

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 20-21, 2026

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4e.(2), Action Item

Prepared By: René Fletcher, Chief
Division of Right of Way and Land Surveys

Subject: **RESCINDING RESOLUTION OF NECESSITY**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) CR-175, rescinding Resolution C-22583, because the timeframe for filing lawsuits passed while additional complexities to acquire were discovered during negotiations?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission adopt Resolution CR-175. In accordance with Department requirements, the Owner has been advised that the Department is requesting the rescission of Resolution C-22583 as summarized below.

BACKGROUND:

Resolution of Necessity C-22583, adopted by the Commission on October 16, 2025, authorized condemnation of an Outdoor Advertising (ODA) sign for the Marysville Railroad Bridge Rehabilitation project. The sign requires relocation to accommodate the Marysville Underpass (UP).

After adoption, a mutually agreeable replacement site was not identified by the Lessee and Owner. As a result, additional time beyond the six-month period required to file an eminent domain action is needed for the parties to reach an agreement.

Rescission of the Resolution is therefore necessary. This will give the Owner and Lessee time to develop a feasible relocation plan and will protect the Department from potential inverse condemnation claims or related damages.

CR-175-OWNER: UNION PACIFIC RAILROAD (LESSEE: OUTFRONT Media LLC)

03-Yub-70-PM 15.1 - Parcel 37864-A - EA 0H1609.

Right of Way Certification Date: 12/02/25; Ready to List Date: 12/03/25. Conventional highway - Roadway rehabilitation. Authorizes condemnation for removal of two ODA signs. Located in the city of Marysville near Post Mile 15.1 next to the railroad tracks.

Assessor's Parcel Number 009-015-004.

The public interest and necessity require the proposed project.

In the city of Marysville, State Route (SR) 70 from south of 14th Street to north of 24th Street has two Union Pacific Railroad (UPRR) overpasses which have deficient vertical clearances. The Marysville UP and the Binney Junction UP bridges have been struck multiple times by vehicles, significantly impacting traffic and railroad operations. Large volumes of freight and goods movement occur along SR 70, resulting in deteriorating pavement conditions and requiring exhaustive maintenance. In addition, there are inadequate pedestrian and bicycle facilities to facilitate mobility options for the students at the local high school which is within the project limits.

The project proposes to widen SR 70 to current standards and reconstruct the Marysville and Binney Junction underpasses to the required vertical clearances, ensuring safe and efficient travel of various modes of transportation.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

An Environmental Impact Report and Environmental Assessment were prepared, in compliance with the California Environmental Quality Act and the National Environmental Policy Act, analyzing the potential environmental impacts of the project and required mitigations. The document was approved in February of 2025.

The Project Development Team (PDT) developed and analyzed two alternatives with considerations for environmental implications, constructibility challenges, impacts to the traveling public, and overall safety, mobility, and connectivity of various modes of travel.

Alternative 1 evaluated widening SR 70 to the east, constructing the new Marysville UP and associated tracks to the north of the existing structure, and constructing the new Binney Junction UP and associated tracks to the south of the existing structures. Alternative 2 evaluated widening SR 70 to the east and constructing both underpasses and associated tracks south of the existing structures. The no build alternative was not a viable option since existing conditions do not satisfy the project's purpose and need to improve safety, mobility, and connectivity.

After extensive analysis of the alternatives, the PDT concluded that a hybrid of Alternative 1 and Alternative 2 best met the project goals, provided the greatest benefit, and least impact to property owners, residents, and the community. This hybrid alternative avoided the acquisition of numerous commercial and residential properties including a Veterans' Care Center and a historic residence eligible for listing in the National and California

"Improving lives and communities through transportation."

Register of Historic Places.

The rejected alternative would have also landlocked multiple properties, requiring additional acquisition of private lands to construct public roads to perpetuate access.

The property rights to be condemned are necessary for the proposed project.

The property rights consist of an ODA sign that is located on property owned by UPRR. The ODA sign is located along the east side of SR 70, just south of the Marysville UP. The UP needs to be relocated to accommodate the project and to ensure that proper vertical clearance is met at this location. This location frequently experiences freight traffic hitting the structure which results in closure of SR 70 and the rail line.

The relocation of the Underpasses is causing the realignment of UPRR Tracks 683, 685, Valley Subdivision, and the Sacramento Subdivision tracks. The ODA sign is on property that will be needed to accomplish this work. Additional work at this location includes construction of retaining walls to support the track realignment. The ODA sign will need to be relocated to accommodate the work within the temporary construction easement area of UPRR's property.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved by District 3 Right of Way management on June 4, 2025. The First Written Offer was sent via certified mail on July 1, 2025. The Owner's attorney has requested that the acquisition be handled through the eminent domain process due to a significant difference in opinion pertaining to value. The Agent continues to work with the Owner towards a settlement.

Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

Resolution of Necessity (RON) C-22583, adopted October 16, 2025, needs to be rescinded since an eminent domain lawsuit was not filed within the six-month period following its adoption. This step is essential to protect the Department from any potential inverse condemnation claims or related liabilities, and to ensure that all parties involved have the necessary time to negotiate a feasible relocation plan.

Attachments

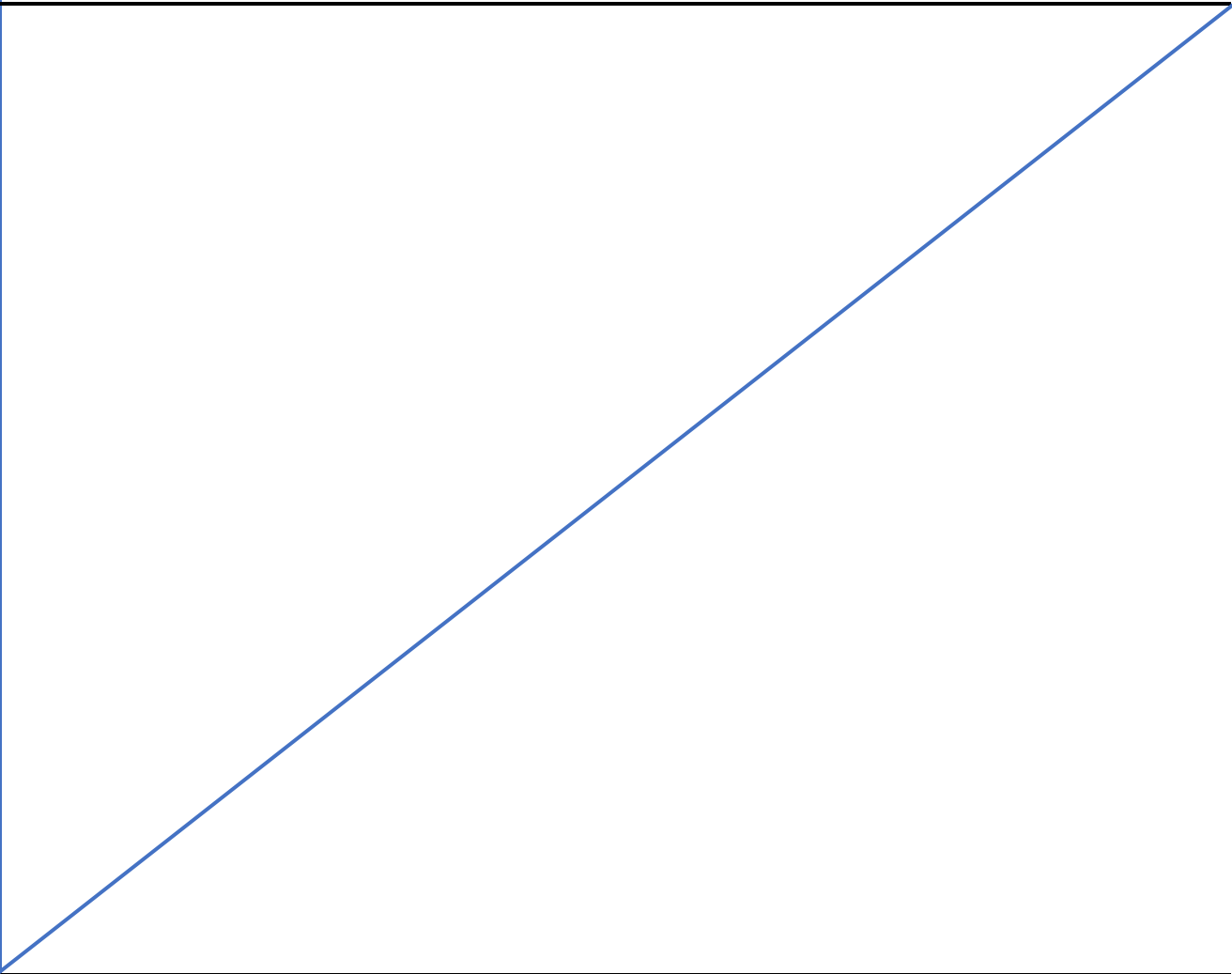
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**TRANSPORTATION COMMISSION
RESOLUTION NO.**

CR-175

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-22583
ADOPTED October 16, 2025, PROJECT 03-Yub-70 PM 15.1

RESOLVED, that the action of the California Transportation Commission taken on
October 16, 2025, in adopting Resolution of Necessity No. C-22583 as to parcel 37864-A
therein, which resolution authorized condemnation of removal of two ODA signs, located in
the County of Yuba, 03-Yub-70, is hereby rescinded.



APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

PARCEL 37864-A: For the purpose of extinguishing all outdoor advertising sign easements, leases, and license agreements, together with extinguishing access rights to said advertising signs, over the land described herein as that real property situated in the City of Marysville, County of Yuba, State of California, being a portion of the lands described in that certain deed recorded November 9, 1893, in Book 42 of Deeds, at Page 249, Yuba County Records, described as follows, to wit:

Portions of Lots five (5), six (6), seven (7) and eight (8) Block number sixteen (16) Range C, and more particularly described as follows, to wit: commencing at a point on the westerly line of B Street in said City of Marysville which is fifty (50) feet distant measured at right angles southwesterly from said centerline; thence northerly along said westerly line of B Street two hundred and fifty eight (258) feet more or less to a point fifty (50) feet distant measured at right angles northeasterly from said centerline; thence northwesterly following the curvature of said centerline and at a uniform distance of fifty (50) feet measured at right angles northeasterly therefrom sixty (60) feet more or less to the south line of 18th Street in said City of Marysville; thence westerly along said south line of 18th Street one hundred and ten (110) feet more or less to a point fifty (50) feet distant measured at right angles southwesterly from said centerline; thence southeasterly following the curvature of said centerline and at a uniform distance of fifty (50) feet measured at right angles southwesterly therefrom three hundred and forty (340) feet more or less to a place of beginning.

OCT 16 2025

California
Transportation Commission**TRANSPORTATION COMMISSION
RESOLUTION NO.****C-22583**

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 03-Yub-70-PM 15.1 PARCEL 37864-A
OWNER: UNION PACIFIC RAILROAD
LESSEE: OUTFRONT Media LLC

Resolved by the California Transportation Commission after notice (and hearing)
pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and
hereby declares that:

The hereinafter described real property is necessary for State Highway purposes
and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
102;

The public interest and necessity require the proposed public project, namely a State
highway;

The proposed project is planned and located in the manner that will be most
compatible with the greatest public good and the least private injury;

The property sought to be acquired and described by this resolution is necessary for
the public project;

The offer required by Section 7267.2 of the Government Code has been made to the
owner or owners of record; and be it further

RESOLVED by this Commission that the Department of Transportation be and said
Department is hereby authorized and empowered;

APPROVED AS TO FORM AND PROCEDURE*Paul R. Brown*

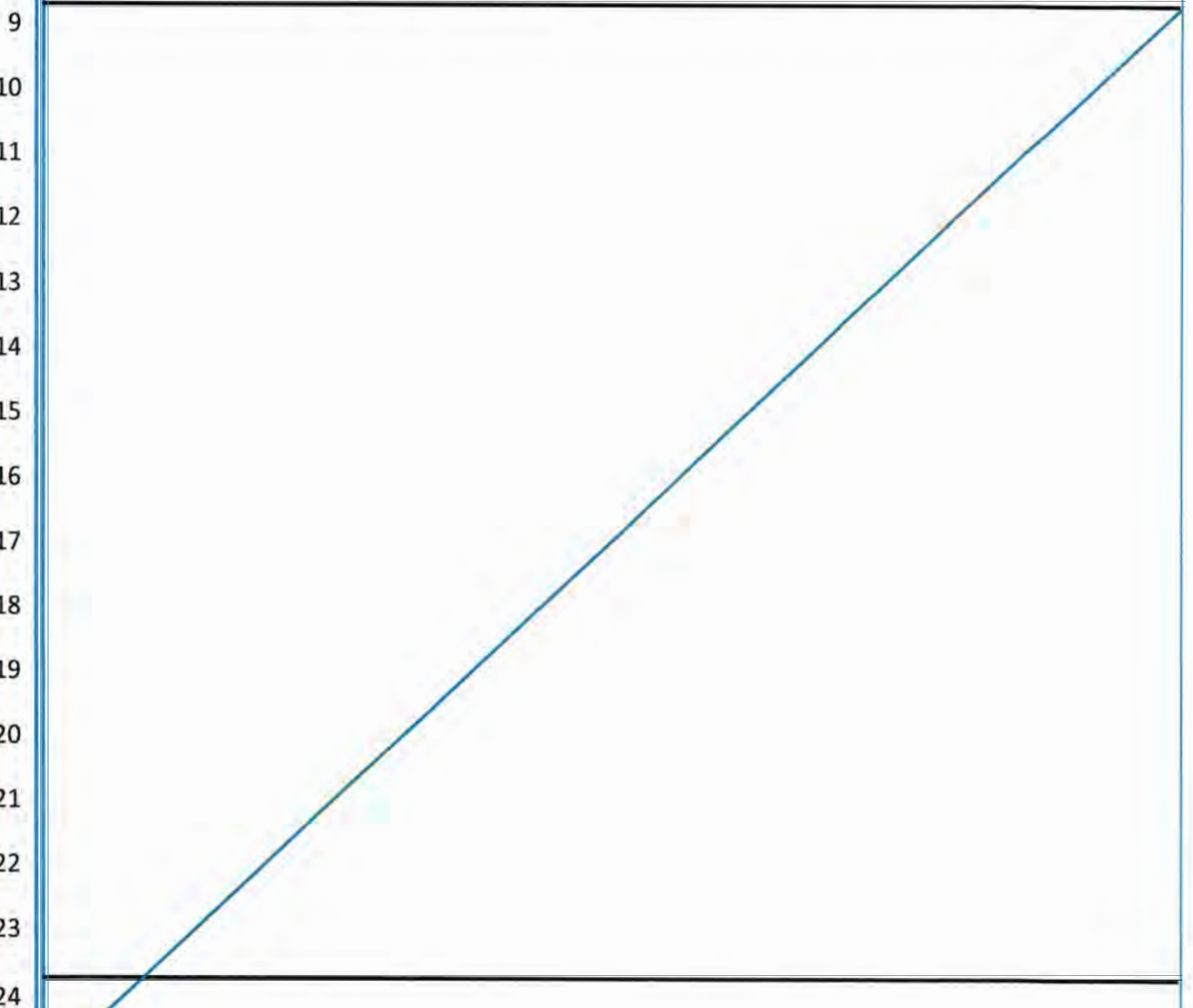
Attorney, Department of Transportation**APPROVAL RECOMMENDED**

Emma Pham

DIVISION OF RIGHT OF WAY

1 To acquire, in the name of the People of the State of California, in fee simple
2 absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter
3 described real property, or interests in real property, by condemnation proceeding or
4 proceedings in accordance with the provisions of the Streets and Highways Code, Code of
5 Civil Procedure and of the Constitution of California relating to eminent domain;

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Yuba,
8 State of California, Highway 03-Yub-70 and described as follows:



PARCEL 37864-A: For the purpose of extinguishing all outdoor advertising sign easements, leases, and license agreements, together with extinguishing access rights to said advertising signs, over the land described herein as that real property situated in the City of Marysville, County of Yuba, State of California, being a portion of the lands described in that certain deed recorded November 9, 1893, in Book 42 of Deeds, at Page 249, Yuba County Records, described as follows, to wit:

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THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 16th day of October, 2025, in Merced and that the foregoing is a full and correct copy of the original resolution.
Dated this the 16th day of October, 2025.



TANISHA TAYLOR, Executive Director
CALIFORNIA TRANSPORTATION COMMISSION