PASSED BY

CTC

FEB 22 2001

CALIFORNIA
TRANSPORTATION COMMISSION

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Procedure for Leasing Airspace to Public Entities

Resolution G-01-12
Amending and Replacing Resolution G-6

1.1 WHEREAS, Section 104.12(a) of the Streets and Highways Code authorizes the Department of Transportation to lease the use of airspace above and below State highways to public entities in accordance with procedures to be prescribed by the California Transportation Commission; and

1.2 WHEREAS, Section 104.12(b) of the Streets and Highways Code authorized the Department of Transportation to make airspace available, with or without charge, to public entities for mass transit facilities; and

1.3 WHEREAS, Section 14013 of the Government Code provides that the Director may lease airspace to local agencies for public purposes and may contribute toward the costs of developing local parks and other such recreation facilities on such areas;

2.1 NOW THEREFORE BE IT RESOLVED that the California Transportation Commission hereby authorizes the Department to enter into leases with public agencies without specific California Transportation Commission approval for each airspace lease whenever the Department finds:

That the lessee is a public entity as defined in the Public Contracts Code.
That the lease will fulfill a public purpose.
That the Department will receive fair market rent for the property.

2.2 BE IT FURTHER RESOLVED that all leases or other written agreements with public entities for mass transit facilities, for less than market rent, will require specific California Transportation Commission approval;

2.3 BE IT FURTHER RESOLVED that when it is determined that park or recreational use is appropriate, the Department may use as all or part of the consideration for a lease for park or recreational purposes any substantial benefits the Department derives from the local agency's maintenance or landscaping costs which would otherwise be the obligation of the Department whenever the Department finds:

That the lessee is a municipality or other local agency as defined in the Government Code.
That the use is for park or recreational purposes only
That the lessee agrees that whenever the leased land is needed for transportation purposes the lease shall terminate.

2.4 BE IT FURTHER RESOLVED that Resolution G-6 is hereby replaced.