



Senate Bill 1210 Impact to Project Delivery

Presented by:

Bimla Rhinehart
Division Chief

Caltrans, Division of Right of Way and Land Surveys



Background on Kelo

- Kelo vs. City of New London
 - Condemnation for Redevelopment
 - Blight and/or Tax Base purposes are allowed
- State of California
 - Condemnation for Redevelopment
 - Blight only

Condemnation Requirements for Transportation Projects



1. The public interest and necessity require the project.
2. The project is planned/located in a manner that will be most compatible with the greatest public good and the least private injury.
3. The property is necessary for the proposed project.

Condemnation Requirements for Transportation Projects (cont.)



4. An offer to acquire the property has been made to the owner of record (in compliance with Government Code Section 7267.2).

Caltrans Project Development Process



- Caltrans Goal
 - Avoid or minimize impacts to adjacent properties and resolve property owner issues at the earliest opportunity.
- When Impacts occur
 - 49 CFR Part 24 - The Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs... "The Uniform Act" is followed.
 - Timely offers based on approved appraisals.
 - Reasonable time to consider offer
 - Relocation Assistance to potential Residents and Businesses

Caltrans Condemnation Process



- Impasse in Negotiations
 - Condemnation Panel Evaluation Meeting
 - Level 1 Hearing
 - Condemnation Panel Review Meeting
 - Level 2 Hearing
- Dry Run prior to CTC Meeting

R/W Statistics



Fiscal Year	Total Parcels Acquired	Un-Contested RON's Adopted by the CTC	RON's w/ Appearances Adopted by the CTC	Total RON's Adopted by the CTC
05/06	1151	273	15	288
06/07	1028	189	9	198
07/08	1693 (Proposed)	138	4	142



Senate Bill 1210

- Senate Bill 1210 became effective 1/1/07, and changed the R/W acquisition process in two ways:
 - Provided uncertainty on the effective date for Order of Possession
 - Offer to reimburse the property owner for cost of their appraisal, up to \$5,000.

Senate Bill 1210 (cont.)

Order for Possession Process



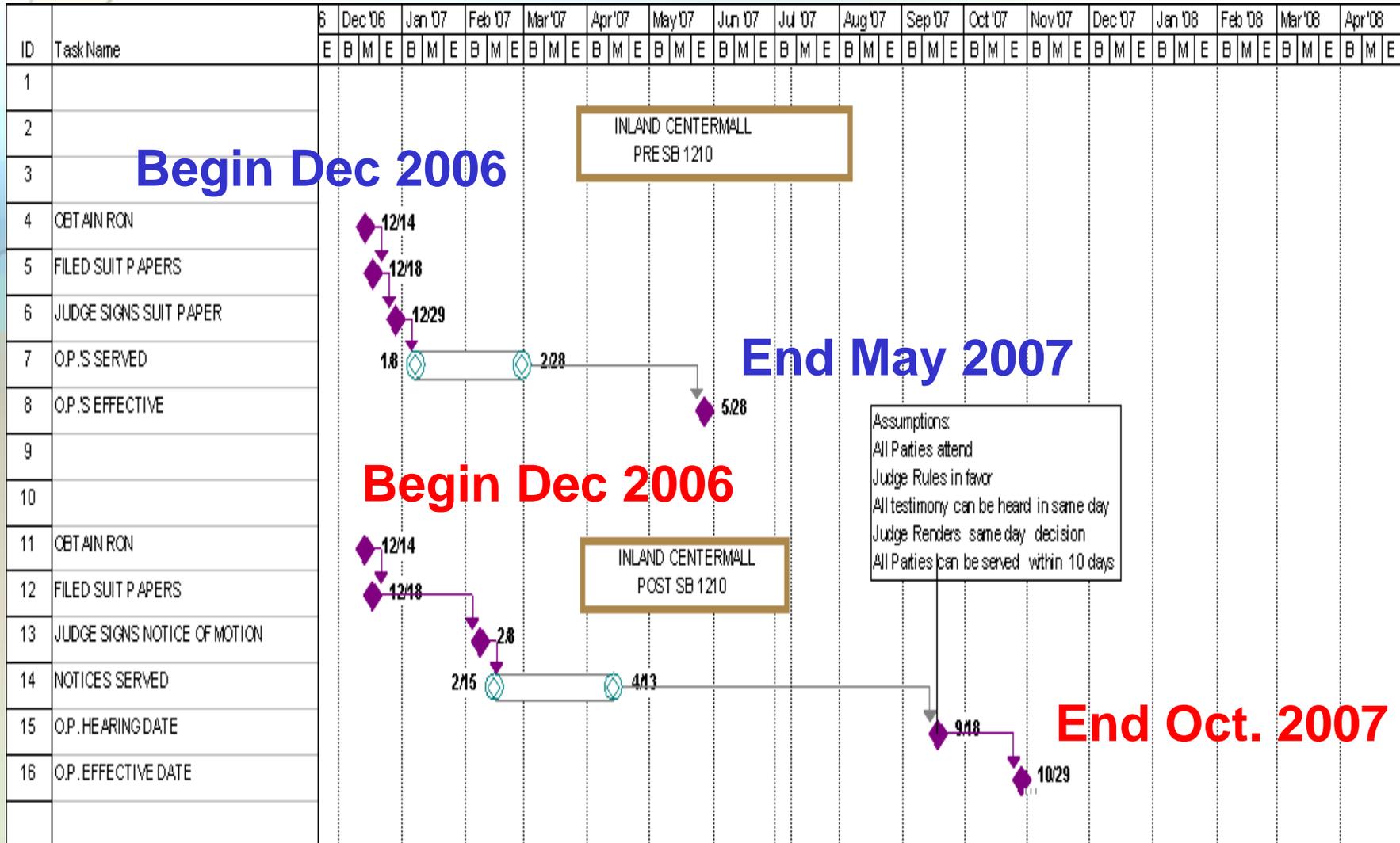
Prior to Senate Bill 1210

- Advance notice to property owners was not a requirement.
- Order for possession effective within 30 or 90 days (unoccupied vs. occupied)

Post Senate Bill 1210

- Advance notice to property owner is now a requirement..
- Court hearing on the motion must be set 60 or 90 days after last noticed motion service

Example of SB 1210 Impact





R/W Certifications

- Certification No. 1 – Full legal and physical possession of all necessary right of way.
- Certification No. 2 – Do NOT have full legal and physical possession of ALL the parcels because one (or more) parcels are controlled by an agreement that gives possession pending transfer of title.

R/W Certifications (cont.)



- Certification No. 3 – Do NOT have full legal and physical possession of ALL the parcels because one (or more) parcels are NOT controlled by the Department. However, there is a date certain of when control will be obtained.
 - Project can be advertised, however, Certification must be upgraded to a 1 or 2, a minimum of 15 days prior to bid opening.

R/W Certifications (cont.)



- Certification No. 3W (with Workaround)
 - There is legal possession but not physical possession.
 - Agreements have been reached with the property owners to give them the right to use the property until a certain date.
 - Need not be upgraded to a Certification 1 or 2, must be updated 15 days prior to bid opening.
 - The project can be advertised, bids opened, and contract awarded – Contractor must workaround some of the parcels.

Projects Impacted by Senate Bill 1210

- 159 Resolution of Necessities approved by CTC
- 38 projects impacted
 - CMIA Projects



QUESTIONS??