

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 6-7, 2007

Reference No.: 2.3a.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Mark Leja  
Chief  
Division of Design

Subject: **NOTICE OF INTENTION TO CONSIDER RESCINDING FREEWAY ADOPTION  
3-SUT-99 PM T36.0/42.2, 3-BUT-99 PM 0.0/13.1  
Resolution NIU 07-01**

## **RECOMMENDATION:**

Submitted for transmittal to the California Transportation Commission (Commission) is the Notice of Intention to Consider Rescinding Freeway Adoption Resolution NIU 07-01. The Department of Transportation (Department) recommends that the Commission approve Resolution NIU 07-01 to initiate recycling procedures to consider rescinding a portion of the freeway adoption for State Highway Route 99 in the County of Sutter, Post Mile T36.0/42.2 and the County of Butte, Post Mile 0.0/13.1 in accordance with the recommendation of the Chief Engineer.

This report describes the current status of the un-constructed freeway and support from local agencies to rescind the bypass. 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. According to the Resolution, the recycling process cannot be initiated without consent from the Commission. With the Commission's approval of Resolution NIU 07-01, the Department will notify all affected local, regional and State agencies of the rescission proposal, and ask the agencies for any additional pertinent information that might be helpful to the Commission in making a final decision.

Recommended by: \_\_\_\_\_  
RICHARD 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 is proposing 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, at PM 13.1, in Butte County. Numerous studies were conducted on the State Route 99/70 corridor, with the conclusion to upgrade SR 70 to freeway standards, parallel to SR 99. SR 70 has been designated as a focus route in the Interregional Transportation Strategic Plan and maintains priority for Interregional Transportation Improvement Program funding.

SR 99 runs 36.8 miles through Sacramento County as a four-lane expressway to an eight-lane freeway. SR 99 continues northward through Sutter County for 42.3 miles as a two-lane conventional highway to a four-lane freeway. It continues 45.9 miles through Butte County as a two-lane conventional highway to a four-lane conventional highway.

On May 22, 1963, the 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 and by the Sacramento Area Council of Governments in 1990. Twenty-four alternatives were studied. The recommended proposed alternative was “A four-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 four-lane freeway on SR 149 from SR 70 to SR 99; and a four-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 7 of the 24 alternatives.

Butte County’s direction on a bypass goes back to its 1984 General Plan Circulation Element, which does not discuss or map a bypass of Live Oak or Gridley along SR 99 as an alternative.

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.

Gridley City Council discussions indicate a strong desire to work with the Department to reach a mutually beneficial solution. The City of Gridley passed Resolution 2007-R-04 on January 3, 2007, in response to a request for comments by the Department regarding its proposal to rescind the freeway adoption. The city indicated a desire that the Department would 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.

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 two-lane conventional to four-lane freeway or conventional highway.

Rescission of the route adoption is consistent with the Draft TCR and current County General Plans.

With the Commission's approval of Resolution NIU 07-01, the Department will notify all affected local and regional agencies of the rescission proposal and ask the agencies for any additional pertinent information that might be helpful to the Commission in making a final decision. The Department will also notify the State Clearinghouse so that other State agencies may be notified. Following a 60-day comment period, a follow up meeting will be scheduled with the Commission to present the Department's recommendation for final disposition.

#### Attachments

Resolution NIU 07-01  
Vicinity Map

**CALIFORNIA TRANSPORTATION COMMISSION**

**Notice of Intention to Consider Rescinding Freeway Adoption**

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

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

**Resolution NIU 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 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 are excess rights of way that need to be disposed.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that pursuant to the authority vested in it by law, this Commission does hereby authorize and direct the Department of Transportation to give public notice of the Commission's intention to consider rescinding 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, as shown on the Route Rescission Map, and to give notice to local and regional agencies, and other affected State agencies, of such intention; and

**BE IT FURTHER RESOLVED** that agencies so notified are to be requested to furnish within 60 days any additional information that the Commission should have prior to final consideration of the Route 99 Rescission.

# SR 99 Rescission Map (Live Oak and Gridley)

