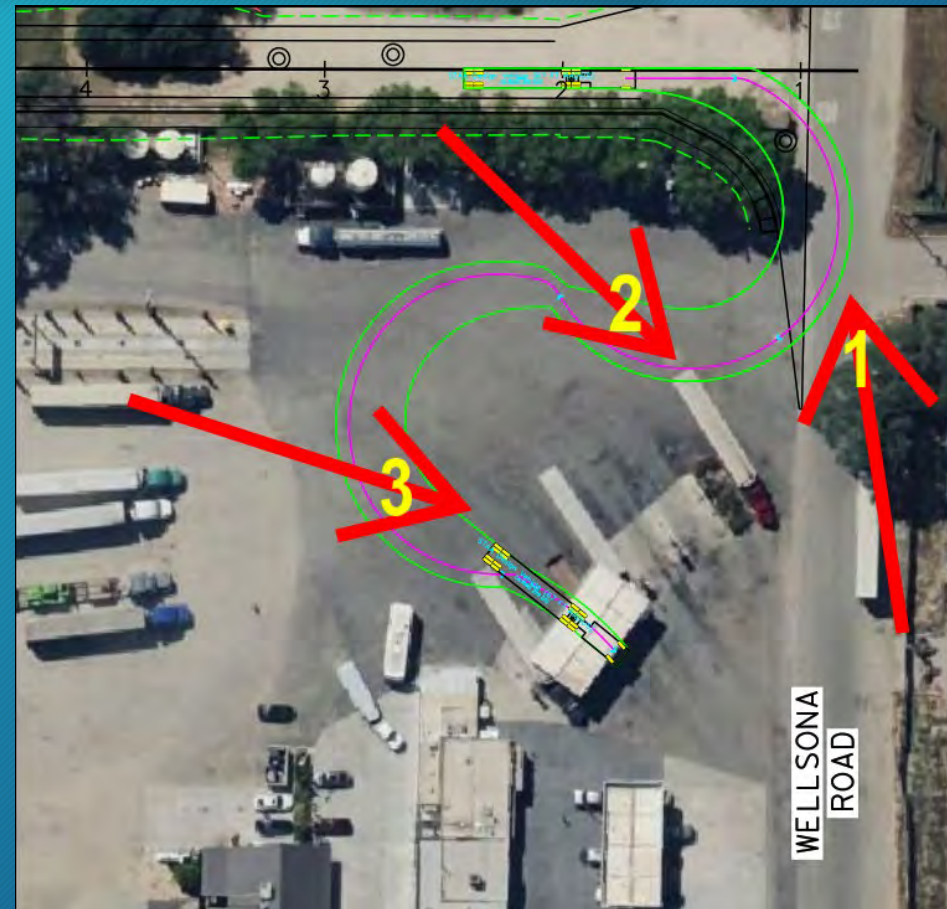
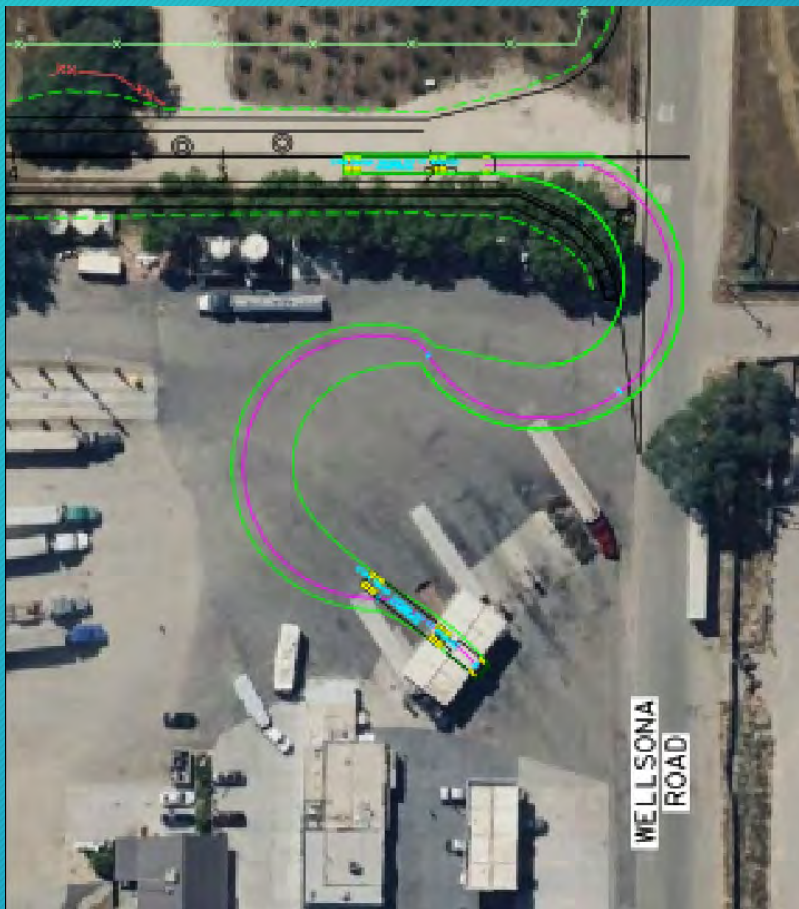
San Paso Truck Stop

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The Wellsona Safety Improvements Project Will Necessitate Dangerous and Unworkable Maneuvers, Eliminating Functional Truck Access to San Paso Truck Stop for Northbound 101 Traffic



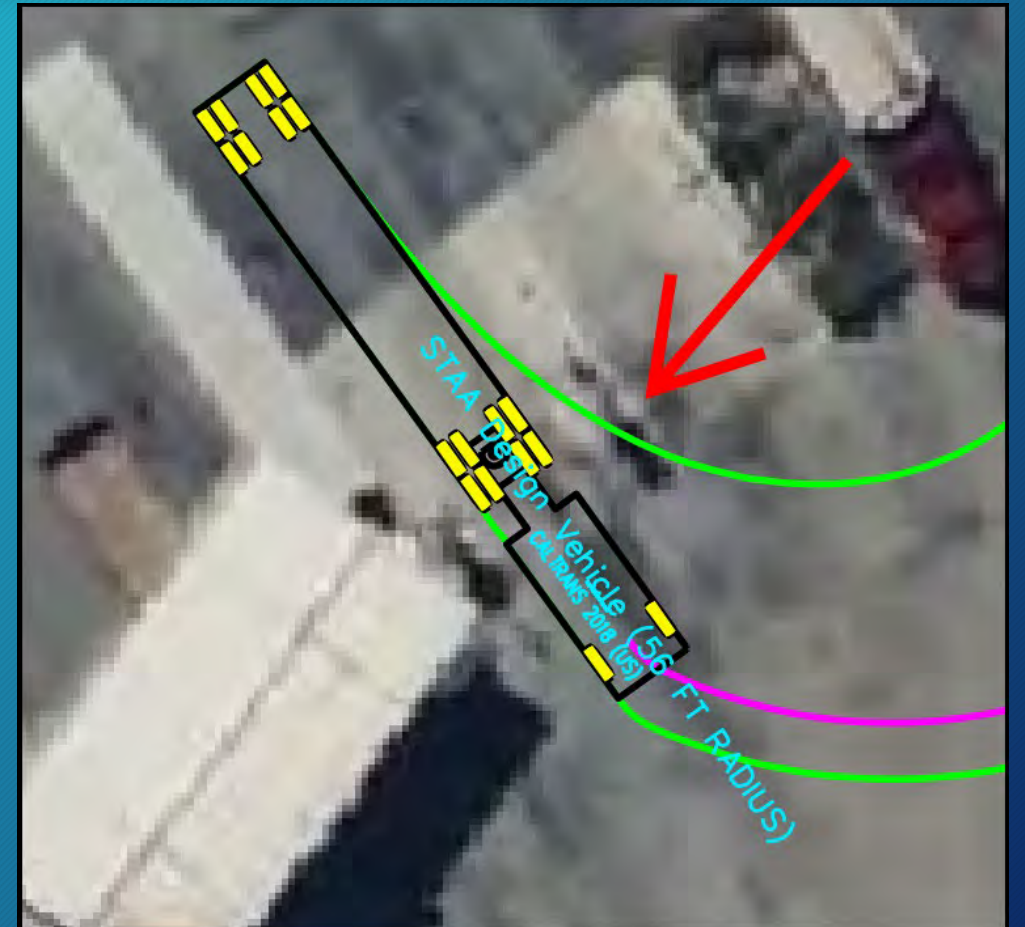
Caltrans' engineering analysis establishes that truck ingress from the frontage road is Dangerous & Unworkable



Caltrans' Engineering Analysis Establishes that the Wellsona Safety Improvements Project Will Eliminate Truck Access to San Paso Truck Stop for Northbound 101 Traffic



Caltrans' engineering analysis establishes that truck egress to the frontage road is Dangerous & Unworkable



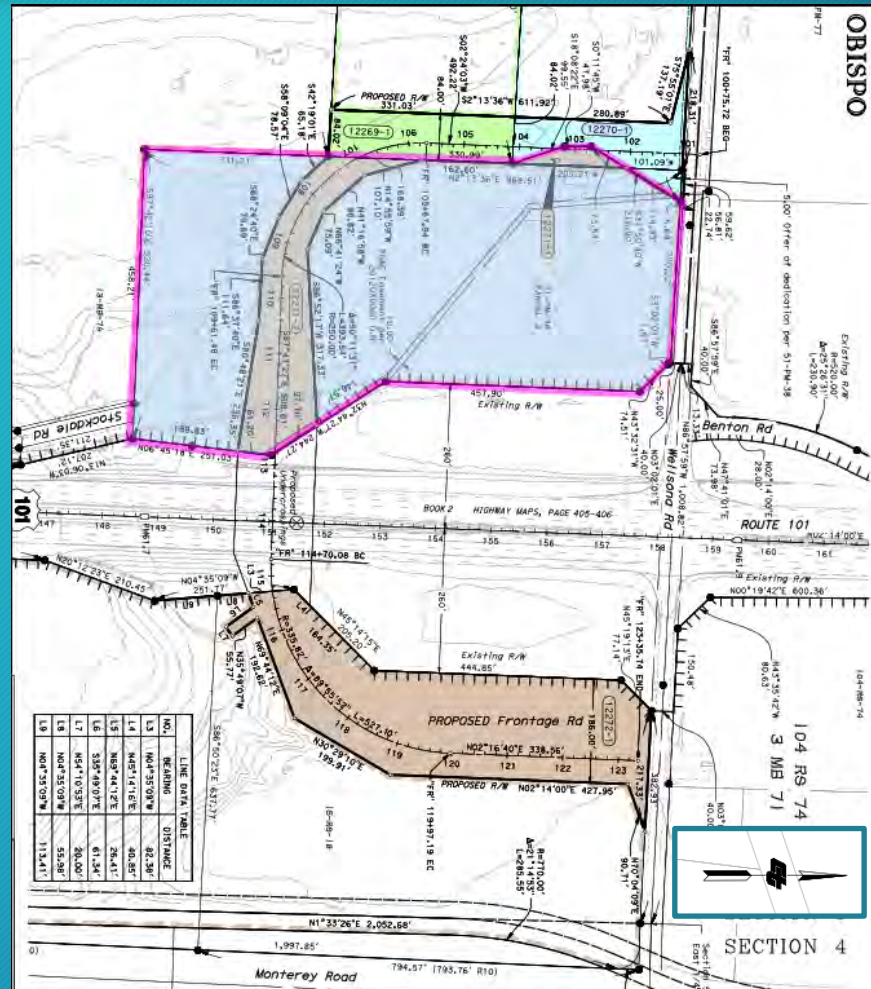
DESCRIPTION	TIMELINE
Caltrans 1 st Written Offer	13 December 2021
San Paso Truck Stop (SPTS) Retains Professional Consultants. SPTS Request Project Documents	February 2022
Caltrans HQ Requests Design Change & Withdraws Offer	29 March
SPTS' 1 st Public Records Act (PRA) Request	01 June
Caltrans 2 nd Written Offer	26 October
SPTS' 2 nd PRA Request	14 December
Caltrans Notice of Intent to Adopt RON	17 February 2023
SPTS' Sends RON Objection Letter to the CTC	24 February
District 5's "District Condemnation Evaluation Meeting"	30 May
SPTS Provides Alternative Interchange Design	May
District 5's Follow-up "District Condemnation Evaluation Meeting"	23 August
Headquarters' "Condemnation Panel Review" Meeting	04 October
SPTS provides Caltrans a Partial Settlement Proposal	16 November
SPTS & Caltrans Discuss Possession & Use Agreement	21 November
Caltrans' Correspondence Confirming the RON	28 November
RON @ CA Transportation Commission	7 December

SUMMARY OF SAN PASEO TRUCK STOP'S RIGHT-TO-TAKE OBJECTIONS

15

- **The CTC Cannot Make the Factual Findings Required per CCP §1240.030:**
 - The public interest and necessity do not require the Project
 - The Project is not planned consistent with the greatest public good and least private injury
 - The property is not necessary for the Project
- **The CTC Cannot Find that a Legally Proper Offer Was Made [Govt. Code §7267.2]**
- **Adoption of a Resolution of Necessity Constitutes a Gross Abuse of Discretion by the CTC [CCP §1245.255(b)]**

Wellsona Safety Improvements Project - San Paso Truck Stop



**THE CTC CANNOT MAKE EACH OF THE REQUIRED
PUBLIC INTEREST & NECESSITY FACTUAL FINDINGS**

17

Cal. Code of Civil Procedure §1240.030

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

18

- *Long Before Any Urgent Safety Issues Arose, Freeway/Interchange Improvements Were Planned for the 101/Wellsona Intersection*
- *The Public Interest And Necessity Require Construction Of A Permanent Freeway Interchange At 101/Wellsona*

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

19

- *For more than 70 years (1952 - 2023), a Freeway Interchange has been planned for this intersection:*
 - In the 1950s, Caltrans acquired right-of-way for an interchange at 101/Wellsona
 - The August 18, 1952 Freeway Agreement between Caltrans and the County contemplates a Freeway Interchange

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

20

- *For more than 70 Years (1952 - 2023), All Local, Regional And Statewide Planning And Studies Contemplate A Freeway Interchange, most recently:*
 - SLOCOG's 2014 "101 Corridor Mobility Master Plan" references SLO County's project to construct a new interchange at 101/Wellsona having available unconstrained funding in the 2010 RTP
 - SLOCOG's 2014 Regional Transportation Plan (RTP) identifies 101/Wellsona Interchange as "Constrained High-Priority Project"
 - Caltrans' 2014 "US 101 Transportation Concept Report" and 2015 "Interregional Transportation Strategic Plan" both identify this section as freeway (with capacity up to 6 lanes), necessitating a Freeway Interchange at 101/Wellsona

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

21

- *For more than 70 Years (1952 - 2023), All Local, Regional And Statewide Planning And Studies Contemplate A Freeway Interchange, most recently:*
 - SLO County's December 2017 Planning Area Standards identifies 101/Wellsona Interchange Improvements
 - SLOCOG's 2023 Regional Transportation Plan identifies, "Construct new interchange on U.S. 101 at Wellsona Rd ..." as a Constrained Highway Project.

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

22

- A Freeway Interchange accomplishes all safety requirements and provides a permanent solution consistent with historical planning and public needs

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

23

- *The Project is a temporary, short-term, band-aid substitute for the long-planned permanent Freeway Interchange*
- *The Project introduces new dangerous traffic conflicts, exacerbating safety hazards along Wellsona Road*

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

24

**DANGEROUS & UNWORKABLE
INGRESS TURN INTO ONCOMING
TRAFFIC**



**DANGEROUS & UNWORKABLE
EGRESS TURN OFF THE ROAD**



**THE PROJECT IS NOT PLANNED AND LOCATED CONSISTENT
WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY
[CCP §1240.030(b)]**

25

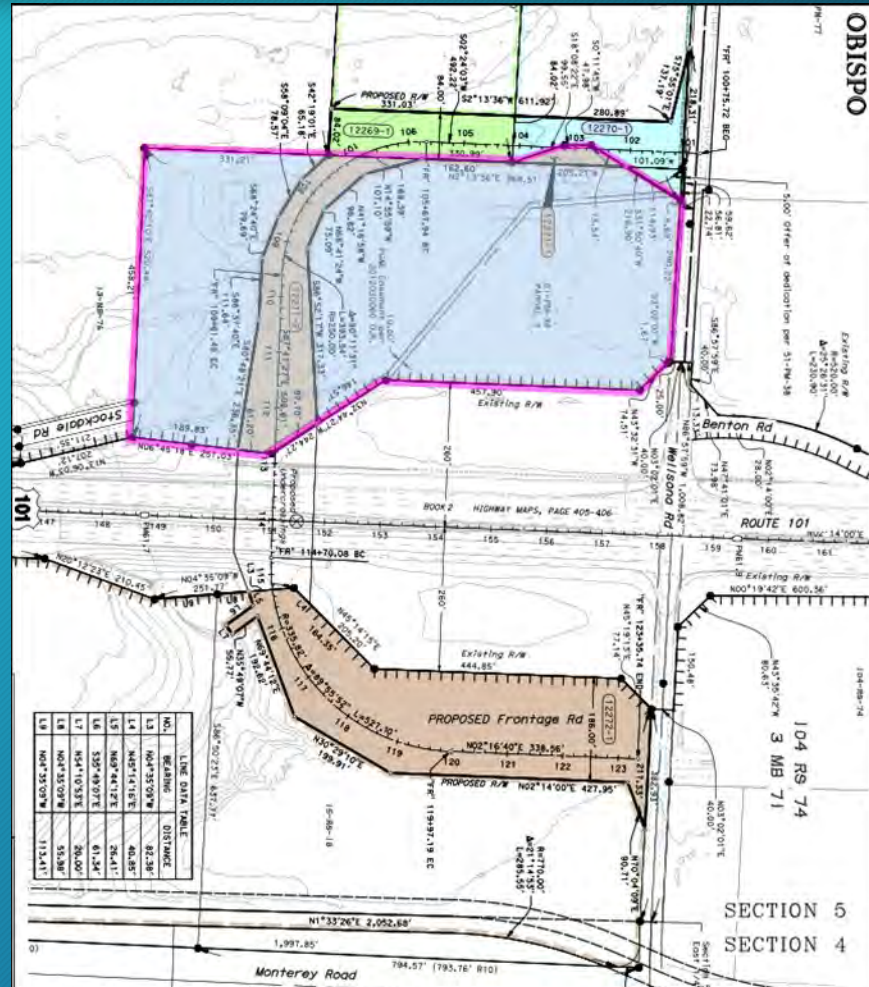
- ***Caltrans Did Not Properly Consider Project Alternatives****
 - ***Caltrans did not study, analyze and evaluate a Freeway Interchange***
 - ***Caltrans did not properly study, analyze and evaluate alternative underpass locations and designs***

* Caltrans only considered “build” and “no-build” alternatives in its CEQA Initial Study; this is insufficient and legally deficient for the alternative analysis required per CCP §1240.030(b).

THE PUBLIC INTEREST AND NECESSITY DOES NOT REQUIRE THE PROJECT [CCP §1240.030(a)]

26

- The Project *senselessly bisects* the Truck Stop, eliminating dozens of truck parking spaces and constraining on-site circulation.
- The southerly remainder is severed and left without functional access.



THE PROJECT IS NOT PLANNED AND LOCATED CONSISTENT WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY [CCP §1240.030(b)]

27

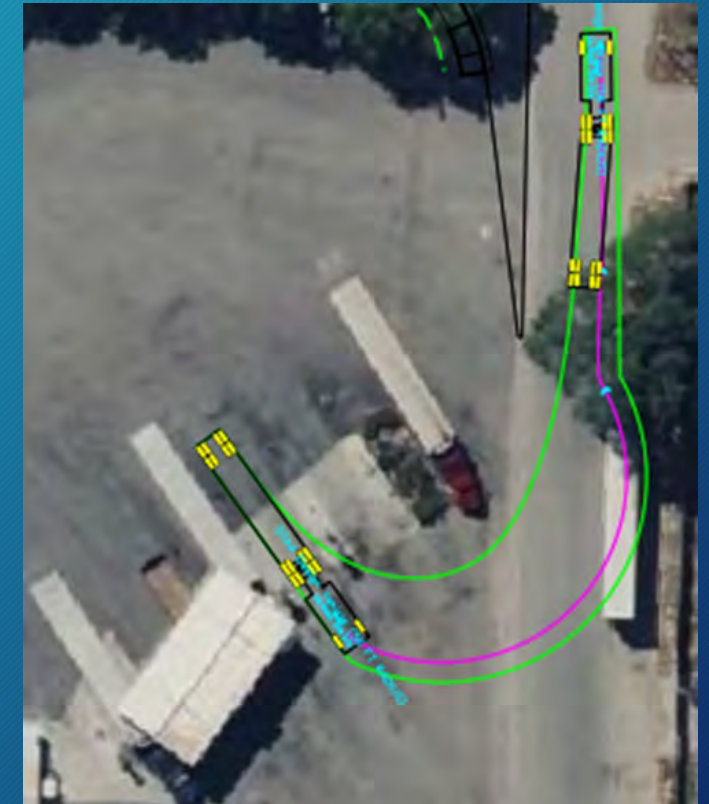
*Caltrans
Did Not Study,
Analyze and
Evaluate A
Freeway
Interchange*



THE PROJECT IS NOT PLANNED AND LOCATED CONSISTENT WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY [CCP §1240.030(b)]

Caltrans failed to properly analyze and evaluate the Project's private impacts to San Paso Truck Stop

- *The Project Eliminates Truck Access to the Truck Stop for Northbound 101 traffic*



THE PROJECT IS NOT PLANNED AND LOCATED CONSISTENT WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY [CCP §1240.030(b)]

29

Caltrans Did Not Properly Study, Analyze and Evaluate Alternative Underpass Locations and Designs

- Instead, Caltrans merely speculated and assumed that routine environmental conditions were problematic without any substantive investigation and analysis*



THE PROJECT IS NOT PLANNED AND LOCATED CONSISTENT WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY [CCP §1240.030(b)]

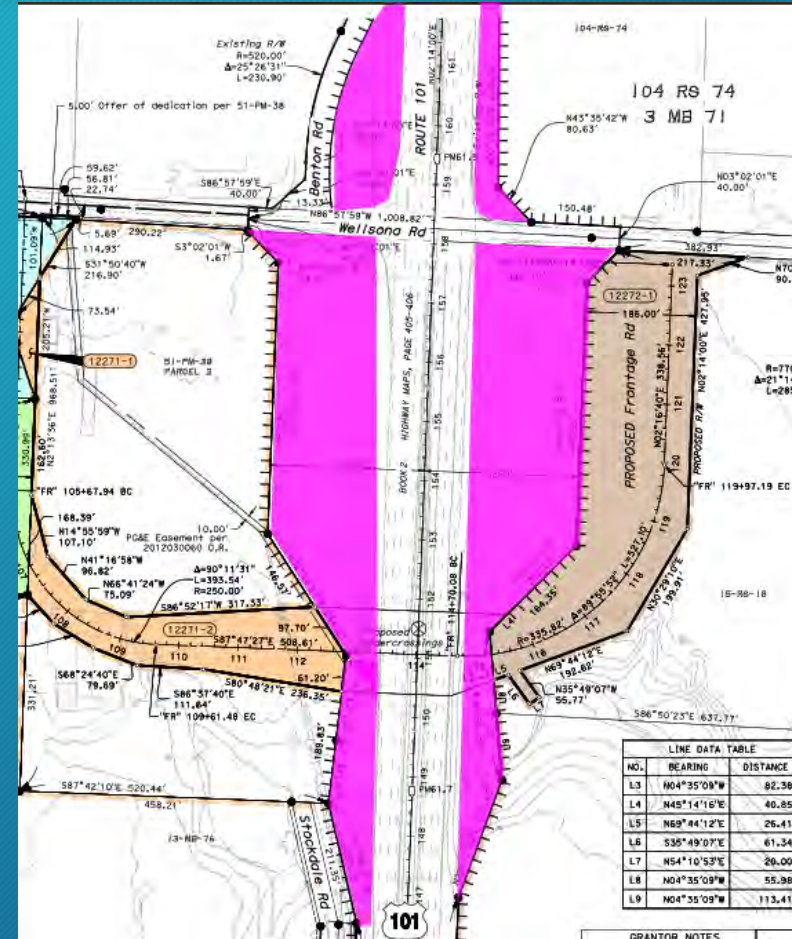
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- *THERE ARE AT LEAST TWO REASONABLE PROJECT ALTERNATIVES THAT COULD ACHIEVE GREATER PUBLIC GOOD, WITH LESS PRIVATE INJURY*
 - *Greater Public Good Is Achieved With Either A Freeway Interchange Or Shifting The Underpass To The South*
 - *And, Both Reasonable Alternatives Would Significantly Reduce Private Injury Caused By The Project*

SAN PASEO TRUCK STOP'S PROPERTY IS NOT NECESSARY FOR THE PROJECT [CCP §1240.030(c)]

31

- Caltrans owns more than 5 acres of right-of-way adjacent to 101/Wellsona
 - *Caltrans failed to utilize any of its existing right-of-way for the Project*
- The Project should utilize all available existing right-of-way before seeking private property



THE CTC CANNOT FIND CALTRANS' INITIAL OFFER OF COMPENSATION IS LEGALLY SUFFICIENT

32

Cal. Govt. Code §7267.2

Cal. Code Civ. Proc. §1263.310 and §1263.320

Cal. Code Civ. Proc. §1263.410 and §1263.420

CALTRANS' INITIAL OFFER OF COMPENSATION IS LEGALLY DEFICIENT

33

Caltrans Is Obligated To Pay The Fair Market Value Of The Property Based On Its Highest And Best Use.

- Cal. Code Civ. Proc. §1263.310 and §1263.320
- *County of San Diego v. Rancho Vista Del Mar, Inc.*
(1993) 16 Cal.App. 4th 1046, 1058.

CALTRANS' INITIAL OFFER OF COMPENSATION IS LEGALLY DEFICIENT

Despite acknowledging that the property is improved and operated as a truck stop, and concluding the truck stop is the “highest and best use” of the property, Caltrans improperly valued the property as undeveloped vacant land:

“Based on the preceding analysis and the definition of highest and best use as shown in this report, it is the appraiser’s opinion that the highest and best use of the subject property is to remain as its current use, as a commercial use truck stop.”

“Although improvements exist, the land value is appraised as if vacant”

(Caltrans' Approved Revised Appraisal (8/31/22), p. 19)

CALTRANS' INITIAL OFFER OF COMPENSATION IS LEGALLY DEFICIENT

- “Where the property acquired is part of a larger parcel, in addition to the compensation awarded ... for the part taken, compensation shall be awarded for the injury, if any, to the remainder.”

Cal. Code Civ. Proc. §1263.410

- “Damage to the remainder is the damage, if any, caused to the remainder to either or both of the following:
 - (a) The severance of the remainder from the part taken.
 - (b) *The construction and use of the project* for which the property is taken in the manner proposed by the plaintiff whether or not the damage is caused by a portion of the project located on the part taken.”

Cal. Code Civ. Proc. §1263.410

CALTRANS' INITIAL OFFER OF COMPENSATION IS LEGALLY DEFICIENT

36

Despite acknowledging the property is improved and operated as a truck stop, and concluding the truck stop is the “highest and best use” of the property, Caltrans fails to consider and analyze impacts and damages to the Truck Stop caused by the Project and Project construction:

“The southern 2.74 acres of the subject property will be bifurcated, having less utility to the property owner in the after condition.... No other severance damages are found.”

(Caltrans' Approved Revised Appraisal (8/31/22), p. 32)

ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION BY THE CTC

37

- The CTC is Pre-committed to Taking The Property for the Project
- The CTC Lacks Substantial Evidence to Support Each of the Factual Findings

Cal. Code Civ. Proc. § 1245.255(b)

Council of San Benito Cty Govts v. Hollister Inn, Inc.

(2012) 209 Cal.App.4th 473,485

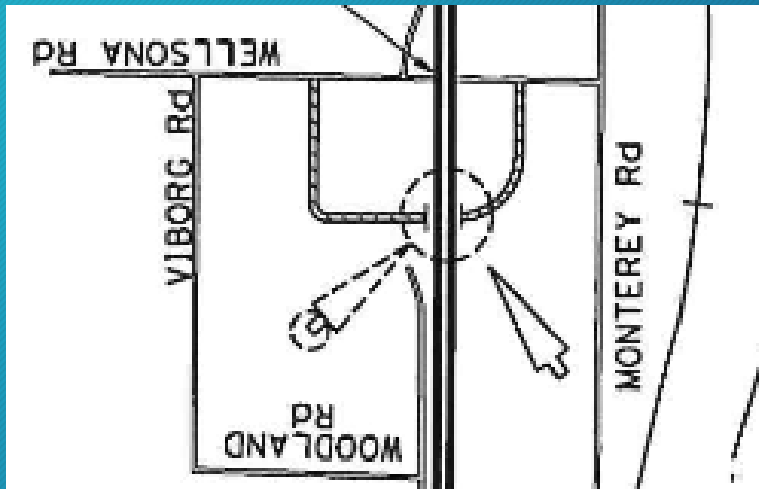
ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

38

Caltrans' October 20, 2020 Freeway Agreement Irrevocably Commits the CTC to Proceed with the Project and Take San Paso Truck Stop's Property:

3. STATE shall, in construction of the freeway and at STATE'S expense, make such changes affecting COUNTY roads in accordance with the plan map attached hereto marked Exhibit A.

4. STATE agrees to acquire all necessary right of way as may be required for construction, reconstruction, or alteration of COUNTY roads, frontage roads, and other local roads, and COUNTY hereby authorizes STATE to acquire in its behalf all such necessary right of way.



STATE OF CALIFORNIA
Department of Transportation

TOKS OMISHAKIN
Director of Transportation
By [Signature]

TIMOTHY GUBBINS
District 5 Director

APPROVED AS TO FORM:
[Signature]
Attorney (State)

THE COUNTY OF SAN LUIS OBISPO
By [Signature]
Chairperson of the Board of Supervisors

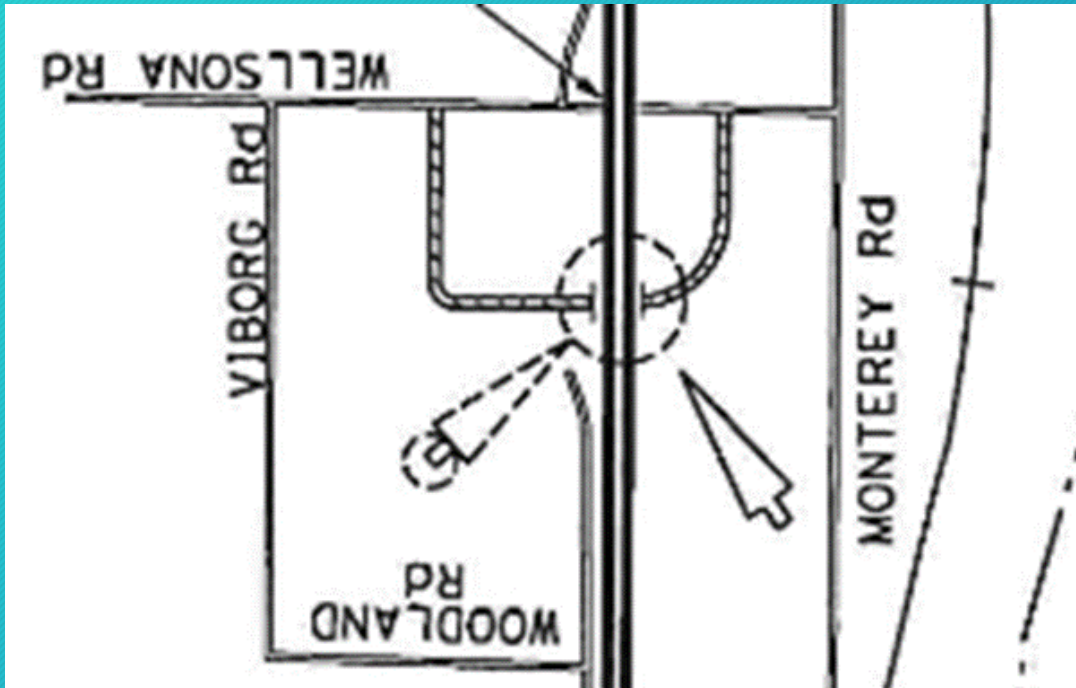
APPROVED AS TO FORM:
[Signature]
Attorney (County)

ATTEST:
Wade Horton, County Clerk of the Board and
Ex-Officio Clerk of the Board of Supervisors
By [Signature]
Deputy Clerk

ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

39

2020 Freeway Agreement Project



Wellsona Safety Improvements Project



ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

- The CTC Lacks Substantial Evidence to Support Each of the Required Factual Findings per Cal. Code Civ. Proc. §1240.030(a):
 - The Proposed Project is inconsistent with Caltrans' 1952 Freeway Agreement and all local, regional and statewide planning over the past 70 years which contemplates a Freeway Interchange necessitated by upgrading this section from "highway" to "freeway"
 - A Freeway Interchange is not only consistent with 70 years of planning and the "freeway" upgrade, but also addresses and resolves all safety concerns

ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

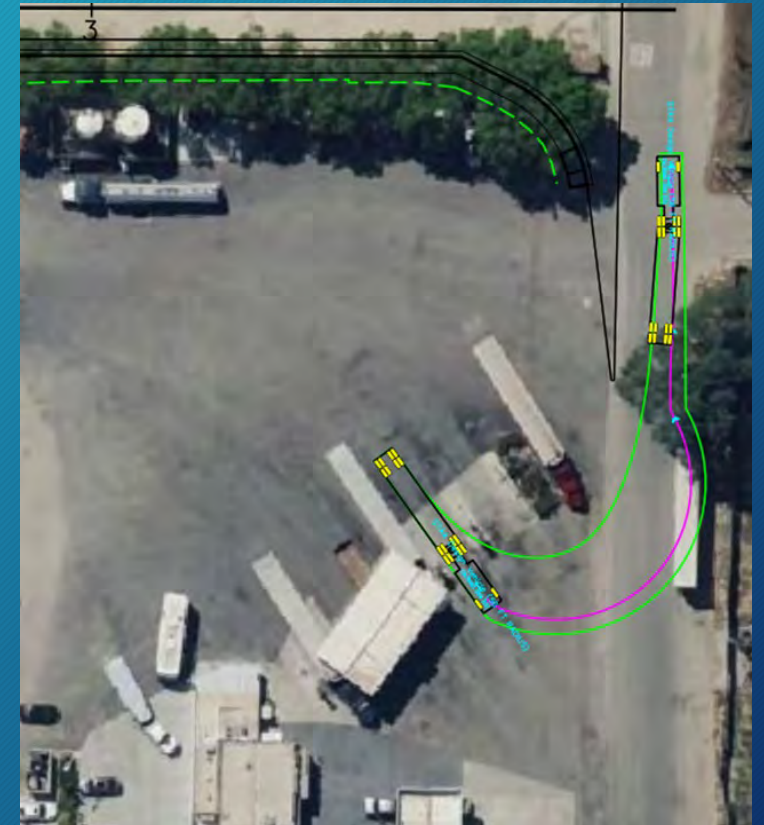
- The CTC Lacks Substantial Evidence to Support Each of the Required Factual Findings per Cal. Code Civ. Proc. §1240.030(b):
 - Caltrans' failed to conduct a substantive analysis of reasonable Project alternatives (Freeway Interchange or Alternative Underpass Designs) that would achieve equal or greater public good:
 - *Caltrans merely assumed and speculated about the presence of environmentally sensitive areas, rather than properly and objectively studying, evaluating and analyzing such areas and potential Project impacts thereto*

ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

42

The CTC Lacks Substantial Evidence to Support Each of the Required Factual Findings per Cal. Code Civ. Proc. §1240.030(b):

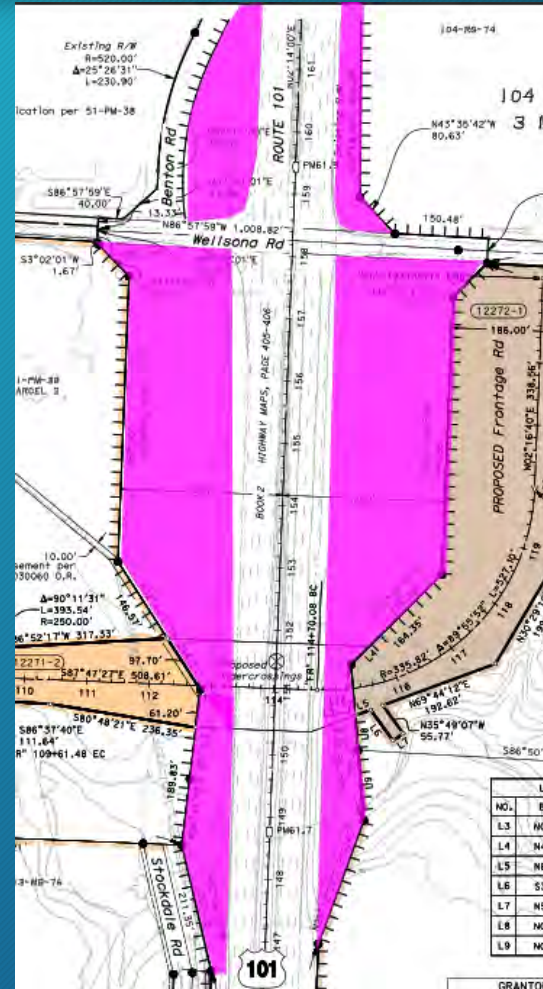
- The Project Will Cause *Devastating* Private Injury - *Eliminating* Truck Access to the Truck Stop for Northbound 101 Traffic



ADOPTION OF A RESOLUTION OF NECESSITY CONSTITUTES A GROSS ABUSE OF DISCRETION

43

- The CTC Lacks Substantial Evidence to Support Each of the Required Factual Findings per Cal. Code Civ. Proc. §1240.030(c):
 - Caltrans failed to consider any reasonable Project alternative that would utilize any of Caltrans' 5+ acres of existing right-of-way at the 101/Wellsona intersection.



SUMMARY OF SAN PASO TRUCK STOP'S OBJECTIONS

44

- **The CTC Cannot Make the Factual Findings Required per CCP §1240.030:**
 - The public interest and necessity do not require the Project
 - The Project is not planned consistent with the greatest public good and least private injury
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- **The CTC Cannot Find that a Legally Proper Offer Was Made (Govt. Code §7267.2)**
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