

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 19-20, 2007

Reference No.: 2.4a.(2)
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTION OF NECESSITY - APPEARANCE**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-19683 summarized on the following page.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the project.
2. The project is planned and located in a manner that will be most compatible with the greatest public good with the least private injury.
3. This property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owner is contesting the Resolution of Necessity and has requested an appearance before the Commission to discuss the outstanding issue, which is related to the design of the project and loss of access.

BACKGROUND:

Discussions have taken place with the owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the Resolution will not interrupt the Department's efforts to secure equitable settlement. In accordance with statutory requirements, the owner has been advised that the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19683 ó Ray R. Russo Jr. Trust, etc., et al.; Vicorp Restaurants, Inc. (Lessee)

03-Yol-50-PM 1.2 - Parcel 033418-1, 2, 3 - EA 388009.

Right of Way Certification Date: 10/01/07; Ready to List Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and an easement for utility purposes to be conveyed to City of West Sacramento. Located in the city of West Sacramento at 1235 Harbor Boulevard. APN 067-133-03-1.

Attachments

SUMMARY OF ISSUES

The property owner, Ray R. Russo Jr. Trust, and the lessee, Vircorp Restaurant, Inc., does not contest the need for the project. However, they have expressed concerns regarding impacts to the property as a result of the Department's proposed project and loss of access.

The following is a description of the concerns, which the property owner and the lessee have expressed and the Department's response:

Owner/Lessee:

Why doesn't the Department retain the existing loop ramp instead of the proposed ramp design? Traffic seems to be flowing through the intersection in its current condition.

Department Response:

The existing capacity of the interchange is unable to accommodate the current peak hour traffic volumes or the anticipated design year traffic demands. Off-ramp traffic is currently backing onto Route 50 mainline and there are significant operational deficiencies on the adjacent local street intersections.

Future Average Daily Traffic (ADT) for the year 2031 along Route 50 without the proposed project is expected to increase to 219,800 ADT from the 2006 ADT of 137,400. Future peak hour demand at the intersection will increase by over 130 percent of the current values by the design year of 2031.

An Operational Analysis was run for this specific intersection and it showed that the Build Alternative significantly outperformed the No Build Alternative in Level of Service (LOS) and delay parameters.

The No Build Alternative provides LOS F in 2020 and 2030, while the Build alternative provides LOS A and B, respectively. The approximate daily user delay costs for the No Build Alternative in 2020 is \$47,000 per day, or \$17,155,000 annually, and for 2030 it is \$70,000 per day, or \$25,550,000 annually.

The user delay cost is measured as the additional daily time saving and reduction in fuel costs, as a result of less vehicle hours of delay, at the intersection.

Owner/Lessee:

The project, as proposed, will eliminate direct access to subject property from Harbor Boulevard. This loss of access and the closing of Halyard Drive connection with Harbor Boulevard will make the existing restaurant business infeasible.

Department Response:

To mitigate the loss of direct access, directional signage could be placed along Harbor Boulevard to guide restaurant customers to the revised access to the property. The city of West Sacramento is willing to assist the property owner with the placement of the additional signage.

This is a compensation issue and not related to the California Transportation Commission's task to determine the resolution of necessity of these parcels for the project.

Owner/Lessee:

Why doesn't the Department improve the existing loop ramp from eastbound Route 50 while maintaining the existing traffic signal at the corner of Harbor Boulevard and Halyard Drive? This design would address the safety and traffic needs while eliminating effects on businesses located on the those two streets.

Department Response:

The Department studied several variations of leaving the existing interchange in its current configuration while maximizing the number of lanes to match the bridge widening. The proposed intersection design would widen the existing loop eastbound Route 50 off-ramp instead of adding a new slip ramp. The widening would add two more left-turn lanes on the eastbound off-ramp and a new left-turn lane on Halyard Drive. The Operational Analysis showed this alternative provides LOS E to F in 2020 and LOS F in 2030, while the preferred alternative provides LOS A and B. The approximate User Delay Cost for improving only the loop ramp versus the preferred alternative is \$20,483 per day in Year 2020 and \$41,777 per day in 2030.

Improving only the existing eastbound loop off-ramp without constructing the new one-lane off ramp for southbound traffic on Harbor Boulevard will not address the current and future functional deficiencies.

Owner/Lessee:

Traffic on southbound Harbor Boulevard will be closer to the restaurant building, creating a potential hazard and liability to the business.

Department Response:

The Department is investigating the installation of landscaping planter boxes along the corner of Harbor Boulevard and Halyard Drive or another type of barrier to act as a buffer from the new right of way line.

Owner/Lessee:

Can the proposed Route 50 eastbound off-ramp to southbound Harbor Boulevard be split again to allow drivers direct access to Halyard Boulevard and the Bakers Square Restaurant?

Department Response:

Splitting the Route 50 eastbound off-ramp to provide direct access would create a situation very similar to the "Isolated off-ramp Alternative" which was rejected in the Project Study Report. As discussed at the July 18, 2007 Panel meeting, the Department's design policy discourages the use of isolated off-ramps because historically they have resulted in a higher than normal frequency of wrong way moves onto the freeway. The Federal Highway Administration (FHWA) does not support the use of isolated off-ramps and there have been many studies to support this decision.

Furthermore, this proposal would add an additional decision for drivers to make at the diversion point between the northbound and southbound Harbor Boulevard traffic. Closely spaced decision points lead to driver confusion and driver error. Additional right of way would have to be purchased from Best Western, Harbor Inn, and Motel 6 to construct the ramp and will impact parking and traffic flow.

Owner/Lessee:

Can the existing property entrance from southbound Harbor Boulevard be left in place by extending the raised curb separating the Route 50 eastbound off-ramp and southbound Harbor Boulevard to allow the eastbound ramp traffic to enter the Bakers Square directly from the ramp?

Department Response:

Extending the raised curb past the existing entrance at Bakers Square would eliminate the possibility of vehicles on southbound Harbor Boulevard from trying to enter Bakers Square and interfering with the off-ramp traffic; however, it would significantly shorten the weaving distance to Beacon Boulevard intersection to an unacceptable length, potentially creating safety issues with vehicles merging onto Harbor Boulevard.

Owner/Lessee:

Can a right-turn pocket be developed so that the turning movement does not interfere with the off-ramp traffic?

Department Response:

Freeway ramps act as transition roadways from the freeway to local streets and typically have controlled access, which would not allow driveways. Unusual, unique or uncommon situations that violate driver expectancies may cause longer response times, inappropriate responses and driver errors.

Maintaining a driveway by a right-turn pocket would constitute a highly unusual situation and would not meet driver expectations. Slowing, stopping and vehicles merging on an off-ramp are unexpected moves and would lead to higher than normal accident rates. Traffic volumes for the eastbound Route 50 to southbound Harbor Boulevard off-ramp consists of 7 to 12 percent of the total traffic volume through the intersection of Harbor Boulevard and Halyard Drive. Only a small percent of those vehicles, the potential customers of Bakers Square, would benefit by allowing this move. Without the driveway, these potential customers would still have the same access to Bakers Square as the southbound Harbor Boulevard traffic through the use of two free right-hand turns at Beacon Boulevard and Halyard Drive. Furthermore, the raised curb would have to be extended past the driveway, and as stated above, this is not a viable option.

Attachments

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA: 03-Yol-50-PM 1.2
Expenditure Authorization (EA) 388009

Location: Route 50 in Yolo County

Limits: 0.81 miles west of the Harbor Boulevard overcrossing to
0.87 miles east of Harbor Boulevard overcrossing.

Cost: Right of Way Cost: \$7,500,000
Construction Cost: \$26,000,000

Funding Source: 2007 State Transportation Improvement Program, Local Funds

Number of Lanes: Existing: Four Lanes
Proposed: Six Lanes

Proposed Major Features: Reconfigure existing Route 50 and Harbor Boulevard interchange.

Traffic: Existing (2006): Average Daily Traffic (ADT) - 137,400
Proposed (2031): ADT - 219,800

PARCEL DATA:

Property Owner: Leo J. Cacitti and Dominic Owen, as co-trustees of the Ray R.
Russo Jr. Trust, created under trust agreement dated
December 28, 1976

Lessee: Vicorp Restaurant, Inc. (Bakers Square)

Parcel Location: Assessor's Parcel Number 067-133-03-01
Located at 1235 Harbor Boulevard in West Sacramento at the
corner of Halyard Drive

Present Use: Restaurant

Zoning: Highway Service Commercial (C-H)

Area of Property: 68,932.08 Square Feet (SF) (1.57acre)

Area Required: Parcel 033418-1 - 3,223 SF (Fee)
Parcel 033418-2 - 2,890 SF (Temporary Construction Easement)
Parcel 033418-3 - 3,597 SF (Public Utility Easement)

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met at Bakers Square Restaurant in West Sacramento on July 18, 2007. The Panel members included Acting Chairperson, Lorrie Wilson, California Department of Transportation Headquarters (HQ's) Division of Right of Way and Land Surveys; Joann Georgallis, HQ's Sacramento Legal Division, John Steele, HQ's Division of Design; and Secretary to the Panel, Dennis Wilson, HQ's Division of Right of Way and Land Surveys. Mr. Robert Mezzetti, attorney for the property owner, Mr. Ray Russo, Jr., the property owner, and representatives from Vicorp Restaurants, Inc. (Bakers Square), were present at the meeting.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Chief Engineer.

NEED FOR THE PROJECT

The proposed project is to improve mobility and reduce congestion at the Route 50/Harbor Boulevard interchange by increasing capacity, improving the Level of Service (LOS), reducing the number and severity of accidents, and enhancing goods movement to and from the Port of Sacramento and the adjacent industrial area.

The existing interchange is unable to accommodate current peak hour traffic demands. Off-ramp traffic queues currently back onto Route 50 mainline. There are significant operational deficiencies on adjacent local street intersections. This interchange is the main access point for the Port of Sacramento and the adjacent industrial area.

For the intersection of Harbor Boulevard/Halyard Drive and the Route 50 eastbound off-ramp, the current AM and PM peak hour counts are 3,245 vehicles per hour and 3,105 vehicles per hour, respectively. The design year 2031 projections are 7,505 vehicles during AM peak hours and 7,145 vehicles during PM peak hours.

PROJECT PLANNING AND LOCATION

The proposed project is located near the city of West Sacramento in Yolo County on Route 50 at the Harbor Boulevard Interchange. The section of Route 50 serves both the greater West Sacramento community and industrial areas.

The Department's project proposes to reconfigure the existing interchange into a modified partial cloverleaf interchange with loop ramps in the northeast and southeast quadrants. The project proposes to widen Harbor Boulevard to six lanes from Beacon Road, south of Route 50, to Evergreen Avenue, north of Route 50.

The approved project includes the following features:

- Harbor Boulevard will be widened to six lanes from Beacon Boulevard to Evergreen Avenue.
- In the northbound direction, Harbor Boulevard will be widened to four lanes from Beacon Boulevard to the westbound loop on-ramp, and three lanes from the westbound loop on-ramp through the Evergreen Avenue intersection. Right-turn pockets will be added at the two eastbound on-ramp entrances. Left-turn pockets will be added at the Evergreen Avenue intersection.
- In the southbound direction, Harbor Boulevard will be widened to provide two lanes from Evergreen Avenue to Beacon Boulevard, two left-hand turn lanes to the eastbound on-ramp and a right-turn lane from the eastbound off-ramp to Beacon Boulevard. A left-turn pocket is also provided into the United Parcel Service parking lot at Beacon Boulevard.
- Harbor Boulevard overcrossing structure will be widened.
- Two new off-ramps and one new on-ramp will be constructed. Additionally, all other existing on and off-ramps will be modified to enhance safety and operations.
- Modifications to the adjacent roads and intersections include cul-de-sac-ing Halyard Drive, signaling the intersection of Beacon Boulevard and Harbor Boulevard, providing left-turn pockets at the Halyard Drive/Beacon Boulevard, the Beacon Boulevard/Harbor Boulevard, and the Evergreen Avenue/Harbor Boulevard intersections.

NEED FOR SUBJECT PROPERTY

Construction of the proposed project will require right of way from the subject property.

Parcel 033418-1: This acquisition is a fee requirement that consists of 3,223 square feet (SF). This area is needed to construct the eastbound off-ramp from Route 50 onto Harbor Boulevard. The improvements in the acquisition area include landscaping and a monument sign.

Parcel 033418-2: A temporary construction easement (TCE) consists of 2,890 SF. This area is needed to provide the Department's contractor room to construct the eastbound off ramp.

Parcel 033418-3: A permanent public utility easement consists of 3,597 SF along the eastside of the subject property. This easement will be acquired for the relocation of public utility facilities, currently in conflict with the proposed construction. Once the project is complete, this permanent easement will be conveyed to the city of West Sacramento.

Additionally, the existing driveways at the Halyard Drive and Harbor Boulevard intersection will be lost as well as the driveway located on Harbor Boulevard. In the after condition, access to the subject property will be from the remaining driveway westerly intersection of Harbor Boulevard and Beacon Boulevard.

Effects of Avoiding Subject Property

The Department studied avoiding the subject property by looking at alternative geometrics that would minimize property impact and keep Halyard Drive access open. An alternative was developed, called the isolated off-ramp alternative, which would have constructed an isolated off-ramp from the westbound Interstate 80 to eastbound Route 50 connector. The isolated off-ramp would connect to Industrial Avenue, to the west of the subject property, and provide more direct access to the community of Southport.

This alternative was rejected based on safety concerns relating to the isolated off-ramp, especially one from a direct connector between two Interstate routes. Rulings from the Department's HQ and the Federal Highway Administration (FHWA) confirm the rejection of this alternative for safety reasons.

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Owner/Lessee:

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Department Response:

To mitigate the loss of direct access, directional signage could be placed along Harbor Boulevard to guide restaurant customers to the revised access to the property. The city of West Sacramento is willing to assist the property owner with the placement of the additional signage.

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Beacon Boulevard and Halyard Drive. Furthermore, the raised curb would have to be extended past the driveway, and as stated above, this is not a viable option.

PARCEL DESCRIPTION

The subject parcel, parcel number 033418, is identified as Assessor's parcel number 067-133-03-01. The parcel is located within the city of West Sacramento. The subject property consists of 68,932 SF of flat land. The eastside of the property has frontage on Harbor Boulevard and the northwest side has frontage on Halyard Drive. The south side of the property adjoins other developed parcels. The improvements to the property include a Restaurant building with access off of Harbor Boulevard and Halyard Drive. There is ample parking on the subject property.

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2.

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good with the least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the Commission.

DONALD E. GREBE Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Acting Panel Chair

I concur with the Panel's recommendation:

RICHARD D. LAND
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON JULY 18, 2007**

Lorrie Wilson, HQ's Division of Right of Way and Land Surveys, Panel Chair
Joann Georgallis, Sacramento Legal Office Attorney, Panel Member
John Steele, HQ's Division of Design, Panel Member
Dennis Wilson, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Robert Mezzetti, Attorney for the Owner
Ray Russo, Jr., Property Owner

Frank Scherer, Vicorp Restaurant, Inc. (Tenant)
Michael Moen, Vicorp Restaurant, Inc.

Jody Jones, District 3 District Director
Lindy Lee, North Region Right of Way Manager
Robert Nguyen, District 3 Project Manager
Jim Elder, District 3 Design
Suzzan Arnold, District 3 Right of Way

HALYARD DR. 5.918m (19.42')

5.013m (16.45')

16.343m



1" = 10m

033418-3

3,597sf

3.810m

12.50' PUE

3.000m

9.84' TCE

033418-2

2,890sf

033418-1

3,223sf

51.109m (167.68')

69.513m (228.06')

13.711m (44.98')

HARBOR BLVD.

Access Restricted

067-133-03

5.025m (16.49')

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 3
RIGHT OF WAY ENGINEERING

Exhibit 'B'
Resolution of Necessity
033418-1, 2 & 3
Leo Cacitti et al

CD.	RTE.	P.M.	DRAWING NUMBER
YOL	50	1.2	C-033418-1