

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**CTC Meeting:** December 12-13, 2007

**Reference No.:** 2.3a.  
Action Item

**From:** CINDY McKIM  
Chief Financial Officer

**Prepared by:** Timothy Craggs  
Acting Chief  
Division of Design

**Subject:** RESCISSION OF FREEWAY ADOPTION  
3-SUT-99 PM T36.0/42.2, 3-BUT-99 PM 0.0/13.1  
Resolution HRU 07-01

## RECOMMENDATION:

Submitted for transmittal to the California Transportation Commission (Commission) is the Rescission of Freeway Adoption Resolution HRU 07-01. The Department of Transportation (Department) recommends that the Commission approve Resolution HRU 07-01 to rescind a portion of freeway adoption for State Highway Route 99 in the county of Sutter, Post Mile (PM) T36.0/42.2 and the county of Butte, Post Mile 0.0/13.1 in accordance with the recommendation of the Chief Engineer.

On June 6, 2007, the Commission adopted Resolution NIU 07-01 to notify all affected local, regional and State agencies of its intent to consider rescinding the freeway adoption. The resolution also allowed these agencies to submit within 60 days any additional information prior to the Commission's final consideration. The procedures for recycling, notifying the Commission's intention to consider rescinding a freeway route adoption and disposing of acquired right of way, were established by the Commission in Resolution No. G-15, adopted on November 17, 1978 and amended on February 29, 1980. This report describes the current status of the un-constructed freeway and provides an evaluation of the proposed rescission and a summary of the comments received during the 60-day response period.

Recommended by: \_\_\_\_\_  
RICHARD D. LAND  
Chief Engineer

**BACKGROUND:**

Due to funding constraints, the Department is unable to construct a freeway on a new alignment, bypassing the cities of Live Oak and Gridley, to replace the existing State Route (SR) 99 facility in Sutter and Butte Counties. The Department proposes to rescind the freeway route adoption along SR 99 from Encinal Road at PM T36.0 to PM 42.2 in Sutter County and from the Sutter/Butte county line PM 0.0 to SR 162, PM 13.1, in Butte County. Numerous studies were conducted on the State Route 99/70 corridor with the conclusion to upgrade SR 70, which runs parallel to SR 99 on the east side of the Feather River, to freeway or expressway standards. SR 70 has been designated as the Focus Route in the current, 1998, Interregional Transportation Strategic Plan (ITSP). The route receives priority for Interregional Transportation Improvement Program funding and it will become the primary connection between Yuba City/Marysville and Oroville/Chico.

SR 99 runs 36.8 miles through Sacramento County as an 8-lane freeway to a 4-lane expressway. SR 99 continues northward through Sutter County for 42.3 miles as a 4-lane expressway alternating to a 2-lane conventional highway or a 4-lane freeway. It continues 45.9 miles through Butte County as a 2-lane conventional highway to a 4-lane freeway. Within these counties, SR 99 was adopted in numerous segments beginning as early as 1932 and as recent as 2004.

On May 22, 1963, the California Highway Commission adopted the current SR 99 corridor, which bypasses the cities of Live Oak and Gridley. Numerous parcels, but not all, were purchased to obtain the necessary right of way for the adopted SR 99 corridor. A decrease in freeway funding caused the project to be suspended. In 1988, the Commission asked that a corridor study determine the alignment for a divided expressway, for ultimate conversion to a freeway, connecting Sacramento, Yuba City/Marysville, and Chico. The result was a State Routes 70 and 99 Corridor Study, which was adopted by the Butte County Association of Governments (BCAG) and by the Sacramento Area Council of Governments (SACOG) in 1990. Twenty-four alternatives were studied. The recommended proposed alternative was "A 4-lane freeway (initially to be constructed as an expressway) on SR 70 from the SR 70/99 interchange to SR 149 via a Marysville Bypass; a 4-lane freeway on SR 149 from SR 70 to SR 99; and a 4-lane freeway on SR 99 from SR 149 to the existing freeway section south of the city of Chico". The Study's proposed alignment does not include a new alignment for SR 99 bypassing the cities of Live Oak and Gridley, though such a bypass was studied in seven of the 24 alternatives.

Sutter County concurred with the State Routes 70 and 99 Corridor Study in its 1995 General Plan Circulation Element and did not discuss the Live Oak or Gridley bypass alternative nor recognize it as an alternative on any maps in the Circulation Element.

The Department's 2004 Draft Transportation Concept Report (TCR) is the current system planning document. This TCR states that the concept for this section of SR 99 is a 2-lane conventional to a 4-lane freeway or conventional highway on the current alignment. This concept for SR 99 is consistent with the 1998 ITSP, which designates SR 70 as the focus route along this corridor. SR 70 will become the primary connection between Yuba City/Marysville

and Oroville/Chico. Rescission of the route adoption is consistent with the Draft TCR and current Sutter County's General Plan. In 2002, the Department and regional agencies came to the conclusion that freeways on new alignments will not be constructed to replace the existing facilities of SR 70 or SR 99. This conclusion was motivated by escalating construction costs and changes in the State's transportation funds distribution.

In 2004, Executive Order S-10-04 directed State agencies to decrease inventory no longer serving the public. In 2003, in anticipation of the executive order, the Department communicated to the City of Gridley the need to rescind the route adoption and sell the "bypass" properties. Gridley City Council discussions indicate a strong desire to work with the Department to reach a mutually beneficial solution. On January 3, 2007, in response to a request for comments by the Department regarding its proposal to rescind the freeway adoption, the City of Gridley passed Resolution 2007-R-04. In this resolution, the City stated a desire that the Department grant Gridley a first right of refusal for the purchase of the properties for a local transportation facility. This transportation facility would relieve traffic congestion and enable the implementation of aesthetics and other improvements on SR 99 within the city.

With the Commission's approval of Resolution NIU 07-01, Notice of Intent to Unadopt, the Department notified all affected local and regional agencies of the rescission proposal and asked the agencies for any additional pertinent information that might be helpful to the Commission in making a final decision. Public notices (see attachment) were published in the Appeal-Democrat (Marysville), Enterprise Record (Chico), and the Gridley Record (Gridley) on July 6, 2007 and July 20, 2007. Public notices were also posted on the Department's website and made available in hard copy at the following local libraries: Oroville and Biggs branches of the Butte County Library, the Sutter County Library, and the Barber Branch of the Sutter County Library. Notification was sent to local elected officials and senior agency staff members. The Department also notified the State Clearinghouse requesting that the public notices be routed to all relevant State agencies for their review and comment.

The 60-day public comment period concluded on September 7, 2007. The Department received comments from eight citizens and four government agencies expressing similar concerns. Comments focused on congestion, safety, environmental quality, need for increased capacity and right-of-way protection. The Department replied to all comments explaining that: (1) as the Focus Route in the ITSP and in agreement with the TCR, SR 70 will be upgraded to expressway/freeway standards and will serve as the main link between Yuba City/Marysville and Oroville/Chico; (2) the proposal is consistent with regional transportation plans; (3) some of the remaining contiguous right-of-way needed for construction of the bypass has already been developed; and (4) the selling of excess lands is following the Governor's Executive Order.

Among the comments from government agencies, the City of Gridley made clear their opposition to the rescission and requested that the State continue to hold the parcels or transfer them to the City at no cost. In addition, the City cited proposed transportation uses for the parcels in the City's General Plan update currently under review by local officials. The City requested a delay in selling the Butte County parcels to allow for completion of their General Plan update currently scheduled for adoption in December 2008. The City also hopes to work in collaboration with

other entities regarding north/south travel alternatives and financing options. The City of Live Oak, Butte County, and the Butte County Association of Governments (BCAG) sent letters supporting the City of Gridley's request for delay in light of several General Plan updates and other regional plan updates. Butte County's General Plan Update is also underway and is scheduled to be adopted in September 2009.

The Department notified SACOG, Sutter County, the City of Live Oak, the City of Gridley, Butte County, and BCAG of their intent to sell the "bypass" parcels as excess right of way as early as 2003. These agencies were encouraged to incorporate the parcels in their local transportation plans but to date have moved slowly. Carrying costs for these excess lands continue to mount and tenants are hesitant to maintain and reinvest in the agricultural properties because of the uncertainty surrounding them. There is concern that none of the agencies will be in a financial position to develop a transportation facility for many years, and the Department could be forced to retain and manage the parcels indefinitely.

Despite these concerns, the Department is proposing a compromise in recognition that regional transportation plans are currently being updated and that the current economic downturn has severely impacted the finances of these cities and counties. The Department still requests that the route rescission be approved immediately, thus allowing the properties to be sold as excess land. However, the Department has agreed to delay sale of the properties that will be declared excess for up to two years to give the jurisdictions more time to update both their transportation and financial plans. Local governments will have the first right of refusal to buy the properties proposed for sale, and the Department requests that the Commission grant favorable terms and allow the local jurisdictions to make payments over time for properties that will be acquired for public uses like transportation and affordable housing.

In accordance with Resolution NIU 07-01, the Department recommends the freeway adoption be rescinded immediately. It is further recommended that the local agencies' first right of refusal to acquire excess right of way parcels expire on December 31, 2009.

#### Attachments

Copy of Public Notice advertisement for NIU  
Resolution HRU 07-01  
SR 99 Rescission Map



# PUBLIC NOTICE

## NOTICE OF INTENTION TO CONSIDER RESCINDING FREEWAY ADOPTION

### THE PROJECT

The California Department of Transportation (Caltrans) is proposing to rescind the adopted freeway agreements covering two previously approved new freeway alignment projects on State Route (SR) 99 known as the Live Oak Bypass and the Gridley Bypass. The boundaries of these projects are from the end of the existing freeway north of Yuba City to a point approximately 13.1 miles north of the Sutter-Butte county line. The rescission of these freeway agreements will allow Caltrans to sell parcels of land currently under Caltrans ownership to local governmental agencies or to other interested parties.

### CALTRANS REPORT

A report has been prepared to analyze the original intent and plans for the construction of freeway segments and the subsequent determination that the construction of the freeway segments by Caltrans is not feasible. This report is intended to assist the California Transportation Commission (CTC) in their decision making process.

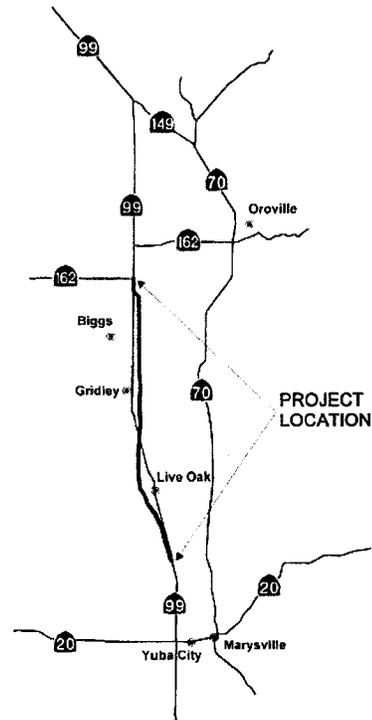
You may review or obtain a copy of the report and the CTC Resolution from the Caltrans District 3 Office of Planning and Local Assistance, 703 B Street, Marysville, CA 95901. Copies are also available at the Butte County Library, Biggs Branch at 464A B Street, Biggs, CA 95917; Oroville Branch 1820 Mitchell Avenue, Oroville, CA 95966; the Sutter County Library, 750 Forbes Avenue, Yuba City, CA 95991 and the Barber Branch of the Sutter-County Library, 10321 Live Oak Boulevard, Live Oak, CA 95953. You may also review the information and comment via the internet at: <http://www.dot.ca.gov/dist3/>

### COMMENTS

If you would like to make comments on the rescission proposal, please submit them in writing no later than September 7, 2007 to Caltrans-District 3, 703 B Street, Marysville, CA 95901, Attn: Sukhvinder (Sue) Takhar. Comments can also be emailed to: [stakhar@dot.ca.gov](mailto:stakhar@dot.ca.gov).

For individuals with sensory disabilities, we can provide services such as, reading or writing assistance, training/meeting materials in Braille, large print, audiocassette or computer disk. To obtain such services or copies in one of the alternative formats, please contact: Mark Dinger, Public Information Officer, Caltrans-District 3, 703 B Street, Marysville, CA 95901, (530) 741-4572 (voice phone) or (530) 741-4509 (TTY).

Jody Jones, Caltrans District 3 Director  
California Department of Transportation  
P.O. Box 911, Marysville, CA 95901



**CALIFORNIA TRANSPORTATION COMMISSION**

**Rescission of Freeway Adoption**

**3-Sut-99 PM T36.0/42.2**

**3-But-99 PM 0.0/13.1**

**Resolution HRU 07-01**

**WHEREAS**, a location for State Highway Route 99 was previously adopted and declared a freeway on May 22, 1963, between State Highway Route 20 and the Sutter/Butte County Line to State Highway Route 162; and

**WHEREAS**, a portion of the aforementioned freeway was constructed from State Highway Route 20 to Encinal Road and the remaining portion is not likely to be constructed as a State highway within the foreseeable future; and

**WHEREAS**, retention of the freeway adoption may not be desirable and would subject the California Transportation Commission (Commission) to possible future expense for acquisition and maintenance of property or future expense for acquisition of property on a hardship basis; and

**WHEREAS**, there is excess rights of way to dispose of; and

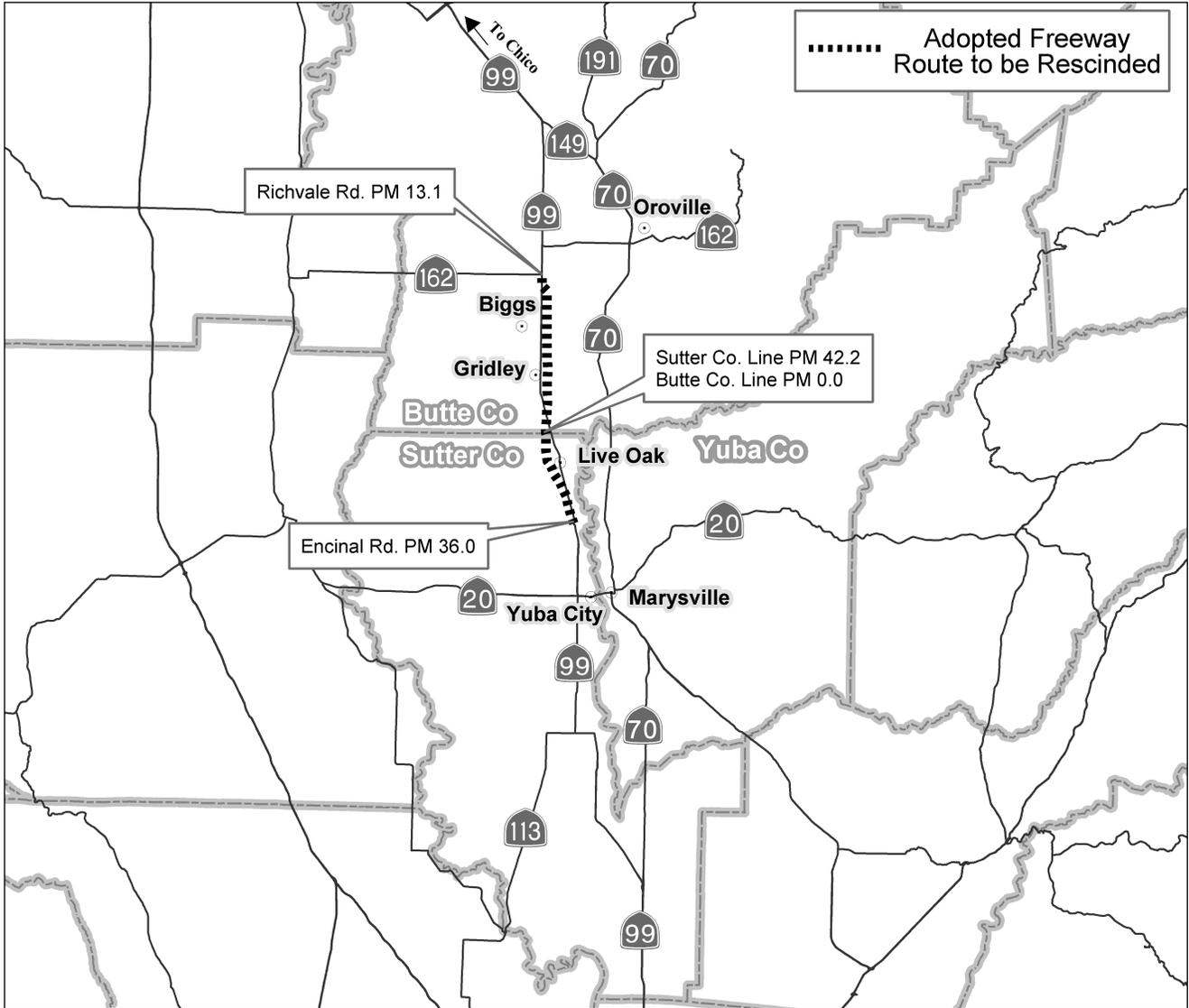
**WHEREAS**, the City of Gridley and Butte County are currently engaged in updates of their respective General Plans and expect to have the new General Plans approved before the end of calendar year 2009; and

**WHEREAS**, the City of Live Oak and Sutter County desire to work with the City of Gridley, Butte County, and the Butte County Association of Governments (BCAG) to develop coordinated local transportation facilities and need more time to develop viable financial plans.

**NOW, THEREFORE BE IT RESOLVED** by the California Transportation Commission that pursuant to the authority vested in it by law, this Commission does hereby rescind the freeway adoption of State Highway Route 99 in the county of Sutter and county of Butte, from Encinal Road to State Highway Route 162, effective immediately as shown on the Route Rescission Map; and

**BE IT FURTHER RESOLVED** that the City of Gridley, the City of Live Oak, Butte County, and Sutter County be granted a first right of refusal to acquire properties that become excess right of way and that such first right of refusal shall expire on December 31, 2009.

# SR 99 Rescission Map (Live Oak and Gridley)



LOCATION MAP

