

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

Reference No.: 2.4c.  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Brent Green  
Chief  
Division of Right of Way and  
Land Surveys

Subject: **REQUEST TO EXTEND DIRECT NEGOTIATIONS WITH SACRAMENTO MUNICIPAL UTILITIES DISTRICT (SMUD)**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend for one year the authorization to directly negotiate with Sacramento Municipal Utilities District (SMUD) to allow the parties to continue proposal review and negotiation of developmental lease terms to install and maintain solar panels within two parcels of operating right of way in Sacramento County.

## **BACKGROUND**

### **June 2010 CTC Action: One Year Direct Negotiation Authorization Granted**

At the June/July 2010 meeting, the Commission voted to give the Department a one year authorization to directly negotiate with SMUD for placement of solar panels at two locations along the Highway 50 corridor in Sacramento County.

### **Proposal Summary: Pilot Project to Install Solar Panels within Department Operating Right-of-Way**

SMUD, in conjunction with a private partner that will be selected via the bid process, proposes to develop, finance, construct, own, operate and maintain photovoltaic (PV) solar facilities at two separate locations in operating right of way adjacent to the Highway 50 corridor in the Sacramento area. This proposal will serve as a demonstration project to establish the feasibility and best method of placing utility-scale solar PV power installations on Department property. This is a design-build project. The Department will enter into a lease with SMUD and SMUD will sublease to the private partner, pending Departmental review and approval of the sublease terms and conditions.

The two separate locations selected for demonstration project development are the North cut-slope from 65<sup>th</sup> Street to Stockton Boulevard and the Mather Field Road/Highway 50 interchange and westbound on-ramp.

Accomplishments since July 2010:

- **Project Study Reviews:** A Phase I and Phase II conceptual project study were submitted to Department for review and comment in September 2009 and June 2010, respectively. District functions provided comments regarding safety and design issues for the proposal and confirmation of Conceptual approval. As a result of Department comment from the Phase I and Phase II studies, glare and noise studies were also commissioned by SMUD. Results of both the glare and noise studies were evaluated by the Department and accepted.
- **Environmental Review:** SMUD released the California Environmental Quality Act (CEQA) document for public comment in March 2011. The public comment period ended on April 15, 2011. As responsible agency, Department Environmental staff reviewed the draft document and comments were incorporated in the final document.
- **Mapping:** Department boundary mapping for the two separate proposed lease areas was completed in spring 2011.
- **Community Outreach:** Two public outreach meetings were held by SMUD in September 2010 to share information and solicit input from residents of both the cities of Sacramento and Rancho Cordova, respectively. In addition, a joint City of Sacramento/Rancho Cordova public meeting was held in March 2011. Sacramento and Rancho Cordova are the two cities impacted by this proposal.
- **Meetings with Local Agencies:** SMUD staff has met with all the affected local agencies: The Cities of Sacramento and Rancho Cordova and County of Sacramento. Work is in progress to obtain official documentation of jurisdictional approval. Subject agencies have expressed overall support of this proposal.
- **Lease Negotiations:** In December 2010, Department provided SMUD with a standard solar lease template. SMUD and Department staff met face to face in March 2011 to formulate final language, exclusive of the rent clause, whose content is pending completion and Department approval of an appraisal. Rent clause terms will be negotiated after Department approval of the pending appraisal.

Remaining Steps:

- Appraisal completion and Headquarters Right of Way appraisal review/approval.
- Right of Way lease agreement negotiation completion
- District Airspace Review Committee project approval (pending)
- Federal Highway Administration (FHWA) project approval
- FHWA approval of creation of new freeway lease area
- Commission approval lease terms and conditions
- SMUD submission of unexecuted sublease and unexecuted Power Purchase Agreement for Department review
- SMUD selection of project developer
- SMUD submission of final developer-generated design plans for Department review and approval
- Issue of Department encroachment permit

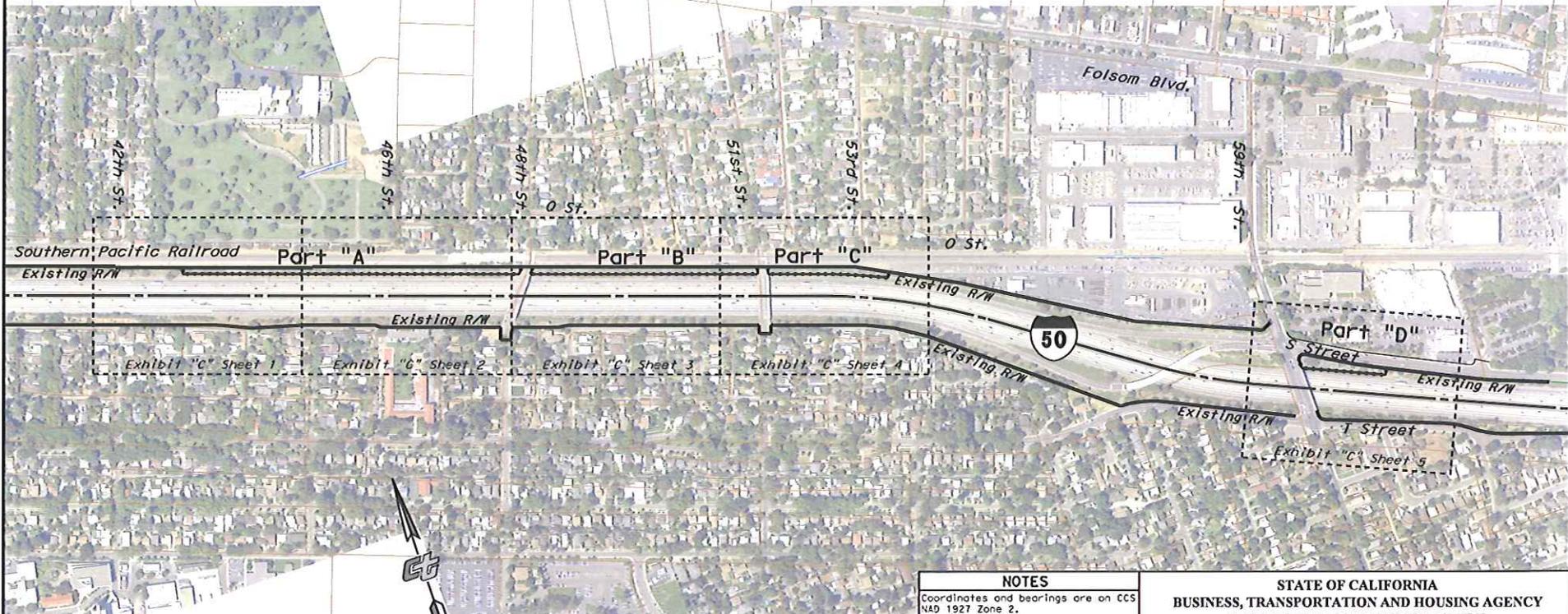
**SUMMARY**

It is requested that the Commission authorize the Department to continue direct negotiations with SMUD for one year to allow the parties to complete developmental lease negotiations, to be reviewed and approved by the Commission at a future meeting.

Attachments

# EXHIBIT B

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



### NOTES

Coordinates and bearings are on CCS NAD 1927 Zone 2.

Distances are grid distances.

Divide by 0.9999385 to obtain ground distances.

All distances are in feet unless otherwise noted.

### LEGEND

----- Airspace Lease Line

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION

## RIGHT OF WAY FREEWAY LEASE AGREEMENT MAP NO. 03-SAC050-0027

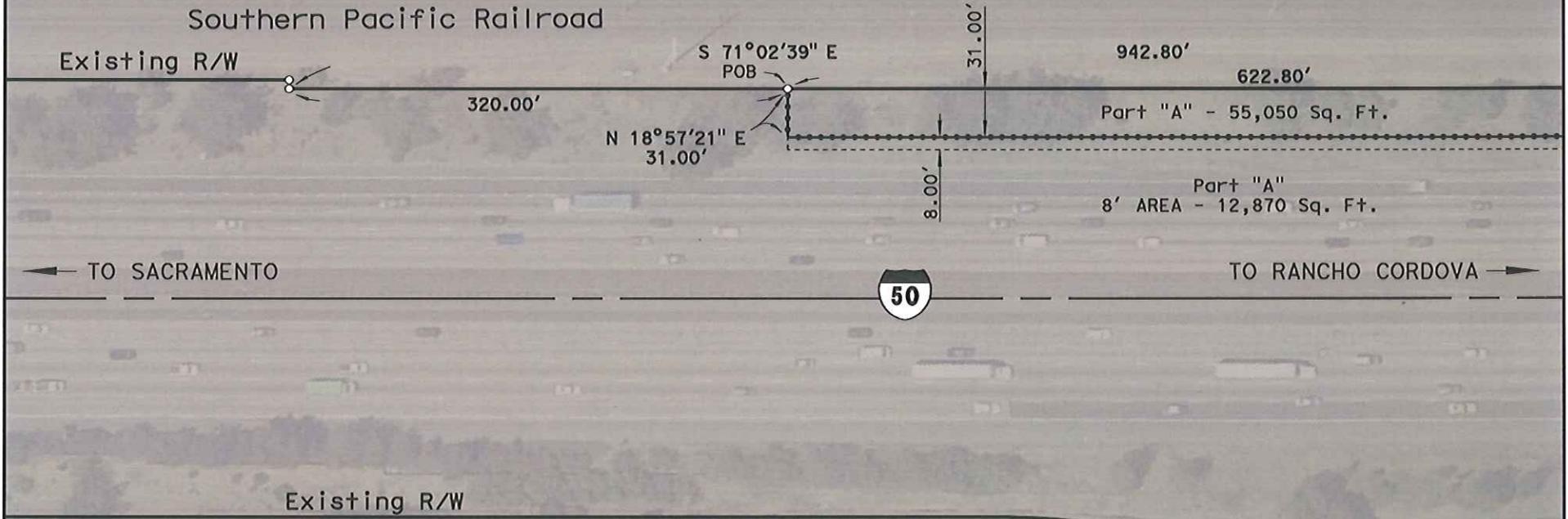
FOR PREVIOUS R/W INFORMATION SEE  
MAP(S) R-3744.4-R3744.7, R-3744.9N

FEET 0 187.5 375 750 1125

TO DESIGN: 08/30/10		EA(e): 95212		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
03	SAC	50	1.2 - 2.2	1	1

# EXHIBIT C

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



**NOTES**  
 Coordinates and bearings are on CCS NAD 1983(2002.00) Zone 2. Distances are grid distances. Divide by 0.999976 to obtain ground distances. All distances are in feet.

**LEGEND**  
 - - - - - Airspace Lease Line  
 POB Point of Beginning

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0027**  
 FOR PREVIOUS R/W INFORMATION SEE  
 MAP(S) R-3744.4



TO DESIGN: 03/21/11		EA(s): 95212		FA#:	
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03	SAC	50	1.2	1	5

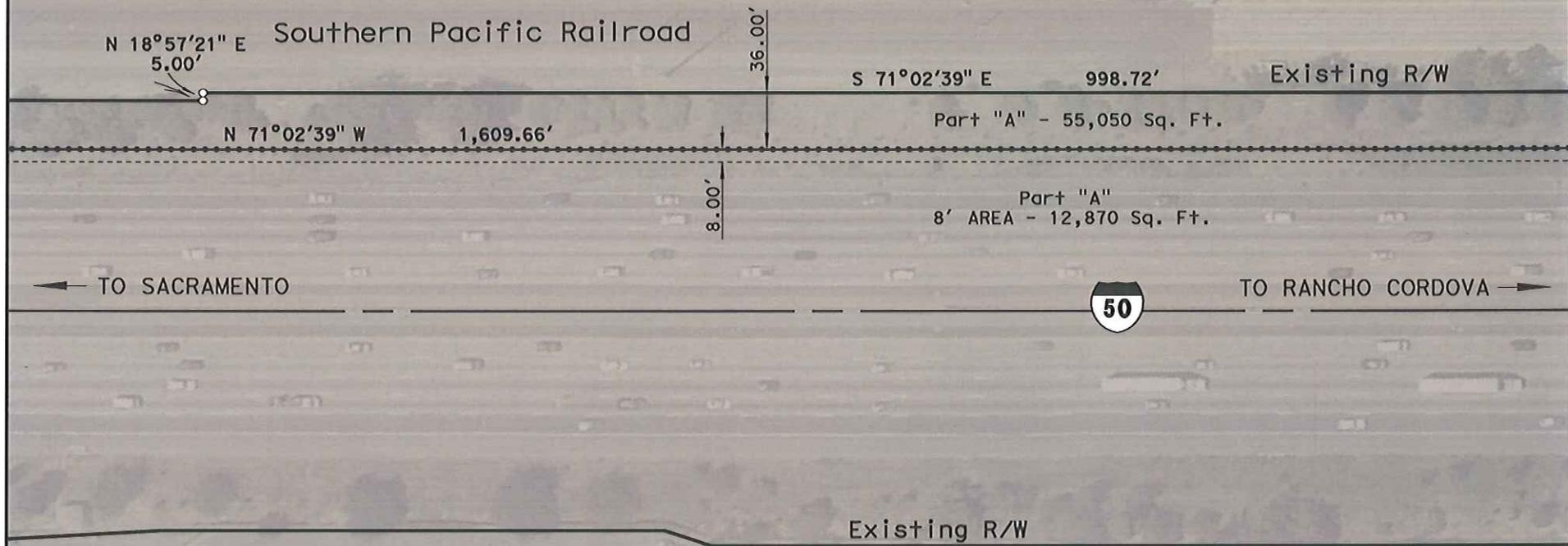
42nd St.



43rd St.

# EXHIBIT C

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← TO SACRAMENTO



TO RANCHO CORDOVA →

Existing R/W



46th St.

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**LEGEND**  
 - - - - - Airspace Lease Line  
 ○ POB Point of Beginning

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0027**

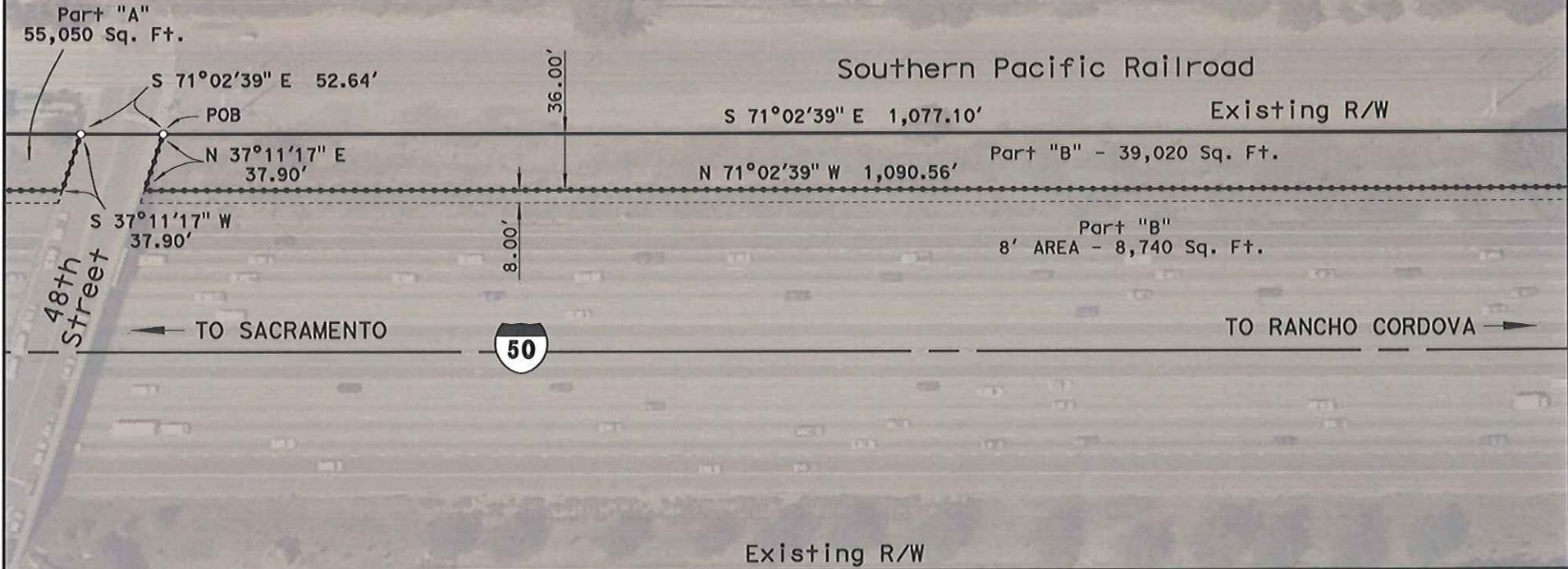
FOR PREVIOUS R/W INFORMATION SEE  
 MAP(S) R-3744.5



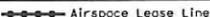
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DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
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# EXHIBIT C

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**LEGEND**  
 Airspace Lease Line  
 Point of Beginning

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0027**

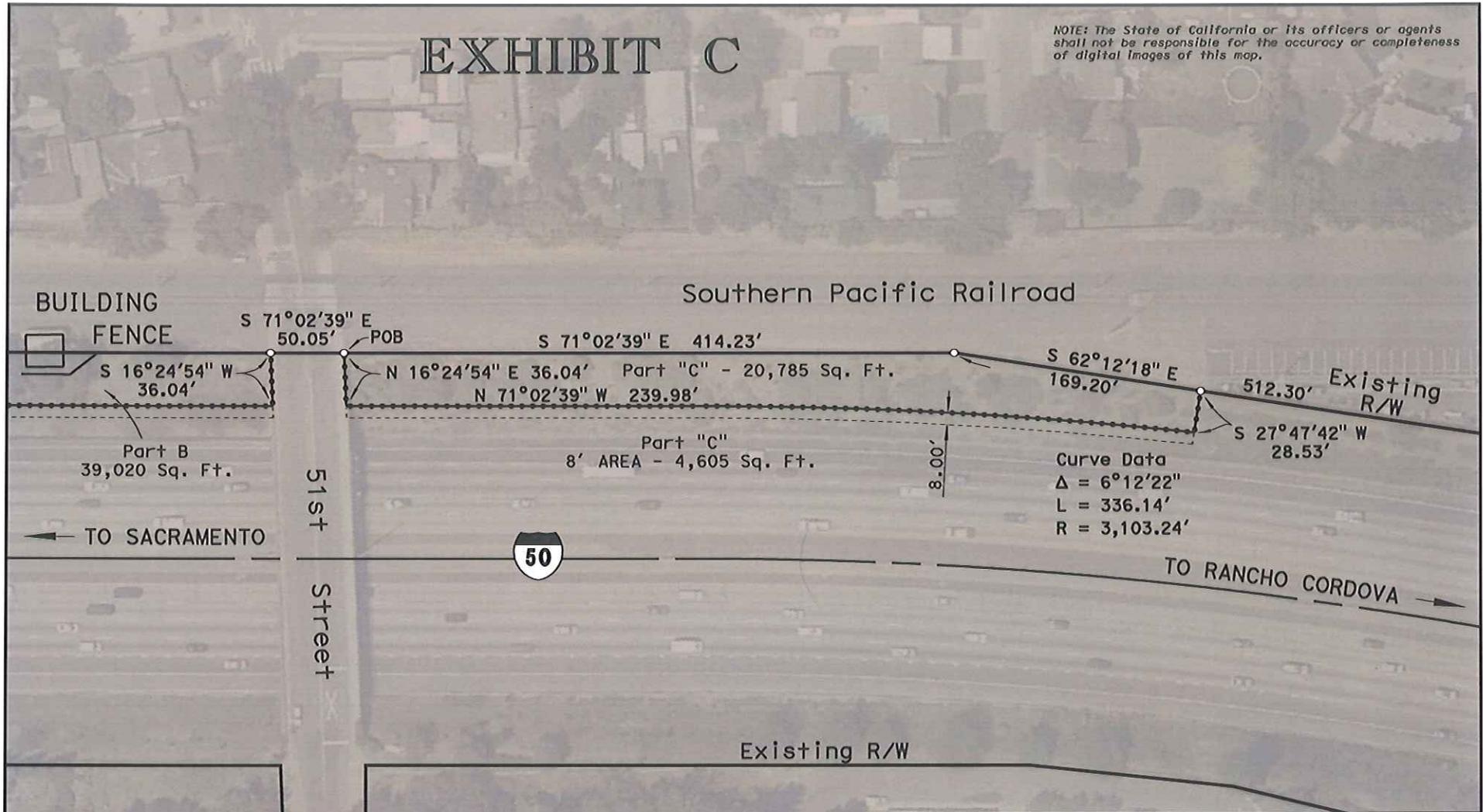
FOR PREVIOUS R/W INFORMATION SEE  
 MAP(S) R-3744.5, 3744.6

FEET 0 25 50 100 150

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03	SAC	50	1.55	3	5

# EXHIBIT C

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Curve Data  
 $\Delta = 6^{\circ}12'22''$   
 $L = 336.14'$   
 $R = 3,103.24'$

BUILDING FENCE

Southern Pacific Railroad

Existing R/W

Existing R/W

TO SACRAMENTO

TO RANCHO CORDOVA

51st Street

52nd St.



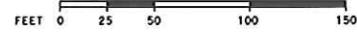
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**LEGEND**  
 Airspace Lease Line  
 Point of Beginning

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0027**

FOR PREVIOUS R/W INFORMATION SEE MAP(S) R-3744.7



TO DESIGN: 03/21/11		EA(a): 95212		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
03	SAC	50	1.7	4	5

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# EXHIBIT C

Book 39 SURVEYS Page 37  
-AND-  
Book 71-06-11  
O.R.  
Page 369

Curve Data (A)  
Δ = 121°20'11"  
L = 52.94'  
R = 25.00'

S 59°38'13" E 239.93'  
(N 59°04'26" W 239.83')  
(Bk39 Surveys Pg37)

Curve Data  
Δ = 04°32'45"  
L = 160.98'  
R = 2,028.95

S 59°04'56" W  
110.08'

POB  
N 0°58'28" W  
23.22'

S 59°38'13" E 173.01'

Part "D" - 15,230 Sq. Ft.

Part "D"  
8' AREA - 3,260 Sq. Ft.

S Street

S 64°10'58" E 458.34'

Existing R/W

62.00'  
S 25°49'02" W  
21.26'

8.00'

← TO SACRAMENTO



TO RANCHO CORDOVA →

59th Street

Existing R/W

T Street

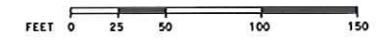


NOTES
Coordinates and bearings are on CCS NAD 1983(2002.00) Zone 2. Distances are grid distances. Divide by 0.999976 to obtain ground distances. All distances are in feet.
LEGEND
—●—●—●— Airspace Lease Line
POB Point of Beginning

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
FREEWAY LEASE AGREEMENT  
MAP NO. 03-SAC050-0027**

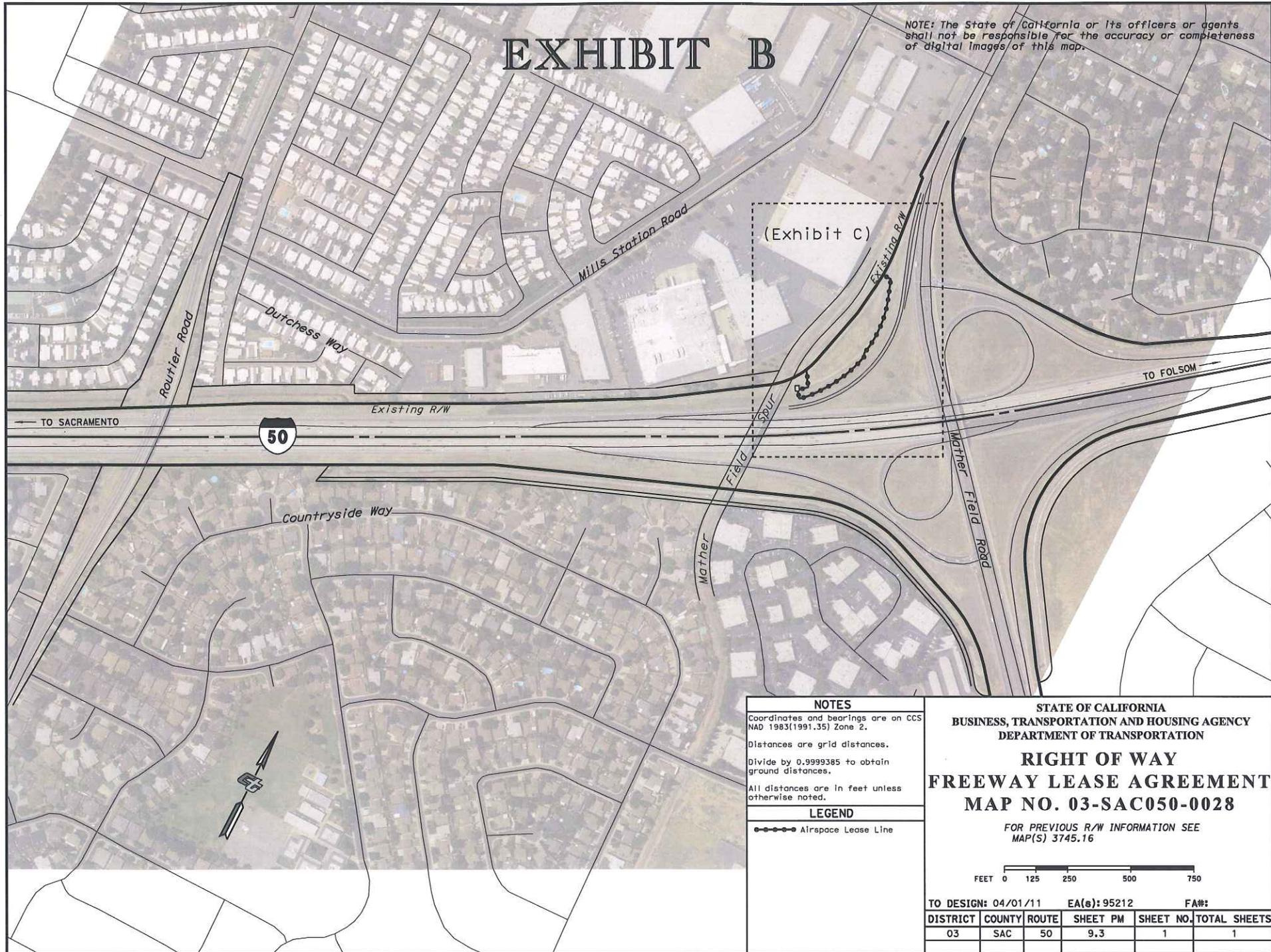
FOR PREVIOUS R/W INFORMATION SEE  
MAP(S) R-3744.9N



TO DESIGN: 03/21/11		EA(s): 95212		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
03	SAC	50	2.2	5	5

# EXHIBIT B

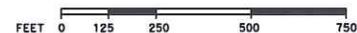
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**NOTES**  
 Coordinates and bearings are on CCS NAD 1983(1991.35) Zone 2.  
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**LEGEND**  
 ●—●—●—● Airspace Lease Line

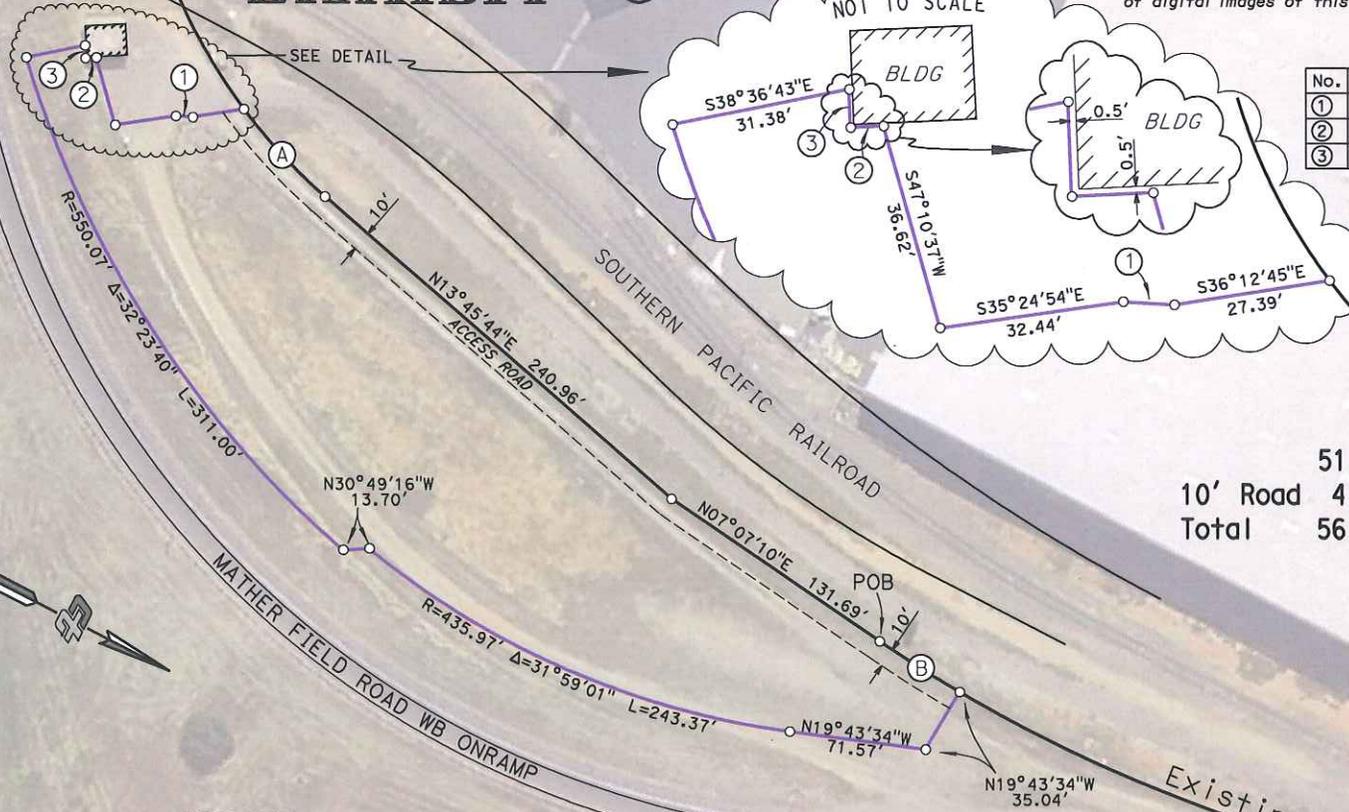
STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0028**  
 FOR PREVIOUS R/W INFORMATION SEE  
 MAP(S) 3745.16



TO DESIGN: 04/01/11		EA(s): 95212		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
03	SAC	50	9.3	1	1

# EXHIBIT C

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LINE TABLE

No.	BEARING	DISTANCE
①	S 23°50'28" E	8.99'
②	S 30°02'34" E	5.72'
③	S 60°33'11" W	6.65'

51,480 Sq Ft  
 10' Road 4,893 Sq Ft  
 Total 56,373 Sq Ft

CURVE TABLE

No.	R	Δ	L
(A)	299.98'	11°56'01"	62.48'
(B)	744.97'	03°48'34"	49.53'



MATHER FIELD ROAD

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**LEGEND**  
 ●—●—●—● Airspace Lease Line  
 POB Point of Beginning

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
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**RIGHT OF WAY  
 FREEWAY LEASE AGREEMENT  
 MAP NO. 03-SAC050-0028**

FOR PREVIOUS R/W INFORMATION SEE  
 MAP(S) R-3745.16



TO DESIGN: 04/01/11	EA(s): 95212	FA#:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
03	SAC	50	9.3	2	2