

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 16-17, 2016

Reference No.: 2.3a.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Timothy Craggs, Chief
Division of
Design

Subject: **NOTICE OF INTENT TO CONSIDER RESCINDING FREEWAY DECLARATION
11-SD-76 PM R9.0 to R17.3
RESOLUTION NIU 16-01**

RECOMMENDATION:

Submitted for transmittal to the California Transportation Commission (Commission) is the Notice of Intent to Consider Rescinding Freeway Declaration Resolution NIU 16-01. The Department of Transportation (Department) recommends that the Commission approve Resolution NIU 16-01 to initiate recycling procedures to consider rescinding the freeway declaration for State Highway Route 76 (SR-76) in the county of San Diego, Post Mile R9.0 to R17.3 in accordance with the recommendation of the Chief Engineer.

This report describes the current status of the unconstructed freeway and support from local agencies to rescind the freeway declaration for SR-76. The procedures for recycling, notifying the public of the Commission's intention to consider rescinding a freeway declaration, 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 16-01, 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: _____
KARLA SUTLIFF
Chief Engineer

BACKGROUND:

SR-76 is an east-west highway starting at Interstate 5 (I-5) on the west, traversing the City of Oceanside, and the unincorporated communities of Bonsall, Fallbrook, Pala, and Pauma Valley, extending 52.3 miles to the east, and terminating at State Route 79 in San Diego County. SR-76 is currently designated as a freeway from the easterly limits of the City of Oceanside to I-15, but operates as a conventional highway. There are no local or regional planning studies that contemplate SR-76 as anything but a conventional highway through the portion currently designated as a freeway. Consequently, the Department is proposing to rescind the freeway declaration for SR-76, between the City of Oceanside's easterly limits and I-15, leaving this section as a conventional highway. Once the rescission of the freeway declaration for SR-76 is approved, it is the Department's responsibility to dispose of any excess land.

SR-76 was added to the State Highway System in 1933. The portion of SR-76 from I-5 (PM R0.0) to I-15 (PM R17.3) was adopted as a freeway on January 23, 1963. Following this adoption, the Department executed freeway agreements with the County of San Diego on June 25, 1964 and with the City of Oceanside on April 1, 1965. Subsequently, Department decided that an expressway was the most feasible alternative to meet the long term transportation needs of the City of Oceanside. SR-76 was therefore denominated from a freeway to a controlled access highway from I-5 to the Oceanside eastern city limit and is covered by two controlled access highway Agreements executed between the City of Oceanside and the Department in 1993 and 1994. SR-76 between PM R9.0 and PM R17.3 is still adopted as a freeway.

When SR-76 was originally identified as a future freeway it was done in part to serve planned future growth in rural areas of eastern San Diego County. Since the late 1990's the region has been moving away from new sprawling suburban developments and toward a smart growth (sustainable communities) model of development. That has resulted in a shift from new developments in the rural areas to infill projects in the urban coastal and non-coastal areas. This strategy is also consistent with the State's greenhouse gas (GHG) strategies to reduce vehicle miles traveled.

The conventional highway use of SR-76 is locally accepted and is in conformance with local and regional plans including the San Diego Associated Government's (SANDAG's) 2050 Regional Transportation Plan, the City of Oceanside's General Plan Circulation Element, the Bonsall Community Plan Circulation Element Road Network, the Fallbrook Mobility Element Network and the County of San Diego General Plan Mobility Element. The County of San Diego supports the Department's recommendation to downgrade SR-76 from a freeway to a conventional highway, on the condition that SR-76 continues to be retained as part of the State Highway System and continues to be maintained by the Department. In addition, the Department's Transportation Concept Report (TCR) for SR-76, which includes an assessment of both current and future operating conditions, and improvements that will be needed to meet identified operational goals on the route, identifies the post 25-year SR-76 facility as a conventional highway.

There is no regional or local community support to construct a freeway along SR-76 due to environmental considerations as SR-76 generally follows a route adjacent and parallel to the San Luis Rey River (See Vicinity Map). The presence of wetlands, endangered species and critical habitat would make any future plans for freeway construction and expansion very difficult and cost prohibitive.

No Right of Way acquisitions were made in order to accommodate a freeway facility on SR-76. Rescinding the freeway declaration will allow the Department to reconfigure the right of way needed in and around the I-15/SR-76 interchange as the right of way was reserved for a freeway to freeway interchange. Once the SR-76 proposed rescission is approved, new right of way lines will be established for a highway to freeway interchange and excess lands can be disposed, reducing inventory, liability, and maintenance efforts required.

Rescission of the freeway declaration for SR-76 will also allow the sale of excess lands without the restrictions of access control allowing further community development. Continued existence of the freeway route adoption would affect property owners' ability to utilize their investment in a manner consistent with the intended use of the route, which is that of a conventional highway. Disposing of unneeded right of way will have a positive economic impact for the community. It will make available excess lands with appropriate driveways from the adjacent conventional highway promoting economic development. Continued State ownership would only keep a maintenance and liability burden while suppressing potential economic development.

With the Commission's approval of Resolution NIU 16-01, 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 16-01
Vicinity Map

CALIFORNIA TRANSPORTATION COMMISSION

**Notice of Intent to Consider Rescinding Freeway Declaration
11-SD-76 PM R9.0/R17.3**

Resolution NIU 16-01

WHEREAS, a location for State Highway Route 76 was adopted and declared a freeway on January 23, 1963, in San Diego County between I-5 and I-15; and

WHEREAS, the freeway declaration of a portion of the aforementioned freeway was denominated to controlled access highway from I-5 to Oceanside eastern city limit, incrementally, R0.0 to R2.9 on June 1, 1992, and R2.9 to R9.0 on December 29, 1993; and

WHEREAS, the portion the aforementioned freeway from City of Oceanside's easterly limits to I-15 is not likely to be constructed as a freeway within the foreseeable future because of lack of operational need, local support and funding; and

WHEREAS, retention of the freeway declaration 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.

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 declaration of State Highway Route 76 in the County of San Diego, on the portion of Route 76 from City of Oceanside's easterly limits to I-15, as shown on the Route 76 Rescission Map, and to give notice to local and regional agencies, and other affected State agencies, of such intention; and 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 76 Freeway Rescission.

BE IT FURTHER RESOLVED that the existing location of State Highway Route 76 between easterly limits of the City of Oceanside to I-15 shall be retained and unaffected by this action.

SR 76 Rescission Map

11-SD-76-PM R9.0/R17.3

