

CALIFORNIA

# Highway 99 Soundwall Community Safety and Enhancement Project

99



## Project Guide



Highway 99 Soundwall Community Safety and Enhancement Project

---

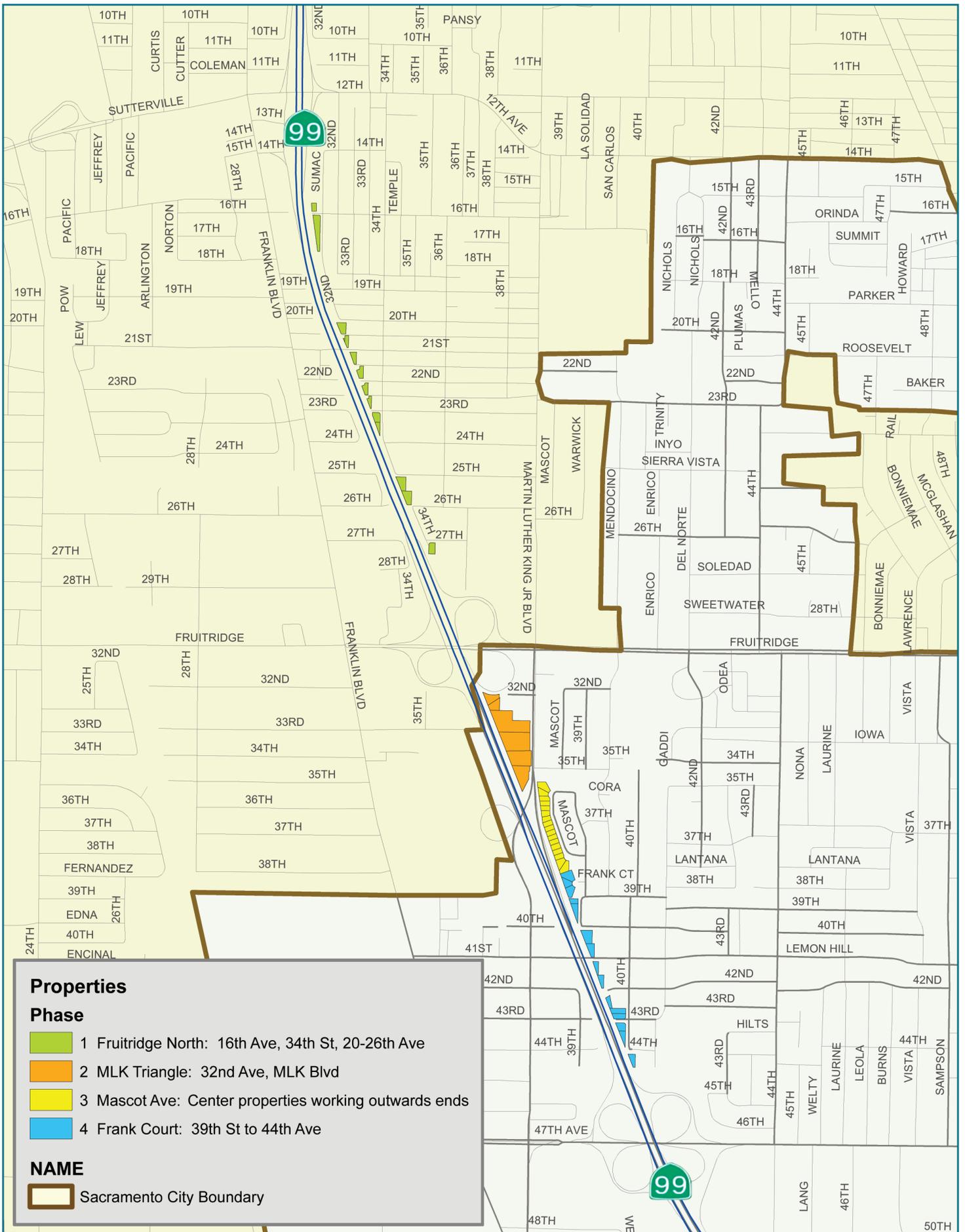
# Project Guide

PREPARED BY



February 2011

# Highway 99 Community Safety and Enhancement Project Area



# Project Guide



Existing conditions in the Highway 99 Community Safety and Enhancement Project Area.

ALONG MANY SOUNDWALLS IN THE STATE, Caltrans maintains a fenced right of way between nearby homes and businesses so it can access and maintain the soundwall. In some communities, this practice has had unintended consequences, creating an alley way or thoroughfare that leaves properties vulnerable, provides easy access for criminal activity, and greatly increases Caltrans maintenance costs and liability concerns.

Caltrans District 3 and the City and County of Sacramento have partnered to develop an innovative approach that will help improve the conditions of a Sacramento community while dramatically reducing maintenance costs for Caltrans.

The purpose of this guide is to present the lessons learned from the Highway 99 Community Safety and Enhancement Project. The guide is intended as a resource for Caltrans districts interested in collaborating internally and with outside partners to initiate a similar process, with the goal of improving public safety and aesthetics. In these pages, you will find:

- A Project Description
- An Overview of the Planning and Sales Process
- Key Issues and Community Concerns
- Key Players
- Lessoned Learned
- Conclusion

## PROJECT DESCRIPTION

The land between the soundwall and right of way fences along Highway 99 in the Sacramento area is not unlike similiar areas throughout the state. These excess lands are often underutilized and, in many cases, create conditions that make it possible for blight and crime to prosper.



Mascot Avenue: project area "Phase 3."

Through this pilot project, Caltrans will sell the excess land situated along the Highway 99 soundwall to adjacent property owners, remove unwanted trees and vegetation, and reposition fencing to allow owners to secure their newly acquired lands up to the soundwall. This approach removes the existing thoroughfare and further restricts access to adjoining properties.

With this approach, Caltrans retains a highway easement in order to access the soundwall. However, the agency is no longer responsible for day-to-day maintenance, resulting in benefits for all parties involved. District 3 successfully worked through many of the internal coordination issues and secured the legal approval needed to allow Caltrans property to be transferred at no direct cost to private landowners.<sup>1</sup>

This pilot project includes right of way excess lands and adjacent properties along the east side of the Highway 99 corridor between 12th Avenue and 47th Avenue in the Sacramento area. There are a total of 45 properties in the project area, most of which are private, single-family residences.

One of the primary objectives for this project is to promote environmental justice through improved public safety within the project area, which is a multi-lingual, multi-cultural and predominantly low-income community. Key issues of concern in the project area include criminal activity such as trespassing, vagrancy, illegal refuse disposal and vandalism. These vacant lands have become an attractive dumpsite and a place where home-

less encampments have been established. In addition, the right of way provides access to the back yards of many homes and serves as an escape route for vandals and criminals.

All the while, Caltrans District 3 expends significant resources every year to maintain the right of way. Public dollars are regularly spent to remove trash, graffiti, and hazardous and human waste; maintain overgrown trees and vegetation; repair damaged fencing; respond to complaints, and patrol the area.

Caltrans' efforts near Sumac Lane, just north of the project area, helped to demonstrate the potential benefits associated with extending property fences to the soundwall to eliminate the thoroughfare and associated crime. The Sumac Lane experience also established an important precedent for this pilot process by demonstrating the need to transfer ownership of excess freeway right of way to adjacent property owners, and not to rely on the use of no-cost encroachment permits as a solution to this type of problem. While the use of an encroachment permit allowed Sumac Lane residents to fence the area and eliminate trespassing, this created a situation where, when title changed, new homeowners believed they owned the property. Unfortunately, encroachment permits are not recordable documents that follow title of property.

District 3 initiated the Highway 99 pilot project in 2008. In 2009, the professional services of MIG were procured as a means to conduct extensive outreach to the community, followed by the formation of a multi-functional, interagency Project Development Team (PDT). The PDT is composed of Caltrans District 3 Right of Way, Planning and Maintenance, and City of Sacramento and Sacramento County representatives.

<sup>1</sup> More information about the cost of property can be found in the "Key Issues and Community Concerns" section beginning on page 5.

## Project Benefits

**Long-term savings.** Caltrans will greatly reduce its annual maintenance responsibilities and related costs. The project will also result in savings for California Highway Patrol, which is responsible for security enforcement along the right of way. The project may potentially reduce cost for local governments, as well, by resulting in fewer calls for service.

Caltrans estimates that the project will pay for itself within three years. Estimated project costs and eliminated maintenance costs (savings) are listed in Table 1 below:

TABLE 1: PROJECT COST-BENEFIT ANALYSIS	
PROJECT	COSTS
Support Costs	\$120,000
Fencing and Materials	\$25,000
Tree Removal	\$250,000
<b>TOTAL</b>	<b>\$395,000</b>
ANNUAL MAINTENANCE	COSTS
Ongoing Fence Repair Per Year (20 feet w/2 posts – 85 times per year at \$450 per repair)	\$38,250
Annual Hazmat Clean-Ups	\$4,000
Annual Vegetation & Debris Clean-Ups	\$104,500
<b>TOTAL</b>	<b>\$146,750</b>

**Community safety and aesthetics.** Transferring ownership and extending property fencing to the soundwall along the corridor significantly reduces illegal trespass, essentially eliminating the opportunity for illegal dumping, vagrancy, and other associated human health and safety hazards. Importantly, this can also greatly improve security.

**New property.** Participation in the project results in more land for adjacent commercial and residential owners. In some cases, residential property owners are more than doubling the size of their back yards, creating more space for a number of uses, including space to play and garden. Adjacent owners also gain control of main



Above: January 26, 2011 community meeting at Pacific Elementary School.

taining land that, in the eyes of some landowners, has not been adequately maintained. Transfer of the property will occur at no direct cost to the property owners.

## OVERVIEW OF PLANNING AND SALES PROCESS

The PDT for this project represented a close collaboration between the City and County of Sacramento and District 3 Planning, Right of Way and Maintenance. The PDT met on a regular basis beginning in Fall 2009, working closely with input from District 3 Environmental, Surveys, and the Public Information Office, and Headquarters Legal and Right of Way.

The PDT designed and conducted ongoing public involvement as part of the process, targeting property owners and residents in the project area. Public communications and outreach tools and methods used included:

- Door to door outreach in the project area
- Project update letters (delivered by mail)
- A regularly updated project webpage ([www.99soundwall.org](http://www.99soundwall.org))
- Two community meetings held at different locations in the project area



With assistance from MIG, the PDT developed and distributed the following outreach materials in both English and Spanish:<sup>2</sup>

- A step-by-step guide to the purchasing process
- Project timeline
- A set of frequently asked questions
- Planting and landscaping guidelines

The following step-by-step guide outlines the key steps in the property purchase and transfer process. This guide is intended as a resource for participating landowners and other interested parties.

1. **Survey of Excess Lands.** Caltrans conducts surveys of the properties.
2. **Deeds & Maps.** Caltrans completes deeds and maps of the properties.

3. **Appraisal.** A Caltrans agent appraises the value of the land.
4. **Sales Contract.** Caltrans presents a proposal for direct sale of the property to adjacent property owners.
5. **Sales Approval.** Caltrans initiates approval by the California Transportation Commission (CTC).
6. **Deed Returned.** CTC returns the approved deed to Caltrans.
7. **Property Fencing.** Caltrans will modify existing fencing to secure the new property.
8. **County Recording.** The deed and preliminary ownership form are processed by the County recorder's office.
9. **Caltrans Posting.** Caltrans posts and updates its maps to reflect the change in ownership status.
10. **Deed Sent.** Caltrans sends the deed to property owners.

<sup>2</sup> All outreach materials are available to view or download at [www.99soundwall.org](http://www.99soundwall.org).



Sketch of project area existing conditions used in outreach materials.

In response to community concerns, District 3 will also remove unhealthy and unwanted trees and fence and clean the area so that property owners assume responsibility for these lands, in good condition.

### KEY ISSUES AND COMMUNITY CONCERNS

Close, ongoing internal coordination and clear and regular communication with property owners and jurisdiction partners has been essential to the success of this process. The following captures the concerns identified by property owners, as well as the key issues that have impacted Caltrans internal process and scope of responsibility.

**Surveying and director's deeds.** This step is essential in allowing the project to move forward. Caltrans excess land projects are often lower priority compared to capital improvement projects. At the same time, surveying and drawing deeds and maps for this project required a significant investment in time. The project team divided the project area into four phases, with the goal of creating a more manageable implementation process with respect to deed creation and processing. In the case of Highway 99, the commitment of upper management was essential and necessary to maintain the project schedule and momentum.

**Cost of property.** Caltrans is selling the underlying fee to adjoining property owners. District 3 determined an appropriate selling price of one dollar for excess land parcels. This cost is based on the amount that Caltrans pays when it acquires underlying fee. Because the cost of processing this transaction far exceeded the selling price, Caltrans is waiving payment entirely. According to the



Sketch of final proposed concept.

Right of Way Manual, Caltrans is responsible for paying recording fees. No documentary transfer taxes will be assessed by the County.

Originally, the PDT had determined an estimated selling price of \$300 per parcel. This dramatic reduction in cost was the result of successful communication with upper management, and represents an important win for the project team that eliminated one of the primary road-blocks to property owner participation.

**Impact on land value and property taxes.** Many property owners in the Highway 99 project area expressed concern over the potential change in land values and property tax increases that would result from expanding their property. Working with the County assessor to provide an answer to the question of whether property taxes would increase as a result of sale was critical to building community support and participation for this project. Given the purchasing price of one dollar (\$1.00), the County assessor determined that associated property taxes would increase by only one cent (\$0.01). The assessor provided property owners with a signed letter of commitment conveying this information.

**Property fencing.** Maintenance determined that it was possible to streamline fence installation by providing the labor and cost to secure the newly defined parcels for property owners. Maintenance was concerned with maintaining the integrity of the soundwall, and decided that installing fencing themselves would reduce the likelihood of soundwall damage. The PDT also believed that the cost of fencing new properties would deter some property owners from participating. District 3 intended to limit its costs by using both new and recycled fencing materials.

## Project Guide

**Tree removal.** During the community outreach process for this project, many property owners expressed that they would be far less likely to participate if it meant they were to assume responsibility for management and maintenance of existing trees along the soundwall right of way. Some property owners voiced particular concern with trees that represented potential fire or safety hazards or particular maintenance burdens, such as the Eucalyptus. In response, Caltrans District 3 surveyed all of the trees in the project area to determine their condition.

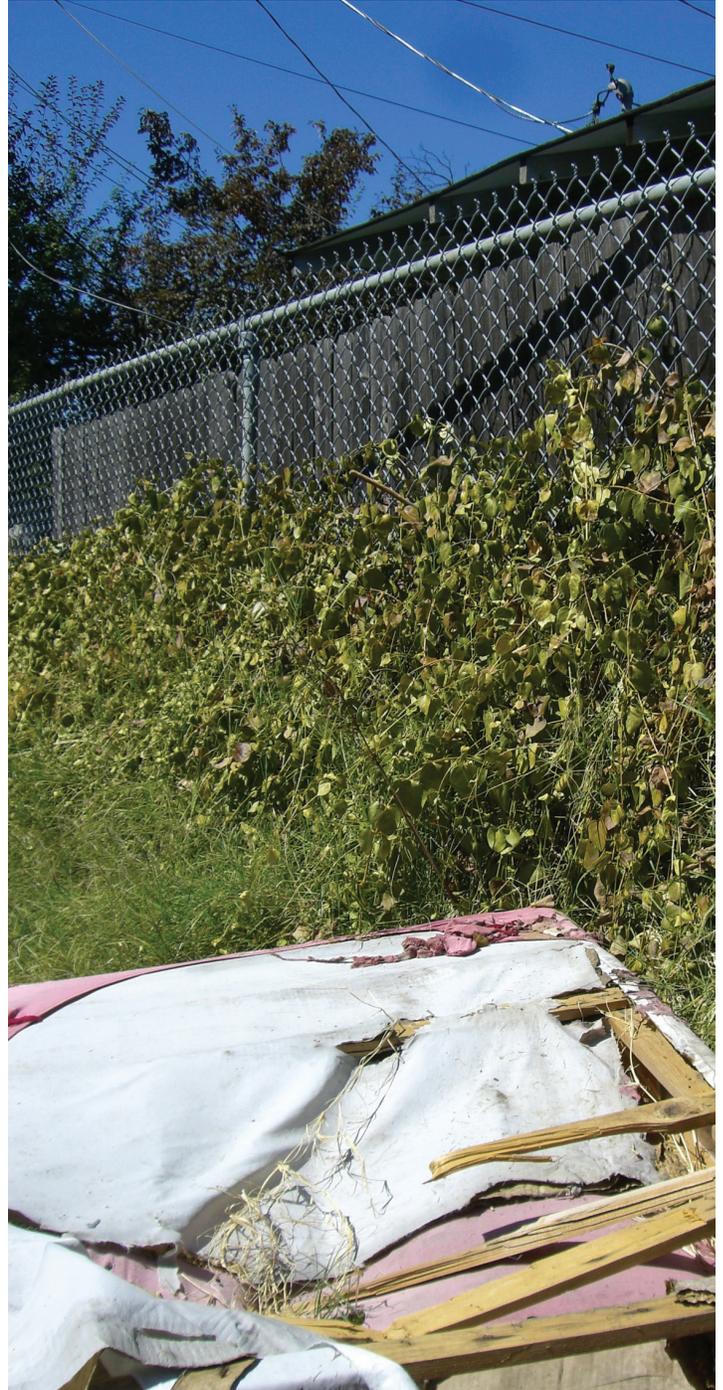
District 3 decided to remove all dead or unhealthy trees that may be hazardous first, and to then remove all other unwanted trees of owners participating in the program. Environmental considerations and regulations prevent trees from being removed during bird nesting season (February 15th through September 15th) without inspection by a biologist first.

**Contractor and Union Issues.** Caltrans is required to hire outside contractors to conduct work that falls outside of its regular and ongoing responsibilities. In the case of this project, District 3 learned that it cannot hire a contractor to remove the trees in the project area, and that it must use its own crews to perform this work. At the same time, District 3 must hire a contractor to install project fencing.

**Property clean-up.** Before removing trees, installing fencing, and transferring the property as part of this project, Caltrans will have to remove all homeless encampments, trash, hazardous waste, and large debris. District 3 plans to remove homeless encampments and clean up the property once before removing trees and once prior to fence installation and property transfer.

### KEY PLAYERS

The table on the next page outlines the roles and responsibilities of the agencies and organizations involved in the Highway 99 Community Safety and Enhancement Project. Roles and responsibilities evolved over the course of the project.



*Existing conditions in a nearby alleyway.*

**TABLE 2: PROJECT PARTNERS**

<b>INTERAGENCY PARTNERS</b>	
<i>Division/Organization</i>	<i>Roles and Responsibilities</i>
Maintenance	<i>PDT member. Secured resources for the project (internal). Responsible for regular maintenance, property clean-up, tree removal, and procuring contract for fence installation. On-the-ground communication with the community.</i>
Right of Way	<i>PDT member and primary point of contact with the community. Developed sales contracts and associated memorandum of agreement. Facilitate and secure legal approvals. Process and record deeds and coordinate with California Transportation Commission (CTC) for sale approvals. Relay community concerns. Responsible for entire sales process. Coordinated with Headquarters Right of Way as needed.</i>
Right of Way Engineering/Surveys	<i>PDT member. Surveyed property and developed legal description of properties. Created parcel and location maps.</i>
Planning	<i>PDT member. Secured professional services of MIG. Project Manager for the overall process. Facilitated community and local government involvement and the coordination of Caltrans functional units. Facilitated executive team briefings and project updates, and responsible for keeping the project moving forward.</i>
Executive Management	<i>Provided project support and direction. Responsible for briefing HQ upper management, CTC staff, and local elected officials.</i>
Environmental	<i>Prepared environmental documents related to sale of the right of way and tree removal.</i>
Legal	<i>Consulted Right of Way regarding potential legal concerns at the start of the project, and approved project from legal perspective. Approved the memorandum of agreement, and reviewed and approved contract of sale and other documents.</i>
Public Involvement Officer	<i>Maintained communication with Planning throughout the process to determine appropriate timing to share project information with the public. Positive media and public relations.</i>
<b>OUTSIDE AGENCIES AND ORGANIZATIONS</b>	
<i>Division/Organization</i>	<i>Roles and Responsibilities</i>
<i>City of Sacramento/ Neighborhood Services</i>	<i>Participated actively on project development team. Consulted the project team on key community issues, and community outreach and communications. Provided local elected official staff briefings to keep them informed of the process.</i>
<i>Sacramento County/ Neighborhood Services</i>	<i>Participated actively on project development team. Consulted the project team on key community issues, and community outreach and communications. Provided local elected official staff briefings to keep them informed of the process. Worked with Caltrans Right of Way to consult with the County Assessor's office to address community concerns regarding property tax re-assessment.</i>
<i>Sacramento County Assessor's Office</i>	<i>Provided clear information about the project's impact on property taxes. The assessor did not reassess property owners' land as a result of transfer of title of excess land, and will ultimately merge the new underlying fee with the current APN, thus preventing multiple special interest taxes. Provided a letter conveying this information for property owners.</i>
<i>MIG</i>	<i>Facilitated PDT meetings, developed project materials, and designed and facilitated the community engagement process. Subcontracted to conduct door-to-door outreach in the project area. Consulted Caltrans on project public relations and communications.</i>

## AGENCY PERSPECTIVES

“This project demonstrates that government agencies at the state and local level and the public can work together to come up with creative solutions that benefit all.”

*Derrick Lim, Neighborhood Services Manager, City of Sacramento*

“This project represents a new way of doing business for Caltrans. In some cases, the agency does not own excess land, but rather excess rights to land, if transferred, could provide real benefit to the local community.

*Jacob Pace, Caltrans District 3 Surveying*

## LESSONS LEARNED

### Interagency and Stakeholder Coordination

**Get the right people at the table.** This process required ongoing collaboration among a number of divisions within the agency. Collaboration with local jurisdictions was also critical to the project’s success. Table 2 on the previous page outlines key players and their roles and responsibilities.

**Identify everyone who will be impacted and keep them informed.** Not everyone impacted participated as part of the project team. In fact, some organizations did not have the resources or capacity to be involved regularly. Examples include California Highway Patrol, local elected officials and neighborhood associations. However, the PDT kept them informed of the process over the life of the project.

**Contract of sale.** Obtaining Legal approval of the contract of sale was an important step in this project. The contract of sale includes clauses that address slopes, trees, drainage and utility issues. In addition, a memorandum of sales agreement is referenced both in the Director’s deed and the contract. The memorandum of sale is a verbatim copy of sections of the contract that

are not parcel/adjoining owner-specific. It also identifies that Caltrans retains a highway easement and identifies allowables uses and property use restrictions.

**“Anticipate what you can’t anticipate.”** The Highway 99 project team did the best it could to anticipate all potential community issues and concerns and identify possible solutions prior to meeting formally with the community. This helped ensure that it was able to present a convincing case for property owner participation.

**“Don’t say it can’t be done!”** District 3 never assumed it couldn’t be done. The project team continued to press consideration of potential solutions by different departments and Legal. While some issues were resolved more quickly than others, the project has shown the high level of internal cooperation that can be achieved to accomplish significant benefits for the agency and community.

### Community Outreach and Communications

**Be responsive to community concerns.** The Highway 99 team listened to what the property owners wanted and needed. In doing so, it learned that some community concerns have a greater impact on the project

## PROPERTY OWNER PERSPECTIVE

“All those who are making this project a reality are not just giving us a little more land to add to our properties, but are also giving us the peace of mind we need to know that we are safer....As a community we have an opportunity to work together with state officials to make this project a success.”

*David Zic, Pastor, Sacramento Reformed Adventist Church*

than anticipated, requiring identification and design of appropriate responses and solutions. Some issues that seemed minimal, such as maintenance of existing vegetation, were of paramount importance to some community members. Resolving some of these same issues is even more important for persons with limited resources or disabilities.

**Designate a community contact.** In the case of Highway 99, the project team identified two primary contacts: the Project Manager (Planning) and the Right of Way Agent. A Spanish-language contact was also identified. In addition, a consultant known to the community was hired to perform door-to-door communication with property owners. The right of way agent assumed responsibility for coordinating and sending written project updates and communications, and both the right of way agent and the Planning project manager served as telephone/email contact for potential participants with questions.

**Create simple and effective outreach materials,** including easily readable project maps and timelines. The Highway 99 project team created a project webpage ([www.99soundwall.org](http://www.99soundwall.org)) to provide project information for both Agency staff and community stakeholders and

members, using the existing statewide Corridor System Management Plan web portal.

### **Communicate in languages other than English.**

The project neighborhood is home to a very diverse community and included a high percentage of Spanish-speaking residents. While many residents are bi-lingual, some preferred to hear about the project opportunity and details in their native language. The Highway 99 Project Team provided Spanish translations of all materials, Spanish language interpretation at the community meetings, and contact information for an in-house Spanish-speaking project representative on all outreach materials.

### **Assign Caltrans staff that are local to the project area.**

The Highway 99 Soundwall team was able to build positive rapport with the community relatively easily, in large part because of one Maintenance team member's existing relationships in the community and his on-the-ground knowledge of the project area.

### CONCLUSION

The contents of this guide are a product of the observations, hard work and successes of the Project Development Team for the Highway 99 Soundwall Community Safety and Enhancement Project. The success of this project required the steadfast commitment of a number of Caltrans divisions to work together to respond actively to community requests and concerns and to overcome internal obstacles.

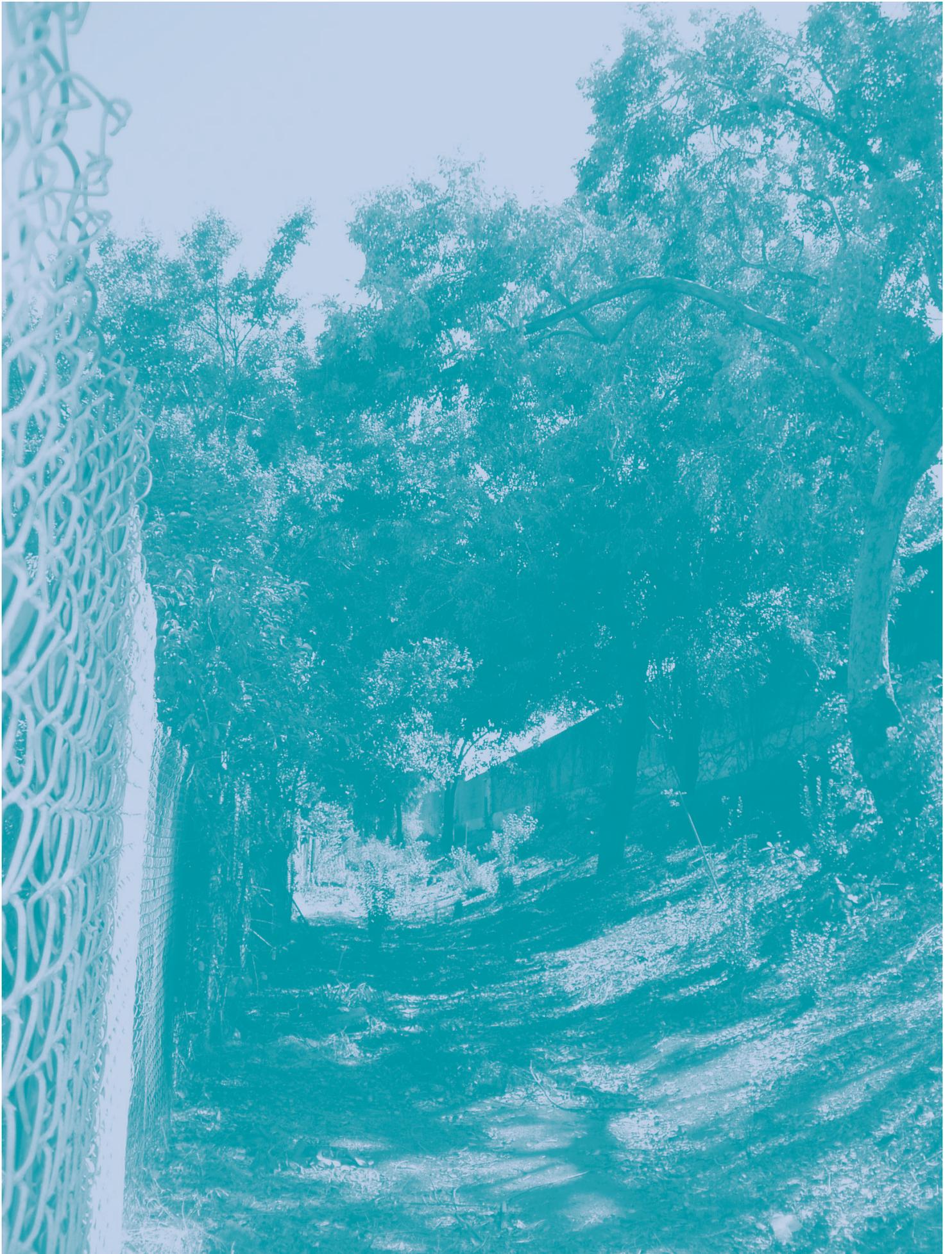
A large part of the project's success can be attributed to a project team willing to be innovative and to think outside the box, and its collective desire to be successful and maintain credibility within the community. The support and involvement of upper management at key milestones, and thinking strategically about the timing of community outreach and communications, were also instrumental to ensuring progress and property owner participation.

District 3 has been very successful in building community support for this project and overcoming a number of

potential project roadblocks. At the time of this writing, District 3 has successfully:

- Secured Legal approval for the project
- Determined the property cost of one dollar (\$1.00) and waived all fees
- Determined that the property tax re-assessment will amount to an increase of one cent (\$0.01)
- Held two community meetings
- Sent contracts to property owners
- Completed the inventory of trees on Caltrans lands
- Completed survey work
- Cleared major debris in anticipation of property fencing and transfer

However, there is still work to do and lessons to learn. For more information about this project, contact Nieves Castro, District 3 Planning, at (530) 741-4564, or Eva Marie Gordon, District 3 Right of Way, at (530) 741-4414.





For more information about this project, contact Nieves Castro, District 3 Planning, at (530) 741-4564, or Eva Marie Gordon, District 3 Right of Way, at (530) 741-4414.

Also, visit [www.99soundwall.org](http://www.99soundwall.org).