



Item #05-12-16
Action

SACOG Board of Directors

December 2, 2005

Action Regarding Shingle Springs Interchange Project

Issue: Whether to include the proposed Shingle Springs interchange in the public review draft of the Metropolitan Transportation Plan (MTP).

Recommendation: The Strategic Planning Committee will meet on December 9 and make a recommendation at the December 15 Board meeting.

Committee Action/Discussion: A recommendation on how to handle the Shingle Springs interchange in the MTP will be made by the Strategic Planning Committee following the release date for the full Board packet. That recommendation will be given at the SACOG Board meeting. Attached is the agenda item that went to the Strategic Planning Committee for their review and recommendation.

Approved by:

Mike McKeever
Executive Director

MM:gg

Attachments

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Item #05-12-1
Action

Strategic Planning Committee

December 2, 2005

Update on Shingle Springs Interchange Project

Issue: Whether to include the proposed Shingle Springs interchange in the public review draft of the Metropolitan Transportation Plan (MTP) that the Board will act on at its December meeting

Recommendation: That the Strategic Planning Committee consider the facts as we best understand them at this point in time and make a recommendation to either include or exclude the interchange in the public review draft of the MTP.

Discussion: After the Strategic Planning Committee met in closed session on this topic on September 2, four important events have occurred:

1. An official from Washington, D.C. Bureau of Indian Affairs (BIA) sent a letter received September 26, 2005 stating that the Shingle Springs interchange is not included in the Indian Reservation Roads Transportation Improvement Plan (IRR TIP) of the Shingle Springs Band of Miwok (Band).
2. The California Appellate Court ruled on November 8, 2005 that the Environmental Impact Report for the interchange did not adequately address CEQA issues relative to air quality and other issues, confirming that portion of District Court Judge Lloyd Connelly's trial court ruling.
3. The El Dorado County Transportation Commission (EDCTC) adopted an updated Regional Transportation Plan on October 6, 2006 that did not include the interchange. According to the staff of the EDCTC, the Band did not request that the interchange be included in that plan or appeal the plan.
4. Sue Kaiser, Federal Highway Administration (FHWA), sent a letter dated November 23, 2005 stating that the interchange was included in the IRR TIP, and that BIA officials in Washington, D.C. and the FHWA had agreed to add a footnote to the plan specifying that this was the case.

Enclosed you will find a string of correspondence on this complex and important topic. The Board must decide whether to include or exclude the project in the public review draft of the MTP we are asking it to approve in December. A final decision on whether to include the interchange in the MTP does not need to be made until February, 2006. Because of the ever changing nature of the "facts" surrounding this issue staff will wait until the Committee meeting on December 9 to determine its recommendation on this topic to the Board. However, in the interest of notifying all the affecting parties and the Board at this time we are leaning towards recommending making no mention of the interchange in the plan. The basics of the thinking underlying this are:

- We have included the interchange in the technical air quality modeling for the Rate of Progress State Implementation Plan. This means that whether or not the interchange is explicitly included in the new MTP we will have an amendable MTP, avoiding the risk of shutting down the region's ability to proceed with capacity building projects in the future.
- Federal law clearly states that IF the interchange is included in the IRR TIP that it is "without further action" included in the MTP. Our attorneys interpret this language to mean it does not matter whether we list the project in the MTP or not.
- There seems to us a high likelihood that the Band, El Dorado County, and state and federal agencies will continue for some time to disagree over whether the project currently is or is not included in the IRR TIP at this time. As staff, we are very troubled by the fact that SACOG was not consulted in any way during the most recent discussions that led to the footnote being added to the IRR TIP. We believe there is a possibility that FHWA and others did not follow proper procedures in adding this language (see attached correspondence from Mike Brady, attorney representing El Dorado County.) This makes us reluctant to recommend including the project explicitly in the MTP at this time, especially in light of our Memorandum of Understanding with El Dorado County that states we will not include projects in our MTP that are not also included in their RTP.
- Finally, this is just the public review draft. The Board does not need to make a final decision until February. Perhaps by then some of the confusion surrounding the status of this project in the IRR TIP will be resolved.

Approved by:



Mike McKeever
Executive Director

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Attachments

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