

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 21, 2009

FROM: CITY MANAGER

SUBJECT: SUPPORT FOR SENATE BILL 545 (CEDILLO)

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to submit a letter of support for Senate Bill 545 (Cedillo) to Governor Schwarzenegger.

BACKGROUND:

Senate Bill 545, authored by State Senator Gilbert Cedillo, Los Angeles, was passed by the California Senate on Friday, September 11, 2009 and is now on the desk of the Governor. The bill mandates that any proposed extension of the Interstate 710 freeway, should an environmentally acceptable and fiscally feasible alignment be determined, be built in a below grade tunnel. The bill would provide that the 710 freeway between Valley Boulevard in the City of Los Angeles and Del Mar Boulevard in the City of Pasadena can not be constructed as a surface or above-grade highway. In essence, the bill would lessen noise, socioeconomic, relocation, air quality, cultural resource and similar impacts in the portions of Pasadena, South Pasadena, Los Angeles and Alhambra associated with completion of the 710 freeway as a surface route.

SB 545 would also extend the time from 10 to 20 years that an impasse on the adoption of an alignment to close a freeway gap must exist before Caltrans may proceed with implementation in the absence of an agreement with cities along the alignment. Under the current provision in Section 100.4 of the State of California Streets and Highways Code, Caltrans is exempted from the need to obtain agreement from the cities along the Interstate 710 freeway extension route since the period of impasse has already existing for more than 10 years. SB 545 would reset the clock to 2014 before the need for concurrence on the route by affected cities would take effect.

Presently, many of the major north/south arterial streets in the southwest portion of the City are operating at capacity during peak hours with overflow traffic spilling onto residential streets. In March 2001, Pasadena voters supported completion of the 710 freeway through this area of the City by approval of Measure A. However, the Caltrans Notice of Determination for the Environmental Impact Report (EIR) associated with the originally contemplated surface transportation project was withdrawn in 2004 and is no longer under consideration in favor of a tunnel solution to this critical traffic concern. The City, as set forth in the 2009 Pasadena State Legislative Platform, supports both the tunnel approach along with the \$780 million financial commitment from Measure R funding for the tunnel project.

Similarly, the Southern California Association of Governments (SCAG), has included the project in the regional transportation plan since 1989 and in the regional transportation improvement program, the multimodal capital outlay program for the region, since 1991. The 710 freeway project, according to SCAG, relieves heavy traffic congestion on the surface streets of the cities in the corridor and, in so doing, contributes to achieving conformity with federal and state air quality standards.

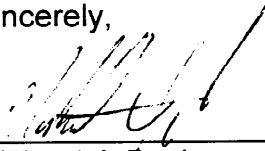
The Cities of South Pasadena and Alhambra both expressed support of the bill prior to passage. Subsequent to the bill passing, the Department of Finance has taken a position of opposition on the basis that restricting construction to a tunnel would also make hundreds of state owned properties, a significant number located in Pasadena, available as surplus properties eligible for sale, which under the previously enacted Roberti bill, would have to be sold at below market value. The sale at below market value would deprive the state of needed income at this time of economic difficulty.

While the tunnel provision of SB 545 would make many of the surface properties surplus, SB 545 does not contain any language to require the tunnel to be constructed now. Rather, Caltrans is still subject to satisfying all applicable state and federal requirements for the location and design of a freeway route. Should a feasible tunnel route be identified, federal and state environmental documents would need to be prepared and certified and a cost-effective design would need to be prepared. As noted above, the state has vacated its Notice of Determination on the past EIR and, further, the Federal Highway Administration has vacated its Record of Decision on the previous design for the extension of the Interstate 710 freeway. Caltrans would be remiss in declaring the properties surplus until such studies have been completed, since without those studies it is not possible to identify which portions of the surface right-of-way owned by Caltrans would be needed to support a tunnel route

FISCAL IMPACT:

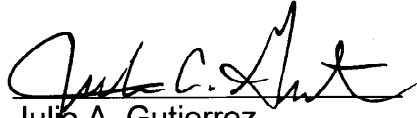
Support of SB 545 would have no immediate fiscal impact to the City.

Sincerely,



Michael J. Beck
City Manager

Approved by:



Julie A. Gutierrez
Assistant City Manager

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY JUNE 30, 2009

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 545

Introduced by Senator Cedillo

February 27, 2009

An act to amend Section 100.4 of, and to add Section 622.2 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, as amended, Cedillo. Freeway construction.

Existing law requires the Department of Transportation to enter into an agreement prior to any closure of a city street or county highway due to construction of a freeway with a city council or board of supervisors having jurisdiction. Existing law provides an exception to those provisions for a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted.

This bill would limit this exception to construction of a segment of a freeway that consists solely of a subsurface transportation facility, as specified. The bill would also require, as a condition for the exception to apply, that an agreement with one or more counties and cities is not possible because an impasse has existed for 20 or more years after an initial route was adopted.

Existing law establishes State Highway Route 710 from State Highway Route 1 to State Highway Route 210 in Pasadena.

This bill would provide that State Highway Route 710 between Valley Boulevard in the City of Los Angeles and Del Mar Boulevard in the City of Pasadena may not be a surface or above-grade highway.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 100.4 of the Streets and Highways Code
2 is amended to read:

3 100.4. Notwithstanding Section 100.2, the department may
4 construct a segment of a freeway that consists solely of a subsurface
5 transportation facility, without an agreement with a county or city,
6 on the route determined by the commission, if all of the following
7 conditions have been met:

8 (a) The freeway is included within the California freeway and
9 expressway system and a route has been adopted.

10 (b) Construction has commenced, but has not been completed,
11 leaving an existing gap between the constructed portions of the
12 freeway.

13 (c) The subsurface transportation facility shall be a tunnel with
14 the alignment to be determined by the department after the
15 completion of environmental studies. Cut and cover construction
16 technology may be employed only at the entrance and exit ~~portals,~~
17 ~~and neither portals.~~ *Neither portal shall encroach on territory of*
18 *the City of South Pasadena, and the northern portal shall not be*
19 *constructed south of Palmetto Drive in the City of Pasadena.*
20 However, cut and cover technology may also be used in areas
21 necessary to construct tunnel ventilation structures, emergency
22 exits, and any other mitigation measures required for the tunnel.

23 (d) In addition to the adopted route, there is at least one feasible
24 alternative route as determined by the department.

25 (e) A draft environmental impact report or statement has been
26 prepared on the unconstructed portion of the freeway.

27 (f) The affected freeway segment is within the jurisdiction of
28 the Los Angeles County Metropolitan Transportation Authority.

29 (g) An agreement with one or more counties and cities pursuant
30 to Section 100.2 is not possible because an impasse, as evidenced
31 by the lack of freeway agreements by all affected jurisdictions,
32 has existed for 20 or more years after an initial route was adopted.

1 (h) Under the conditions set forth in subdivisions (a) to (g),
2 inclusive, the commission shall hold public hearings as it may
3 deem necessary, review the draft or final environmental impact
4 report or statement, and consider the recommendation and records
5 of the authority and other documents as it may deem advisable.
6 The commission shall take into consideration all the traditional
7 factors of route selection by the state, including the question of
8 least adverse economic and physical impact on the communities
9 involved, but any previous selection by the commission or its
10 predecessor shall not be considered binding.

11 (i) The environmental impact report or statement shall examine
12 the potential impacts of alternative route alignments on the
13 communities involved. The definition and scope of these
14 communities shall reflect the sense of community of residents
15 within and immediately adjacent to the adopted route and alternate
16 route location.

17 (j) The department shall prepare a draft environmental impact
18 report or statement. The commission may hold public hearings on
19 the draft environmental impact report or statement as it deems
20 necessary. The department shall prepare a final environmental
21 impact report or statement after the completion of the public review
22 period of the draft environmental impact report or statement. The
23 commission shall select a route after the completion of the
24 environmental impact report or statement.

25 (k) If the route selected by the commission differs from a prior
26 route adopted by the commission or a prior recommendation by
27 the authority, the commission shall set forth, as a part of its decision
28 statement, the reasons for the route selected.

29 (l) For any freeway segment constructed pursuant to this section,
30 the department shall establish an outreach program to maximize
31 the participation of businesses and professionals from within the
32 county in which the freeway segment is located in the construction
33 of the freeway segment.

34 (m) As used in this section, "authority" means the Los Angeles
35 County Metropolitan Transportation Authority.

36 SEC. 2. Section 622.2 is added to the Streets and Highways
37 Code, to read:

- 1 622.2. Route 710 between Valley Boulevard in the City of Los
- 2 Angeles and Del Mar Boulevard in the City of Pasadena shall not
- 3 be a surface or above-grade highway.

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