

MEMORANDUM

TAB 50

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 17-18, 2024

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4e., Action Item – ***YELLOW REPLACEMENT ITEM***

Prepared By: René Fletcher, Chief (Acting)
Division of Right of Way and Land Surveys

Subject: **RESCINDING RESOLUTION OF NECESSITY**

ACTION UPDATE: *Additional information added.*

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) CR-168, rescinding Resolution C-22341, because condemnation lawsuits were never filed under the authority of the Adopted Resolution?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission adopt Resolution CR-168. In accordance with Department requirements, the owners have been advised that the Department is requesting rescission of Resolution C-22341 as summarized below.

BACKGROUND:

Resolution of Necessity C-22341 was adopted by the Commission on January 26, 2024 for the State Route 80 rehabilitation project. The Resolution authorized condemnation of land in fee for a State Highway, located in the County of Placer. Subsequent to the adoption of the Resolution, design changes necessitated a modification in the parcel acquisition. The owner is concerned that the current proposed design may interfere with the required setback for the leach lines and building. The owner obtained a septic contractor through the owner's attorney. Through this process, the proposed design by the owner's engineer will meet the required setbacks for the leach lines, minimizing the impacts to the owner's property and business and reducing the acquisition area. The original acquisition included 13,796 square feet in land fee. The proposed design would result in the acquisition of 12,590 square feet in land fee. The property owner has

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approved the proposed design from the owner's engineer, and the District Project Engineer and District Right of Way Engineering have also approved the design.

Negotiations regarding the reduced acquisition area, based on the findings of the owner's engineer, led to an agreement with the District design team. These discussions took place after the original adoption of the Resolution in January 2024, which delayed the filing of the condemnation lawsuit as the Department worked to confirm the reduction of the acquisition area and determine if a new Resolution of Necessity would be required.

The agreement to reduce the acquisition area was finalized in July 2024. However, the owner and the District have not reached an agreement on compensation. To maintain the project schedule, a new Resolution of Necessity is required. Therefore, a rescission of the January Resolution is necessary to adopt a new one that reflects the updated acquisition area.

A new Resolution of Necessity, consistent with the agreed design changes and with the property owner's approval, is on this month's Commission agenda.

CR-168 - Campora Properties, a California General Partnership composed of Ronald D. Campora and Thomas Peter Campora, General Partners and TPC Properties, LLC, a California Limited Liability Company, as their interests may appear of record, subject to exception No. 17 herein

03-Pla-80-PM 28.38 - Parcel 38579-1 - EA 3H5909.

Right of Way Certification Date: 04/19/24; Ready To List Date: 05/06/24:

Conventional highway - Rehabilitate roadway, construct truck climbing lanes in Eastbound direction, widen shoulders, replace or widen structures, upgrade median barrier and Traffic Management System (TMS) elements. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of the County of Placer near Colfax. Assessor's Parcel Number 072-130-006.

The public interest and necessity require the proposed project.

The project is located in Placer County on Interstate 80 (I-80) at three locations from east of Crother Road (Postmile (PM) R26.5) to Nyack Road (PM 55.1). The three locations are as follows:

- Location 1: From 0.3 mile east of Crother Road Overcrossing (OC) (PM R26.5) to 0.1 mile west of Weimar Cross Road OC (PM 29.2)
- Location 2: From 0.5 mile east of Magra Overhead (PM 39.5) to 0.1 mile west of Gold Run OC (PM 41.3)
- Location 3: From 0.4 mile west of Blue Canyon Undercrossing (UC) (PM 53.0) to 0.3 mile east of Putts Lake UC (PM 55.1)

The three proposed locations are very steep with grades ranging from 1.55 percent to 4.54 percent. Heavy trucks climbing the segment lose speed, substantially delaying mainline traffic flows. According to the Department's Traffic Accident Surveillance and Analysis Systems data, the speed of heavy freight traffic merging from the right lane into the inside lane is far below the safety threshold of 45 miles per hour, which has led to several rear end collisions. The level of service and operational efficiency in this corridor has also deteriorated and numerous collisions with wildlife have been reported along this roadway segment, leading to safety concerns for motorists.

Additionally, the pavement at Locations 1 and 2 is exhibiting alligator cracking and rutting. Concrete pavement at Location 3 is also faulting, negatively affecting ride quality. A total of 11 lane miles of existing pavement is projected to degrade to fair or poor condition by the year 2024. Drainage culverts, road signs, overhead structures, and TMS elements within the project area have reached the end of their service life, needing upgrades to meet current standards.

The project will construct a truck climbing lane, which will improve safety and traffic flow throughout this corridor by facilitating movement around slow-moving vehicles and trucks whose speeds drop due to the sustained grade. It will also preserve and extend the useful life of the existing pavement and drainage systems, improve safety, reliability, and freight mobility

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of this mountainous segment of I-80. Safety will also be improved by upgrading signs and TMS elements to the latest standards by replacing outdated barrier and metal beam guardrail and by addressing wildlife crossing conflicts through the installation of wildlife crossings underneath the freeway to provide for safe passage.

Two bridges will be replaced to accommodate the proposed widening. Weimar OC (Br. No. 19-0082) is a 60-year-old structure that is functionally obsolete and not wide enough to accommodate the proposed truck climbing lane and Blue Canyon UC (Br. No. 19-0115R) which has deck issues dating back 60 years and is not wide enough to accommodate the truck climbing lane.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

To identify environmental issues, constraints, costs, and resource needs, an Initial Study with Negative Declaration for the California Environmental Quality Act and a Categorical Exclusion for the National Environmental Policy Act was prepared by North Region Environmental – District 3. The study was approved for this project on March 20, 2023.

Public input was solicited through an open house meeting in Colfax and through direct interaction with the public during the environmental field study process. For those unable to attend the public meeting; feedback could be provided via email or comment card mailed in. The input from the public was considered in the alternatives evaluated for this project.

Four alternatives for the design of this project were studied, including the alternative that was chosen. The alternatives not chosen and the justification for not choosing them were as follows:

Alternative 1 – No Build Alternative:

This “No-Build” alternative would retain the existing condition of the facility. This alternative would not address the safety situation caused by the slow-moving vehicles nor would it prevent deterioration of the existing pavement and drainage systems. The Project Development Team chose to reject the no-build alternative because this alternative would not make any improvements to address the project’s purpose and need of improving operations and safety.

Alternative 2 (Location 1 – Weimar):

Proposed to make the truck climbing lane and rehabilitation improvements in Location 1 only. This alternative would not prevent deterioration of the existing pavement and drainage systems in locations 2 and 3. There would also be no safety improvements for locations 2 and 3. The Project Development Team chose to reject Alternative 2 because this alternative would not make any improvements to address the project’s purpose and need of improving operations and safety for locations 2 and 3.

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Alternative 3 (Location 1 – Weimar and Location 2 – Gold Run):

Proposed to make the truck climbing lane and rehabilitation improvements in Locations 1 and 2 only. This alternative would not prevent deterioration of the existing pavement and drainage systems in location 3. There would also be no safety improvements for location 3. The Project Development Team chose to reject Alternative 3 because this alternative would not make any improvements to address the project’s purpose and need of improving operations and safety in location 3.

Alternative 4 (Location 1 – Weimar, Location 2 - Gold Run, and Location 3 – Putts Lake):

Alternative 4, the chosen alternative, proposes to make truck climbing lane and rehabilitation improvements in Locations 1, 2, and 3. This alternative is preferred because it best addresses the project’s purpose and need of improving operations and safety throughout the project area for all motorists. Project features in this alternative such as the soundwall and retaining wall north of the Weimar OH Bridge along Ponderosa Way in Location 1, and the other retaining walls proposed throughout locations 1 and 2 will avoid increased impacts to the local community and address concerns raised by the local community during outreach while still providing benefits to the driving public.

The property rights to be condemned are necessary for the proposed project.

The Owner’s parcel is located along EB I-80, between 900 feet to 1,500 feet south of the Weimar OC bridge. The project requires a portion of the Owner’s parcel to construct a truck climbing lane, grade side slopes, construct a ditch at the bottom of fill, construct an asphalt concrete dike, and realign the West Paoli Lane offramp to accommodate the addition of a truck climbing lane. The project improvements at this location cannot be constructed without acquiring the proposed property.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

District 3 Right of Way staff completed an appraisal which was approved on November 2, 2023. On November 3, 2023, the First Written Offer was emailed to the Owner’s Attorney (OA) per their request.

As of December 7, 2023, the OA and the Agent continue to discuss and resolve issues related to potential impacts to the business operations and a septic field which may be in the acquisition area.

Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

Attachments

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