

STAFF REPORT

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APPROVAL OF A PUBLIC AGENCY PERMIT AND RIGHT-OF-WAY MAP PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE AND SECTION 6210.3 OF THE PUBLIC RESOURCES CODE

APPLICANT:

California Department of Transportation

PROPOSED PERMIT:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Cosumnes River near Elk Grove, Sacramento County.

AUTHORIZED USE:

Replacement of four existing bridge structures with two new bridge structures over the Cosumnes River and the Cosumnes River Overflow and use of a temporary construction easement.

PERMIT TERM:

Continuous use, plus 1 year, beginning October 24, 2019.

CONSIDERATION:

Reasonable value of the rights-of-way to be deposited into the State Parks and Recreation Fund.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6210.3, 6216, and 6301; Streets and Highways Code section 101.5.

Public Trust and State's Best Interests Analysis:

The purpose of the Cosumnes River Bridge Replacement Project (Project) is to address the current structural and seismic deficiencies of the four Cosumnes River bridges and the substandard bridge shoulder widths that may contribute to collisions on State Route 99 (SR 99). The Project will remedy the structural and seismic deficiencies of the bridges caused by scour and nonstandard design. Structurally, all four of the Cosumnes River Bridges are scour critical and are too old and structurally deficient for rehabilitation. Additionally, the existing bridges are below the current

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flood standard and require underside clearance elevations at least 3 feet above the 100-year flood level to satisfy requirements of the Central Valley Flood Protection Board. Also, the two southbound Cosumnes River bridges have substandard bridge shoulder widths that may contribute to collisions. The latest collision history and accident rate for this section of SR 99 is higher than the statewide average, with the number of accidents increasing each year from 2013 to 2015. This Project is anticipated to reduce the collision rate by providing bridge shoulder widths consistent with current standards and improving clearance at bridge and approach rails.

The new bridges would be constructed in three stages and no in-water supports would be required as the new bridges would span the river channel. The first stage of construction would include the construction of temporary bridge structures to facilitate traffic staging for the replacement of the new bridges. The second and third stages would include the demolition and construction of the southbound and northbound bridges, respectively. The Cosumnes River at SR 99 has been dry during summer months for the last 13 years except for the summer of 2017, which was an unusually wet year. If construction occurs during an unusually wet year, the Applicant would utilize a work pad to facilitate construction and ensure the water is properly managed in the work area.

Temporary bridge structures would be constructed to facilitate uninterrupted traffic movement during the replacement of the new bridges. The temporary bridges would fully span the existing river channel, avoiding pier placement within the bed of the river and will be removed upon completion of construction of the new Cosumnes River and Cosumnes River Overflow Bridges. Four temporary rights-of-way will allow the initial phase of construction. At the conclusion of the construction, these rights-of-way will terminate.

Two cultural resources sites (CA-SAC-102, CA-SAC-96/H) are present within the project area and environmental commitments to protect these resources are outlined in the Project's Archaeological Monitoring Area and Environmentally Sensitive Area Action Plan, prepared by the Applicant.

Presently, land use in and around the project area is rural and zoned as either Agricultural or designated as a Natural Preserve according to the Sacramento County General Plan. Within the project limits, on the easterly side of northbound SR 99, land use is designated as a Natural Preserve and comprises a portion of the Cosumnes River Preserve. To the west of southbound SR 99, land is zoned Agricultural and is largely composed of

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crop land and cattle facilities along with a few scattered rural residential properties.

Promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (article X, section 4), a condition of statehood in the Act of Admission of the State of California into the Union (9 Stat. 452, Sept. 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. Often the most logical location for access to a waterway is where a bridge crosses it. Kayakers, rafters, and others may legally utilize the public access easements around bridges to enter and exit navigable waterways. With those factors in mind, the legislature adopted three code sections in 1972 to facilitate increased public access around bridges (Sts. & Hy. Code, §§ 84.5, 991, and 1809). All state or county highway projects and all city street projects that propose construction of a new bridge over a navigable waterway must consider, and report on, the feasibility of providing public access for recreational purposes to the waterway before the bridge is constructed. These code provisions apply to state agencies and city and county governments that approve bridge construction projects.

The Applicant has evaluated and determined that providing public access to the Cosumnes River within the project limits is not feasible because SR 99 is an access-controlled corridor which does not permit pedestrian or bicycle traffic and shoulder parking for river access would be unsafe to the public. The existing right-of-way controlled by the Applicant is too narrow to build access from the freeway, and the adjacent landowners, including a restricted access nature conservancy and private farmland do not allow public access across their property. Both the temporary and new bridges would fully span the existing river channel, avoiding pier placement within the bed of the river and eliminating interference with navigation, or other water-dependent recreation uses along this section of the Cosumnes River.

The permit does not alienate the State's fee simple interest and does not grant the lessee exclusive rights to the right-of-way. Furthermore, SR 99 is critical infrastructure that is necessary to facilitate the movement of goods, people, and services throughout the State. Staff believes this use of State land, by a public agency, for a public benefit is in the best interests of the State.

Climate Change:

The project area surrounding the Cosumnes River is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated

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in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

The proposed project is within Flood Zone A, AE and Zone X of the Cosumnes River 100-year floodplain. The replacements of the Cosumnes River and Cosumnes River Overflow bridges lay within critical floodplain (Zone A and AE). The replacement bridges will have a smaller footprint within the floodplain because the area of the new bridge supports would be smaller than the area of the existing bridge supports. New bridge decks will be placed at a higher elevation, creating additional freeboard and ground surfaces that will be elevated above the 100-year floodplain.

Conclusion:

For the reasons stated above, staff believes the approval of the proposed rights-of-way will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed permit; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval of the permit and right-of-way map is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may not replace its bridge structures as planned.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. The Applicant has filed a map showing the proposed rights-of-way with the Commission.

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4. Section 101.5 of the Streets and Highways Code requires the Applicant to determine the reasonable value of the proposed rights-of-way and to deposit that amount in the State Parks and Recreation Fund.
5. A Negative Declaration, State Clearinghouse No. 2019039070, was prepared by the California Department of Transportation, District 3, and adopted on May 20, 2019, for this project. Staff has reviewed this document.

EXHIBITS:

- A. Site and Location Map
- B. Section 101.5 Right-of-Way Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Negative Declaration, State Clearinghouse No. 2019039070, was prepared by California Department of Transportation, District 3, and adopted on May 20, 2019, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the permit to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State California Environmental Quality Act (CEQA) Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of the proposed permit and right-of-way map will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the permit; and is in the best interests of the State.

AUTHORIZATION:

Authorize a Public Agency Permit and approve a Right-of-Way Map as submitted by the California Department of Transportation pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, effective October 24, 2019, for two permanent rights-of-way with a term of continuous use plus 1 year and four temporary rights-of-way until completion of construction, for the replacement of four existing bridge structures with two new bridge

STAFF REPORT NO. **26** (CONT'D)

structures over the Cosumnes River and the Cosumnes River Overflow, as shown on Exhibits A and B, attached and by this reference made a part hereof.

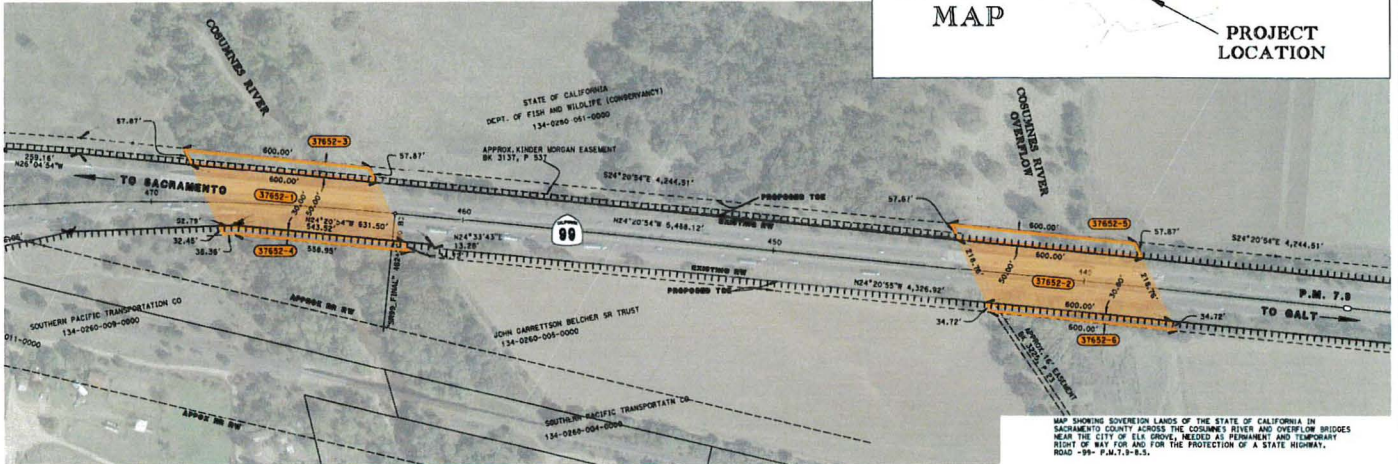
NO SCALE

SITE

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

STATE APPLICATION MAPPING EXHIBIT B STATE HIGHWAY 99 IN SACRAMENTO COUNTY POST MILES 7.1-9.4 SEC. 20 T.6N. R.6E.

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.



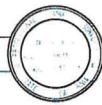
VICINITY MAP

PROJECT
LOCATION

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION TO DESCRIBE AN APPLICATION FOR STATE LANDS MADE PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE.

Brian D. Fox
JUNE 4, 2019



STATE OF CALIFORNIA STATE LANDS COMMISSION

THIS MAP IS HEREBY APPROVED AND FILED FOR RECORD WITH THE STATE LANDS COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE. THE SOVEREIGN LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION AS THEY MAY LIE WITHIN THE RIGHT OF WAY LINES SHOWN ON THIS MAP ARE HEREBY RESERVED FOR HIGHWAY PURPOSES.

APPROVED MEETING _____ 20____
STATE LANDS COMMISSION
BY _____ DEPUTY CHIEF, DIVISION OF LAND MANAGEMENT AND CONSERVATION

Temporarily Reserved
for Highway Purposes
 Permanently Reserved
for Highway Purposes

NOTES

1. Conflicting and overlapping maps on GCS 1983 (NAD83) datum.
2. All distances are in feet unless otherwise noted.
3. All distances are in feet unless otherwise noted.

LEGEND

- Access Prohibited
- Access Suppressed
- Existing R/W Suppressed
- Access Suppressed (Hatched)
- Indicate Radial Bearing
- Indicate Found Monument
- no return
- Indicate Calculated
- point, does not imply monument set
- title to State
- Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
STATE APPLICATION MAP
FOR
PERMANENT PARCELS 37652-1, 37652-2
AND
TEMPORARY PARCELS 37652-3 THRU 37652-6

LEGEND

FULL SIZE MAP SCALE: 1" = 150'

TO DESIGN: EASE(103-OF-282 (OF 280) FARM CHECKED BY: _____

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
3	SAC	99	7.9	1	1

PROJECT ID: 010312000089

BRIDGE REPLACEMENT STATE HWY 99 AT CONSUMMES RIVER

NO SCALE

LOCATION

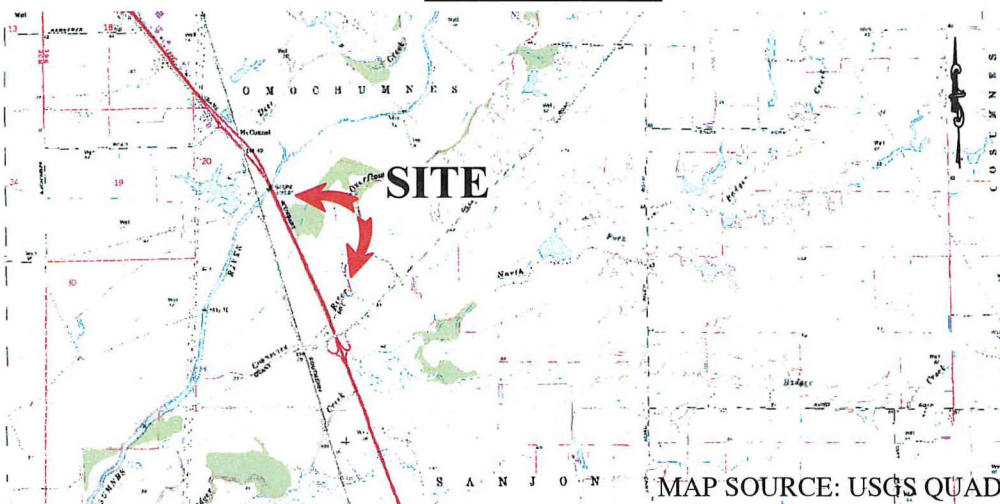


EXHIBIT A

A2131
CALIFORNIA DEPARTMENT
OF TRANSPORTATION
SECTION 101.5 STREETS &
HIGHWAYS CODE
SACRAMENTO COUNTY



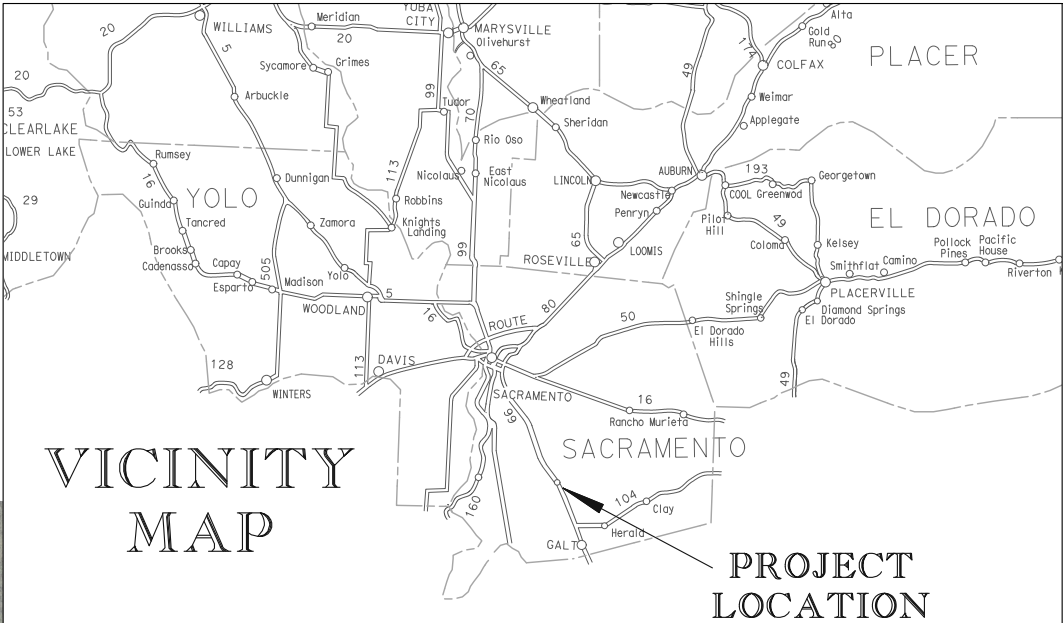
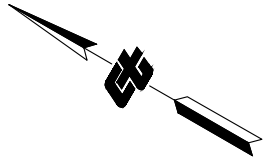
THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

JAK 4/01/16

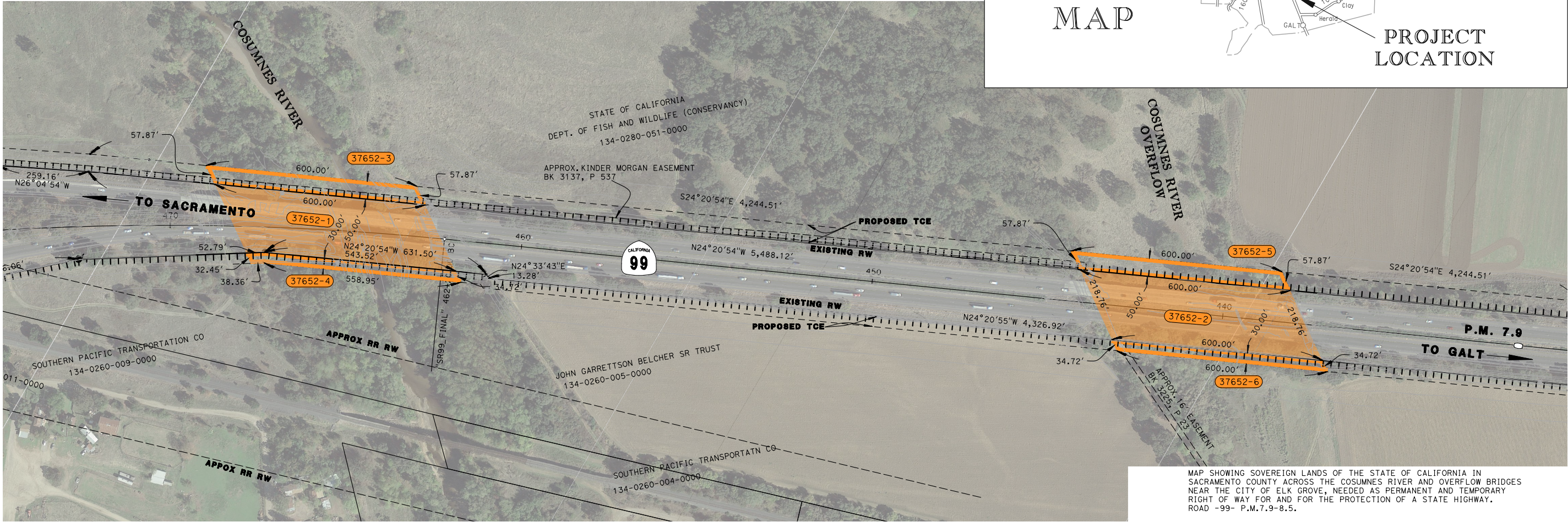
EXHIBIT B

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

STATE APPLICATION MAPPING
EXHIBIT B
STATE HIGHWAY 99
IN SACRAMENTO COUNTY
POST MILES 7.1-9.4
SEC. 20 T.6N. R.6E.



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.



MAP SHOWING SOVEREIGN LANDS OF THE STATE OF CALIFORNIA IN SACRAMENTO COUNTY ACROSS THE COSUMNES RIVER AND OVERFLOW BRIDGES NEAR THE CITY OF ELK GROVE, NEEDED AS PERMANENT AND TEMPORARY RIGHT OF WAY FOR AND FOR THE PROTECTION OF A STATE HIGHWAY. ROAD -99- P.M.7.9-8.5.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION TO DESCRIBE AN APPLICATION FOR STATE LANDS MADE PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE.

Brian D Fox

PROFESSIONAL LAND SURVEYOR

JUNE 4, 2019

DATE



STATE OF CALIFORNIA
STATE LANDS COMMISSION

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APPROVED: MEETING _____ 20__

STATE LANDS COMMISSION

BY _____ DEPUTY CHIEF, DIVISION OF LAND MANAGEMENT AND CONSERVATION



Temporarily Reserved
for Highway Purposes



Permanently Reserved
for Highway Purposes

NOTES

Coordinates and bearings are on CCS 1983 (2004.69) Zone 2. Distances and stationing are grid distances. Divide by 0.99999 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

- Access Prohibited
- Access Superseded
- Existing R/W Superseded
- Access Opening (Private)
- Indicates Radial Bearing
- Indicates Found Monument as noted
- Indicates calculated point. (Does not imply monument set)
- Title to State
- Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

STATE APPLICATION MAP

FOR
PERMANENT PARCELS 37652-1, 37652-2
AND
TEMPORARY PARCELS 37652-3 THRU 37652-6

FULL SIZE MAP SCALE: 1" = 150'

TO DESIGN: EA(s):03-0F282 (OF280) FA#:

DRAFTED BY: BDF CHECKED BY:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
3	SAC	99	7.9	1	1