



Metro Rail Project

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

#5

PROJECT MILESTONE

RIGHT - OF - WAY ACQUISITION & RELOCATION POLICIES & PROCEDURES

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FINAL REPORT

MILESTONE 5

RIGHT-OF-WAY ACQUISITION AND RELOCATION POLICIES
AND PROCEDURES

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Southern California Rapid Transit District
425 South Main Street
Los Angeles, California 90013

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FOREWORD

Since June 1980, the Southern California Rapid Transit District (SCRTD) has been engaged in the Preliminary Engineering phase of the Metro Rail Project. This project encompasses the preliminary design of an 18-mile subway, which will be the initial segment of Southern California's ultimate rapid transit network. As part of the 1976 Regional Transportation Development Program, Metro Rail is designed to help solve the increasing transportation problems of Los Angeles' high density urban center--the Regional Core.

Before Metro Rail goes into operation, it will have passed through the five conventional stages of rapid transit development: (1) planning and alternative analysis, (2) preliminary engineering/environmental impact analysis, (3) final design, (4) construction and (5) operational testing. The RTD successfully guided the Project through the first phase from 1977 to 1980 and has since been engaged in the Preliminary Engineering phase. This is an intensive 2 1/2 year program during which the key elements of the subway project are to be defined and designed. This phase encompasses the selection of the precise route alignment (where the trains will go), the station location (where the trains will stop), the preliminary station designs (what the stations will look like), the vehicle designs (what size the cars will be and how they will look), construction methods, etc.

Running in parallel with the design work will be an extensive, detailed analysis of the possible environmental impacts of this project on the affected communities along Metro Rail's downtown-to-North Hollywood route.

Pending the acquisition of necessary capital funding, the final design phase will commence, followed by a four-to-six-year construction period, and culminating with a system inspection and testing period.

The preliminary engineering work has been moving on schedule toward its mid-1983 completion schedule. This intensive effort is under the policy direction of the District Board of Directors: Mike Lewis, President; Ruth E. Richter, Vice President; Jan Hall; Marvin L. Holen; Carl Meseck, Thomas G. Neusom, Nick Patsaouras; Jay Price; Charles H. Storing; Gordana Swanson; and George Takei.

The preliminary engineering program is proceeding under the general direction of the SCRTD General Manager, and under the administrative and technical management of the Metro Rail project Manager/Chief Engineer. The District has also engaged the professional services of the following consulting firms for specialized consulting work: Daniel, Mann, Johnson, Mendenhall/Parsons Brinkerhoff, Quade & Douglas (Ways and Structures); Kaiser Engineers, Inc. (Subsystems); Harry Weese & Associates (Station Architectural Design); Booz-Allen & Hamilton, Inc. (Systems Analysis) Sedway/Cooke (Environmental Analysis); the Converse Consultants (General Geotechnical and Seismic Exploration); Lindvall-Richter & Associates (Special Geotechnical and Seismic Evaluation); Wilson-Ihrig Associates (Noise and Vibration); PSG/Waters (Corrosion Control); Gage-Babcock (Fire Protection); and Barton-Aschman (Patronage Estimates).

The Metro Rail Project Staff is responsible for direction and control of the consultant's work; together these groups form the Project Team.

During the next few months, decisions will be made on twelve vital interrelated points of project development--called "Milestones"--which will lead to the ultimate system definition. These milestones represent successive incremental steps in establishing a final system plan which will be the basis for detailed design and construction. Each milestone is a major decision point for the Metro Rail Project.

This report, the fifth of the twelve milestone reports, specifically addresses the acquisition and relocation policies that will guide the acquisition of right-of-way and relocation of families, individuals, and business displaced during the construction of the Metro Rail Project.

Milestone Five was prepared by Velma C. Marshall, a consultant, under the general supervision of the SCRTD General Manager and General Counsel.

EXECUTIVE SUMMARY

The Metro Rail Project, undertaken by the Southern California Rapid Transit District, will have a significant role in the future development of the Los Angeles region. Its impact will reach beyond giving the community an additional choice in how to get to work each day--such development initiates potential for a wider variety of lifestyle, new housing options, greater employment ranges and commercial expansion.

The project is currently in the preliminary engineering phase of an 18.6 mile initial segment of the ultimate rapid transit network. This phase of the project is scheduled for completion in mid-1983. Development of the project during preliminary engineering is being charted in 12 milestone reports, each corresponding to a vital, interrelated decision point of project development. To serve as a means of obtaining public input, extensive community participation programs have been established for each of the 12 milestones.

One of the major components of the development and construction of the Metro Rail Project is the acquisition of the real estate required for the system. This process will represent a sizeable portion of the cost of the system and will be the initial capital investment in securing a rapid transit system for Los Angeles' citizens. It is imperative that comprehensive policies and procedures are developed to assure the timely availability of real estate for construction of the system.

The basic policies and procedures which will regulate the real estate acquisition program for the Metro Rail Project are mandated by the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970. The Uniform Act was adopted to: (1) ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses, or farms as a result of public projects; and (2) in the acquisition of real property by a public agency, to ensure consistent and fair treatment for owners of real property, to encourage and expedite acquisition by agreement and to promote confidence in public land acquisition activities.

The Milestone 5 Report includes SCRTD's proposed policies and procedures to implement a public real estate program which conforms to the requirements of the Uniform Act. The key elements of the Milestone report are:

- o The proposed acquisition and relocation policies - These policies will provide the basic parameters for the development and operation of the real estate program.

- o The real estate process - The real estate process defines the steps involved in acquiring right-of-way and outlines how SCRTD will interface with property owners and occupants.
- o Relocation Services and Payments - The Uniform Act mandates certain services and payment to persons displaced because of public projects.

The information contained in this report has been made available to the public in the form of a Preliminary Draft Report dated July, 1982 and was presented and distributed at a series of public meetings. Responses to questions and comments on the Preliminary Draft Report resulting from public meetings held July 6, 7, and 8th, 1982 are presented in Appendix 4. A public hearing on the Draft Milestone 5 Report was held by the Board of Directors on August 12, 1982. Responses to questions and comments resulting from the hearing and from UMTA's review of the Draft Report are presented in Appendix 5.

CONCLUSIONS AND RECOMMENDATIONS

The acquisition of right-of-way is one of the major components of the development and construction of the Metro Rail Project. This process will represent a sizeable portion of the cost of the system. Therefore, it is imperative that comprehensive policies and procedures are developed to assure the timely availability of real estate for construction activities.

The Metro Rail Project will require the acquisition of a variety of real estate interests including full fee takes, partial takes, and easements of various types. Since a majority of the system will be in subway, a large portion of the acquisitions will be for subsurface easement rights. Other easements may include temporary construction easements, aerial easements, utility easements, drainage easements and the like.

A very preliminary review of the real estate requirements of the various alternatives reveal that as many as 500 to 600 parcels may be impacted by the system. The relocations required could vary from 100 to 200 residential and commercial displacements depending on the alignment and construction techniques selected.

It is recommended that the SCRTD Board of Directors adopt the policies identified below and the Metro Rail Draft Milestone 5 Report on Acquisition and Relocation Policies and Procedures.

The acquisition and relocation policies in the Milestone 5 Report are based on the requirements of the federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 and applicable State laws.

The recommended policies are as follows:

Appraisal Policies

1. Real property will be appraised before the initiation of negotiations with an owner.
2. The owner or his designated representative will be given an opportunity to accompany the appraiser during his inspection of the property.
3. The amount of Just Compensation for the property to be acquired will be established before the initiation of negotiations with an owner. In no event will this amount be less than the lower appraisal obtained by SCRTD.

4. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the announcement of the Metro Rail Project, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.
5. Appraisers will not give consideration to, nor include in their appraisals, any allowance for relocation assistance benefits.

Acquisition Policies

1. The SCRTD will acquire all properties which are necessary for the implementation of the Metro Rail Project.
2. No acquisition will be undertaken until the SCRTD Board of Directors has passed a resolution which identifies specific parcels as part of the Metro Rail Project; and authorizes acquisition by the General Manager.
3. All such approved properties will be acquired in fee simple unless a lesser interest is determined to be in the SCRTD's best interest and that adequate control can be obtained to assure the safe operation and construction of the Metro Rail Project.
4. Subject to approval by the Board of Directors, advance acquisition will be made whenever practical to:
 - a. forestall anticipated appreciation from development or speculation; or
 - b. alleviate a hardship on the property owner resulting from the SCRTD's interest in acquiring the property.
5. Every reasonable effort will be made to promptly acquire real property by negotiated purchase for the full amount of the approved just compensation.
6. The SCRTD will not take an action which is coercive in nature in order to compel agreement on price.
7. When negotiations are initiated, the owner will be provided a written statement which sets forth the amount established as just compensation and the basis of the determination.
8. If improvements or fixtures considered as realty are being separately acquired, and the owner of the land involved disclaims all interest in improvements of the tenant, a separate written offer will be provided to the tenant for the improvements.

9. The full amount of the approved just compensation will be paid to the property owner prior to the SCRTD taking physical possession of the property or requiring that the property be vacated by the property owner.
10. SCRTD will compensate the owner for expenses necessarily incurred for recording fees, transfer taxes, and escrow fees related to conveying the real property.
11. If the acquisition of only part of a property would leave the owner with an uneconomic remnant, SCRTD will offer to acquire that remnant, if the owner desires.
12. Condemnation of real property interest by SCRTD will be pursued only after all reasonable efforts to obtain the required property by negotiations have been exhausted.

Relocation Policies

1. SCRTD will use its own facilities, personnel and services to implement its relocation and acquisition programs.
2. To ensure that the public has adequate knowledge of the relocation program, SCRTD will present information and provide opportunity for discussion of relocation services and payments at public hearings, distribute relocation brochures and provide adequate notice of the relocation assistance program.
3. A relocation advisory program will be established in order to provide the maximum assistance possible to all persons required to relocate because of the Metro Rail Project.
4. Each displaced person will be provided written and verbal information which fully explains the relocation services and eligibility requirements for payments of replacement housing and moving expenses. Each displaced business will also be provided applicable information.
5. No person eligible for relocation payments and lawfully occupying real property will be required to move from a dwelling or to move his business without at least 90 days written notice of the intended vacate date.
6. Any applicant for a relocation payment who is aggrieved by SCRTD's determination as to eligibility for payment or the amount of the relocation payment may appeal that determination.

7. SCRTD will assure itself that, within a reasonable time prior to issuance of a Notice to Vacate, there will be available to displaced persons, decent, safe and sanitary replacement dwellings.

Property Management Policies

1. All property rights acquired for purposes of constructing and operating the Metro Rail Project will be managed by SCRTD.
2. SCRTD may permit an owner or tenant to occupy real property acquired on a rental basis for a short term or for a period subject to a termination by SCRTD on short notice.
3. The owner of improvements or appurtenances on land being acquired will be allowed the option of retaining improvements or appurtenances at a retention value predetermined by SCRTD.
4. SCRTD will expeditiously move to inspect vacant property and to protect against vandalism, fire, and rodent infestation.

Inherent in these policy statements is the assurance that SCRTD will pay certain relocation payments that are prescribed by the Uniform Act. At the present time, amendments to the Uniform Act and the prescribed payments have been introduced in Congress. These policy statements will be amended as necessary to comply with new provisions or requirements of the Uniform Act if and when the amendments are enacted.

I. INTRODUCTION

- o Which corridor was experiencing the greatest surface traffic congestion without any plans for relief?
- o Which alternative would reduce the greatest number of auto trips per day?
- o Which corridor would best accommodate city and county land use plans?
- o Which corridor might have the greatest impact on local air quality and energy savings?
- o Which alternative would offer the best opportunity for efficient operations?
- o Which alternative might provide the greatest economic benefits to the Los Angeles metropolitan area?

Concurrently, a comprehensive environmental impact analysis was conducted to examine the effects of each of the alternatives on the affected communities. In September 1979, the District Board of Directors selected its "preferred alternative" -- an 18-mile rail rapid transit line extending from the Central Business District through the Wilshire Boulevard area to Fairfax Avenue, and northerly through Hollywood to North Hollywood.

The results of this analytical work were published in the Final Alternatives Analysis/Environmental Impact Statement/Report and submitted to UMTA for evaluation in April 1980. Two months later, SCRTD was allocated \$12 million from UMTA and \$3 million from local sources to begin the first phase of the 10-year project -- preliminary engineering. This phase includes additional environmental analysis and the basic work leading to final design and construction. UMTA has noted that the Metro Rail Project is one of the most carefully studied and thoroughly justified projects of its kind in the country. It is the only project for which the current federal and state administrations and Congress have been willing to grant funds for preliminary engineering.

To date, combined government funding for preliminary engineering total approximately \$27 million. All indications are positive that the addition \$11 million necessary to complete this critical phase are forthcoming.

COMMUNITY PARTICIPATION PROGRAM

Given the history and experiences in other cities, it is most essential that the Metro Rail Project team maintains sensitivity to public interests and concerns by means of a public participation process before definitive plans are made. An extensive Community Participation Program has been established to meet that need. The purpose of the program, as adopted by the SCRTD Board of Directors, is to provide interested, concerned and impacted citizens of the Los Angeles area a means to interact with and provide input to the Project Team, City and County officials and the Board on Metro Rail Preliminary Engineering issues as well as on related areas of planning and development.

The key element to this program is the policy decision-making process, or Milestone Process. Community participants in this process will help the Project Team make decisions on 12 basic interrelated points of development--called milestones--which must be made during the Preliminary Engineering phase of the project. (These are the 12 most critical decision points of the project such as the route selection, vehicle design, cost estimates, etc.) It is through this mechanism that community participants will be informed of and be able to provide input into the most significant aspects of the Metro Rail Project.

This does not mean, however, that the District Board of Directors and involved local elected officials will relinquish their respective responsibilities for decisions. But it does mean that important decisions will be made with the overall values, needs and priorities of the community in mind, and only after the public has had a number of opportunities to provide input into the planning and decision-making process.

Since the greatest amount of public interest is expected from those who live and work in the areas most directly affected by the Metro Rail Project, the community involvement program has been structured to accommodate their participation by means of three organizational levels and structures:

- o The Sector Level. This base organization level has been divided into six key geographical areas along the alignment, called "sectors". Representatives from each of these sectors will participate in the appropriate groups of the next level of organization. Special organized groups will be encouraged to participate at this level.
- o The Segment Level. Sector representatives will form this second level of community organization. The sector participants will be grouped into three geographic segments along the alignment (i.e., the Central Business District Segment, the Wilshire segment and the Fairfax/-

Hollywood/North Hollywood Segment). They will discuss issues that affect these three broad segments. Representatives from each segment group will participate in the next level of organization.

- o The System Level. Segment participants will join other interested citizens, established organizations and special interest groups in forming this final level of community organization. The system level will convene meetings on more general issues which concern all segment and sector level groups. These representatives will serve as the primary level for conflict resolution of community project team concerns and recommendations.

The above structure has been developed for citizens to review, comment and have input into the twelve project milestone reports, which relate directly to the design, engineering and environmental impact of the Metro Rail Project. These milestones will be presented to the public in a series of community meetings throughout Preliminary Engineering.

Through the community participation process, the public will have three opportunities to review and comment on each milestone proposal.

- o Data Presentation Meeting. At the community meetings the Project Team will present its initial data, and discuss the pros and cons of alternatives relative to each particular milestone. Copies of the data report will be distributed to each participant for review and comment. Subsequent meetings may be necessary to answer participants' questions.
- o Draft Report Meeting. A second public review will occur upon publication of a draft milestone report, which will include comments relative to the particular initial milestone data along with the Project Team's responses to that input.
- o Board Hearing. Prior to adopting each milestone report, the SCRTD Board of Directors will convene a public hearing, thus giving the participants a final opportunity to comment on that specific milestone.

These three key input points will occur in the overall community participation process which will take approximately 45 days to implement for each milestone. This process will be conducted for each of the twelve milestones, thus meeting the mid-1983 Preliminary Engineering completion schedule. (See Table I-1 for a list of the project milestones and the general timetables for public reviews.)

TABLE I-1

Timetable for Milestone Reviews

<u>MILESTONE</u>	<u>COMMUNITY REVIEW SCHEDULE</u>	<u>APPROX. SCRTD BOARD HEARING DATE</u>
1. Preliminary System Definition and Operating Plan	March-April, 1982	May 17, 1982
2. System Design Criteria	March-April, 1982	May 17, 1982
3. Route Alignment and Alternatives	May-June, 1982	July 18, 1982
4. Station Locations and Alternatives	May-June, 1982	July 18, 1982
5. Right-of-Way Acquisition and Relocation Policy	June-July, 1982	August 12, 1982
6. Development and Land Use Policy	August-September, 1982	October 14, 1982
7. Safety, Security and System Assurance Plan	September-October, 1982	November 10, 1982
8. System and Subsystems Configuration	November-December, 1982	January 13, 1983
9. Supporting Service Plan	January-February, 1983	March 10, 1983
10. Fixed Facilities Plan	February-March, 1983	April 14, 1983
11. Cost Estimate	March-April, 1983	May 12, 1983
12. System Plan	May-June, 1983	July 8, 1983

ENVIRONMENTAL IMPACT ANALYSIS

A primary activity of the overall preliminary engineering process is the environmental impact analysis. This process is a critical parallel effort to the technical design and engineering work, inasmuch as it brings together the rapid transit system definition and its inherent environmental impacts.

During preliminary engineering, the Project Team will be studying alternatives for a number of issues, such as alignments, station locations, land use planning and development, service criteria, energy concerns and aesthetic considerations. All these issues will have some kind of environmental impact--both positive and negative--particularly on those communities along the subway alignment.

The Project Team is very sensitive about these affects, and is currently engaged in a detailed environmental impact assessment. The process involves the Project planners collaborating with the local citizens and identifying the various impacts. Together they will assess them and propose the most feasible alternatives to mitigate any undesirable impacts in ways that would best serve the interest of the greatest number of people.

These findings and recommendations will be published in a Final Environmental Impact Statement/Report at the conclusion of preliminary engineering.

PURPOSE AND SCOPE

This Milestone report has been developed to acquaint the public with SCRTD's proposed policies and procedures relating to right-of-way acquisition and relocation. Any agency utilizing Federal funds to finance a public project that requires the acquisition of private property or causes displacement must adopt policies and procedures which conform to the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (The Uniform Act) and the applicable implementing guidelines.

Since formulation of the right-of-way acquisition and relocation policies and procedures are directly controlled by federal and state legislation, modification as a result of citizen input is limited. Changes in the fundamental provisions of these policies would require congressional action or administrative change from the implementing federal agency. Therefore, the public review process for this Milestone began with the Preliminary Draft Milestone Report. Comments and opinions obtained through the citizen participation process will be taken into consideration by SCRTD when final policies, procedures and plans are developed.

This report contains the proposed policies and procedures that the SCRTD must adopt in compliance with the federal requirements.

Chapter II of this report gives a review of the development of the federal and state legislation which controls public acquisition and relocation activities. This chapter also reviews the SCRTD legislated powers to implement the federal and state legislation.

Chapter III describes SCRTD preliminary internal real estate process. The purpose of this chapter is to highlight the advance time required for implementing an acquisition and relocation program.

Chapters IV, V, VI and VII contain proposed policies and procedures relating to appraisal, acquisition, relocation and property management functions. These policies and procedures have consolidated and integrated the Federal and state (where applicable) laws and regulations and will provide the basic parameters for the development and operation of the real estate program.

The material included in the Appendices includes comments and responses to questions raised during the public review process and provides reference sources for the reader.

II. PUBLIC ACQUISITION AND RELOCATION POLICIES

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FEDERAL AND STATE LAW

On January 2, 1971, the U.S. Congress adopted Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). This Act provided for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and also established uniform and equitable land acquisition policies. Also in 1971, the State of California revised Government Code Section 7260 et. seq. to bring the California Relocation Act in line with the Federal Uniform Act.

Both the Federal and State relocation acts and implementing guidelines were written to insure that displaced persons receive fair and equitable treatment and do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. One of the fundamental requirements of the legislation is that no person be required to move from his home unless affordable decent, safe and sanitary replacement housing is available, which is not generally less desirable with regards to public utilities and public and commercial facilities than the home from which he is displaced. In the acquisition of real property by a public agency, the federal and state acts seek to insure consistent and fair treatment for owners of real property, to encourage and expedite acquisition by agreement in order to avoid litigation, relieve congestions in courts, and to promote confidence in public land acquisition.

In addition to the legislation discussed above, owners of private property that is acquired for public use have a federal and state constitutional guarantee that their property will not be taken or damaged for public use without first receiving just compensation. Just compensation is measured by the market value of the property taken. Generally, the fair market value of property taken is the "highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." (Code of Civil Procedure Section 1263.320a)

The Federal Uniform Act of 1970 currently provides the applicable law for the acquisition and relocation policies which will be implemented by SCRTD. Amendments to the 1970 Act are being proposed in the Senate which would substantially change the current provisions. SCRTD will amend these policies and procedures to conform to whatever law is in effect at the time the Metro Rail Project is approved or at the time amendments to the 1970 Uniform Act are enacted.

Where applicable certain state requirements will be followed in implementing the acquisition policies. Generally speaking, these are the provisions of the California Eminent Domain Law, which is the controlling law.

Implementing Guidelines

The Uniform Act required the various federal agencies to establish regulations and procedures to assure the uniform implementation of the Uniform Act by all federal agencies. The Department of Transportation, Urban Mass Transportation Administration (UMTA) is responsible for federal regulations relating to mass transit projects and has issued implementing regulations which are applicable to mass transit projects such as the Metro Rail Project. UMTA's Circular 4530.1 dated March 21, 1978 contains regulations and procedures which cover the appraisal and acquisition of real property, relocation services, moving and replacement housing payments and other allowable expense payments mandated by the Uniform Act.

SCRTD POWERS AND POLICIES

The Southern California Rapid Transit District (SCRTD) was created in 1964 and given sufficient powers and authority to solve the transportation problems in the Southern California area and to provide the needed comprehensive mass rapid transit system. As mandated by the California State Legislature, SCRTD is proceeding to design, construct and operate a rail rapid transit system within the Los Angeles County area pending receipt of sufficient funding.

SCRTD has the power, as enumerated in the Public Utilities Code (PUC) Section 30600 to acquire property by grant, purchase, gift, devise, or lease, or by condemnation. . . real and personal property of every kind within or without the district to the full or convenient exercise of its powers." Section 30503 of the PUC gives SCRTD the power to "exercise the right of eminent domain within the boundaries of the District to take any property necessary or convenient to the exercise of the powers granted in this part." The exercise of the right of eminent domain must comply with the requirements of the Eminent Domain Law. (Code of Civil Procedure Section 1230.010 et. seq.)

During the preliminary engineering and final design phase of the Metro Rail Project the right-of-way needed for the construction and operation of the system will be identified. It will be the intent of the project to keep the number of acquisitions and displacement at a minimum; however, when private property is acquired, the policies recommended in this Milestone Report will be implemented to minimize the impact of acquisition and relocation and to foster the intent and the spirit of the Uniform Act.

ASSURANCES

On February 23, 1979, SCRTD submitted to UMTA, standard assurances which included the assurance that SCRTD will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and UMTA Order 6530, "Land Acquisition and Relocation Assistance Procedures Manual," which provide for the fair and equitable treatment of persons whose property is being purchased and also persons who are displaced as a result of federal or federally assisted programs.

III. SCRTD REAL ESTATE PROCESS

III. SCRTD REAL ESTATE PROCESS

The timely delivery of right-of-way for the Metro Rail Project will be critical to the successful implementation of the Project. The internal real estate procedures will be developed to allow for adequate and realistic projections of real estate availability.

Following is a preliminary breakdown of the various steps involved for a real estate parcel to travel through the system from initial identification (certification) to availability for construction. The time allowed for each transaction takes into consideration any legal requirements for notice and assumes that adequate staffing is available for the size of the project.

Approximately 12 to 18 months lead-time should be allowed for the acquisition and relocation of the typically required right-of-way for any defined phase of construction. Complex or unusual acquisitions and relocations must be identified early to allow more time for delivery. The Chart on page 14 shows a breakdown of the average time required for each activity.

DEFINITION OF REAL ESTATE NEED

The initial definition of real estate required will be controlled by the location of the approved alignment for the Metro Rail Project. Once the alignment is finalized, Engineering will identify on the parcel level the actual amount of real estate required. The required real estate will be determined based on an analysis of (1) the adopted Right-of-Way Selection Criteria (See Appendix 3), (2) design requirements, (3) location of station or line segments, (4) construction requirements, and (5) construction techniques. Consideration will also be given to real estate cost and relocation impact where feasible.

CERTIFICATION

Once the Engineering need for real estate has been defined and approved, the Engineering section will transmit the identified parcel to the Real Estate section along with (1) a certification letter describing the right-of-way needed and the construction impact and (2) a right-of-way map which delineates the parcel and the portion required. Each parcel is certified as to:

- * Kind of Acquisition: Total or partial
- * Interest Required: Total ownership, easement or license
- * If easement, whether: permanent or temporary

BOARD AUTHORIZATION

(4 weeks)

The Board of Directors will be requested to pass a resolution which approves the parcels as needed for construction of the project and authorizes acquisition by the General Manager or his designee. The Board resolution will contain an estimated cost of the group of parcels covered in the resolution.

COMMUNITY HEARING

(4 weeks)

Owners and occupants of parcels in a designated station or line segment will be invited to a public meeting to (1) identify the needed parcels and (2) to explain the acquisition and relocation process as well as relocation benefits.

TITLE REPORT

(4 weeks)

At the time the parcels are received from Engineering, the Real Estate section will order a preliminary title report from the Title Company to determine current ownership and encumbrances against the property. A preliminary determination of ownership will be accomplished prior to this time.

APPRAISAL

(12 weeks)

Fee appraisers will be pre-qualified by the SCRTD for appraisal work as soon as possible after the project is funded. Request for specific appraisal proposals will be solicited at the time a group of parcels is received in Real Estate. Property owners will be notified in writing of the appraiser retained by the SCRTD. The appraiser will contact the owner to arrange a convenient time to inspect the subject parcel and to obtain the necessary information to complete a detailed appraisal. (The appraisal contract will cover a number of parcels in the same general area.)

APPRAISAL REVIEW AND APPROVAL

(8 weeks)

Upon submission of completed appraisals, the review appraiser will review the appraisals to determine the amount of Just Compensation. The amount of Just Compensation will be approved by the Director of the Real Estate section. Just Compensation amounts over certain limits will require concurrent approval by other appropriate SCRTD officials.

NEGOTIATIONS

(8 weeks)

Negotiations will be conducted by real estate personnel in accordance with SCRTD's negotiation policies and procedures.

ESCROW CLOSING

(8 weeks)

Once a real estate contract has been executed for the offered price through negotiations, the closing will be conducted by the authorized escrow company.

RELOCATION

(12 weeks)

A 90 day notice to vacate will be issued immediately after the SCRTD has ownership of the property in a negotiated purchase. Real Estate personnel will work with property occupants to assist in finding and relocating to comparable replacement facilities before the end of this period. Relocation activities will commence during the negotiation period.

CLEARANCE

(8 weeks)

As soon as possible after the occupied property is vacant, arrangements will be made to have the property cleared.

TITLE ACQUIRED THRU CONDEMNATION

(28 weeks)

As soon as it is determined that a parcel cannot be acquired by negotiations, action will be initiated to acquire the parcel through condemnation. The Board of Directors will be requested to hold a public hearing, adopt a resolution of necessity and give authorization to condemn the property.

Upon approval by the Board, the condemnation attorney will file the condemnation suit and upon deposit of the probable compensation amount, will file an Order of Possession. The specified date of possession will incorporate the required 90 day vacate notice.

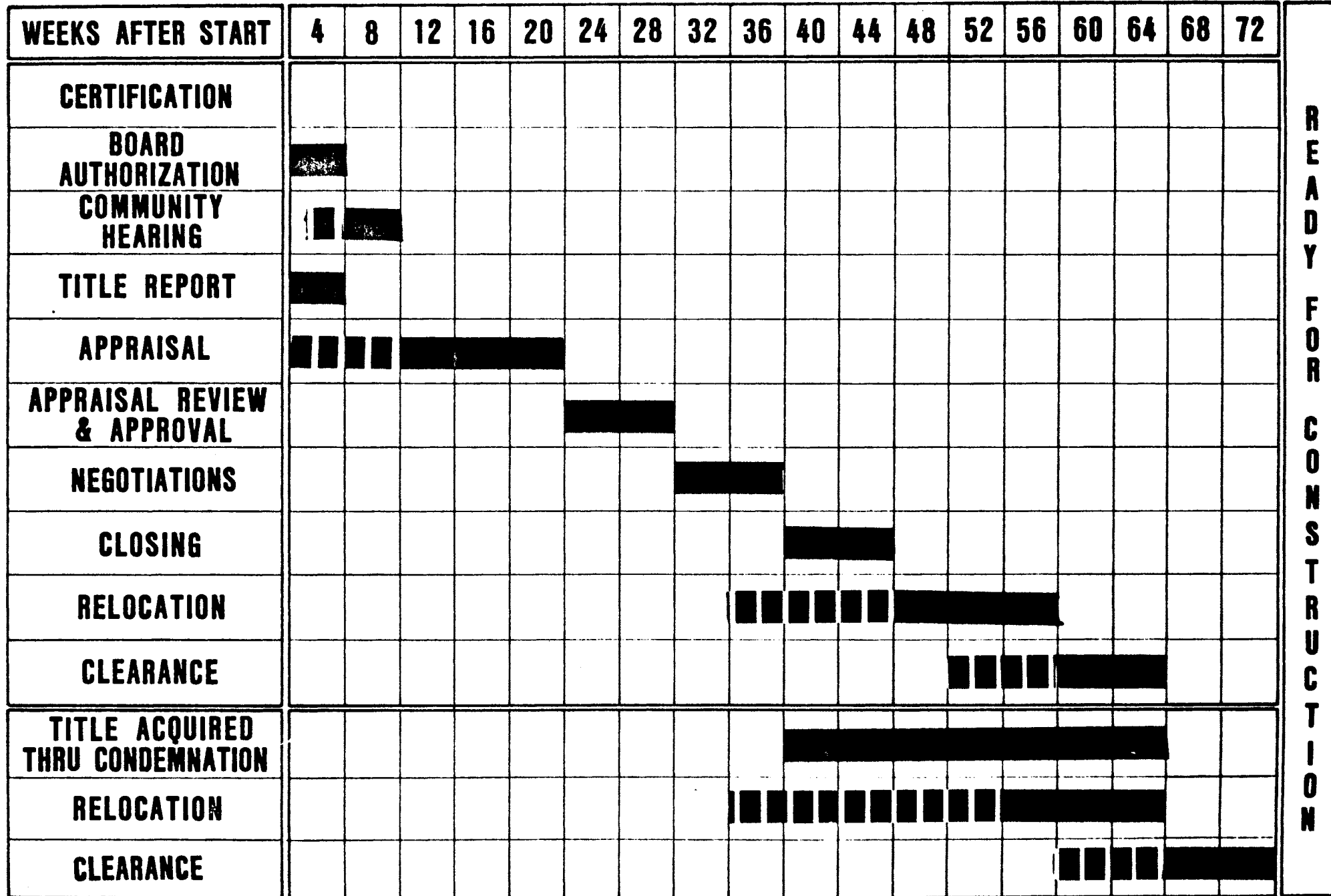
DELIVERY TO CONSTRUCTION

When a parcel is completely cleared, the Construction section will be notified that the parcel is ready for construction.



SCRTD REAL ESTATE PROCESS

Average Time In Weeks



READY FOR CONSTRUCTION

█ AVERAGE TIME TO ACCOMPLISH

IV. APPRAISAL OF PROPERTY

IV. THE APPRAISAL OF PROPERTY

All offers by SCRTD for the acquisition of real property will be based on the fair market value of the property as determined by a competent real estate appraiser. The generally recognized definition of fair market value in California is that it is the "highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available (See California Code of Civil Procedure Section 1263.320).

The appraiser's opinion of fair market value will be as of a specified date and contained in a written report fully supported by pertinent factual data.

APPRAISAL POLICIES

SCRTD will be guided by the following appraisal policies:

1. Real property will be appraised before the initiation of negotiations with an owner.
2. The owner or his designated representative will be given an opportunity to accompany the appraiser during his inspection of the property.
3. The amount of Just Compensation for the property to be acquired will be established before the initiation of negotiations with an owner. In no event will this amount be less than the lower appraisal obtained by SCRTD.
4. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the announcement of the Metro Rail Project, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.
5. Appraisers will not give consideration to, nor include in their appraisals, any allowance for relocation assistance benefits.

APPRAISER CONTACTS

Prior to commencement of appraisal work on any property, the property owner will be advised in writing that the property is required for the Metro Rail Project. The appraisers selected to perform the appraisal will be identified. The owner will be encouraged to cooperate with the appraiser and to accompany the appraiser during his inspection of the property.

APPRAISAL REPORTS

Each appraiser will be required to submit an appraisal report which contains his opinion of value. The report will be fully documented with the pertinent factual data used by the appraiser to arrive at his assessment of fair market value. SCRTD will furnish the appraiser sufficient information regarding ownership, encumbrances, the rights to be acquired, and the acquisition and construction plans. When required, legal counsel will provide legal interpretation of applicable state law regarding damages and benefits.

Each appraiser will be required to include a signed certification in the appraisal report which certifies that:

- o The property appraised was personally inspected and the owner afforded the opportunity to be present.
- o The comparable sales relied on in making the appraisal were as presented by the photographs contained in the appraisal.
- o The appraisal was made in conformity with applicable laws, regulations, policies, and procedures.
- o Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the Metro Rail Project, other than that due to physical deterioration within the reasonable control of the owner, was disregarded in determining the compensation for the property.
- o Neither the employment nor compensation for making the appraisal were contingent upon the value reported for the property.
- o That the appraiser has no direct or indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property appraised.

The appraisal reports will generally follow the methodology utilized by the American Institute of Real Estate Appraisers which uses one or more of the three approaches to value -- market data approach, income approach and cost approach.

APPRAISER QUALIFICATION

SCRTD will seek to utilize only appraisers who are qualified for the particular appraisal job to be done. Independent fee appraisers, staff appraisers and review appraisers will be selected on the basis of their work experience, demonstrated quality of work, education and reputation as it relates to specific appraisal experience.

- o Fee Appraisers will be utilized to appraise properties with an estimated value of \$25,000 and over. Each contract will be submitted to UMTA for concurrence as to the terms of the contract and for approval of the selected appraiser.

- o Staff Appraisers will be utilized to appraise properties with an estimated value under \$25,000. Staff appraisers will also prepare appraisal estimates, budgets and other valuations assignments as needed.
- o Review Appraisers will be highly qualified and experienced in appraising the types of property he is to review. The Review Appraiser will be responsible for reviewing appraisal reports of fee and staff appraisers and for recommending just compensation for the property and/or the interest to be acquired.

Fee and staff appraisers must be qualified to give expert testimony in support of their value estimates in the event of condemnation proceedings. No appraiser retained by SCRTD will have a personal interest, present or prospective, in the property being appraised.

APPRAISAL REVIEW

The review appraiser will review all appraisal reports and will recommend the amount of just compensation to be offered an owner for his property. In determining the amount of just compensation, the review appraiser will consider all pertinent value information that is available. Specifically, the review appraiser will:

- o Become familiar with the parcel being appraised and the comparable sales considered by the appraiser.
- o Check all mathematical computations made by the appraiser.
- o Review weight given different approaches to value used in arriving at the final conclusion of value.
- o Determine if accepted appraisal principles and techniques were followed in arriving at property value in accordance with California law.
- o Insure that the appraiser has not overlooked any feature that would materially affect the property value.

The review appraiser's recommendation of just compensation will be reviewed and approved by the Director of Real Estate. Concurrent approval by other appropriate SCRTD officials and UMTA will be required when the Just Compensation amount exceeds certain limits.

NUMBER OF APPRAISALS

SCRTD will secure at least two appraisals for each parcel to be acquired when the value of the property is estimated to be over \$100,000. One appraisal will be secured when the value is estimated under \$100,000. Fee appraisers will be used for appraisal of property valued over \$25,000 and staff appraisers will be used on properties with an estimated value of \$25,000 or less.

SPECIALTY REPORTS

When machinery, equipment or other specialty items are so attached to real property so as to become real property, a separate appraisal will be obtained to determine the contributory value to the whole property. A legal opinion will be provided to the appraiser which outlines which items constitute realty and which are specialty (fixtures). One appraisal will be obtained unless it is estimated that the value of the items will exceed \$100,000 at which time, two appraisals will be obtained.

A special equipment appraiser will be employed to handle the appraisal. The acceptable appraisal will be made available to the real estate appraisers for analysis and incorporation into their appraisal report to the extent deemed appropriate. The specialty report will be reviewed by the review appraiser prior to distribution to the fee or staff appraiser to assure that the report conforms to acceptable appraisal standards.

UMTA APPROVALS

SCRTD will comply with all UMTA requirements for pre-approval of appraisal contracts and reports. Whenever significant questions arise which may require further direction, clarification will be obtained from UMTA before proceeding.

V. ACQUISITION OF PROPERTY

V THE ACQUISITION OF PROPERTY

The SCRTD will make every reasonable effort to acquire real property for the Metro Rail Project by negotiation. In general, the philosophy will be to acquire the minimum right-of-way necessary to construct, maintain, protect and operate a transit project. The determination of the minimum real estate requirement is discussed in Part III of this report.

The Real Estate Department will be staffed with the appropriate personnel to implement its acquisition program. To facilitate acquisition by agreement, the SCRTD personnel or its contractors will conduct negotiation activities in a highly professional manner and exercise care to protect the interest of the property owner who may be unfamiliar or inexperienced in real estate values. A negotiator will not negotiate for the acquisition of any parcel where he was involved in the preparation of the real estate appraisal or the determination of just compensation.

The acquisition policies listed below are directed towards promoting confidence in the SCRTD land acquisition practices, while assuring the public that it will receive fair and just treatment in the sale of their property.

ACQUISITION POLICIES

1. The SCRTD will acquire all properties which are necessary for the implementation of the Metro Rail Project.
2. No acquisition will be undertaken until the SCRTD Board of Directors has passed a resolution which identifies specific parcels as part of the Metro Rail Project; and authorizes acquisition by the General Manager.
3. All such approved properties will be acquired in fee simple unless a lesser interest is determined to be in the SCRTD's best interest and that adequate control can be obtained to assure the safe operation and construction of the Metro Rail Project.
4. Subject to approval by the Board of Directors, advance acquisition will be made whenever practical to:
 - a. forestall anticipated appreciation from development or speculation; or
 - b. alleviate a hardship on the property owner resulting from the SCRTD's interest in acquiring the property.
5. Every reasonable effort will be made to promptly acquire real property by negotiated purchase for the full amount of the approved just compensation.

6. The SCRTD will not take an action which is coercive in nature in order to compel agreement on price.
7. When negotiations are initiated, the owner will be provided a written statement which sets forth the amount established as just compensation and the basis of the determination.
8. If improvements or fixtures considered as realty are being separately acquired, and the owner of the land involved disclaims all interest in improvements of the tenant, a separate written offer will be provided to the tenant for the improvements.
9. The full amount of the approved just compensation will be paid to the property owner prior to the SCRTD taking physical possession of the property or requiring that the property be vacated by the property owner.
10. SCRTD will compensate the owner for expenses necessarily incurred for recording fees, transfer taxes, and escrow fees, related to conveying the real property.
11. If the acquisition of only part of a property would leave the owner with an uneconomic remnant, SCRTD will offer to acquire that remnant, if the owner desires.
12. Condemnation of real property interest by SCRTD will be pursued only after all reasonable efforts to obtain the required property by negotiation have been exhausted.

Property acquired by SCRTD may be accomplished either by negotiations, condemnation, or administrative settlements. The following sections outline the basic procedures SCRTD will utilize under each option.

NEGOTIATIONS

SCRTD will make every reasonable effort to acquire real property by negotiated purchase. No action will be taken, however, which is coercive in nature in order to compel agreement in a price. After the real property has been appraised and the amount of just compensation is established, SCRTD will proceed to negotiate with the property owner in the following manner:

1. A negotiator will personally contact each property owner or his representative, explain the effect of the acquisition and offer the approved amount for the property to be acquired. A nonresident owner will be initially contacted by certified (or registered) first class mail.

2. At the first personal contact where price is discussed the negotiator will offer the property owner, in writing, the established just compensation which will not be less than the lowest appraisal obtained by SCRTD. The relocation and acquisition brochure will also be provided at this time.
3. The written offer will be signed, dated and contain or be accompanied by a written summary statement of the basis for the amount established as just compensation. The statement of just compensation will include the following information:
 - o A general statement of the public use for which the property is to be acquired.
 - o Identification of the property and the interest to be acquired.
 - o Identification of buildings, structures, and other improvements, including fixtures and removable building equipment, which are considered to be part of the property for which the offer is made.
 - o A recital of the amount of the offer and a statement that the amount:
 - Is the full amount believed by SCRTD as just compensation for the property taken.
 - Is not less than the approved appraisal of the property.
 - Disregards any decrease or increase in the fair market value of the property to be acquired prior to the date of valuation caused by the Metro Rail Project, other than that due to physical deterioration within the reasonable control of the owner.
 - Does not reflect any consideration of or allowance for, any relocation assistance payment or other benefits which the owner is entitled from SCRTD.
 - o A statement that the determination of just compensation is based on inspection of the property and consideration of appraisals prepared by competent professional appraisers.
 - o The definition of "fair market value" as recognized by the California judicial system and as used by SCRTD and its appraisers in making the determination of value.
 - o If only a portion of a property is to be acquired, the just compensation for the partial taking, and the amount for severance damages to the remainder or benefits to the remainder will be shown separately.

- o If there are separately held interests in the real property to be acquired, the statement will include an apportionment to each separately held interest to be acquired.
- o In the case of commercial, industrial or institutional property, the statement will include an attachment containing a property analysis which shall indentify the owner of each item of the inventory which is not owned by the owner of the land.

Whenever the taking is revised, a personal contact will likewise be made to present the revised written offer and summary statement.

4. Under California law, the owner of a business conducted on property acquired by a public agency or on the remainder may be entitled to compensation for loss of goodwill if the owner can meet certain qualifications provided by law. At the initial meeting, the business owner will be informed of his possible right to compensation and provided a copy of the pertinent portion of the California Eminent Domain law relating to compensation for loss of goodwill.

The Code of Civil Procedure Section 1263.510 provides the following:

- (a) The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
 - (1) The loss is caused by taking the property or the injury to the remainder.
 - (2) The loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
 - (3) Compensation for the loss will not be included in payments under Section 7262 of the Government Code.*
 - (4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.
- (b) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

5. The property owner will be given a reasonable period of time to consider the offer and obtain professional advice or assistance. Careful consideration will be given to material presented by the owner that may have a bearing on value.
6. If during the course of negotiations, certain factors or conditions concerning the property value arise, a reappraisal or update of the appraisal will be conducted. Factors indicating a new appraisal may be:
 - o new evidence presented by the owner
 - o material change in the character or condition of the property
 - o significant delay since determination of just compensation
7. Once agreement is reached for the purchase of the property, appropriate legal steps will be taken to complete the transfer of ownership. SCRTD will pay all reasonable expenses incident to the transfer such as recording fees, transfer fees, escrow fees and other incidental fees. The owner will be informed of the appropriate procedure for applying for a rebate of the pro rata portion of real property taxes from the county tax office.
8. The negotiator will maintain adequate records of negotiation contacts. The record will include the date and place of contact, persons present, offers made, counteroffers and other pertinent data. When negotiations are completed, the negotiator will sign a statement certifying that the written agreement embodies all considerations agreed to between the negotiator and the property owner and that the agreement was reached without coercion of any type.

ADMINISTRATIVE SETTLEMENT

SCRTD, in an attempt to reach an agreement, may authorize an administrative settlement with prior written UMTA approval. The administrative settlement is a settlement made, in excess of the approved just compensation prior to filing for condemnation. This method will not be used to avoid litigation but only when it is determined to be in the public interest. The determination to make an administrative settlement will be based upon full consideration of all pertinent information including:

- o The appraiser's opinion of value
- o Approved amount of just compensation
- o Recent court awards for similar type of property
- o The negotiator's recorded information
- o The estimate of trial cost

- o The opinion of legal counsel

The approved amount of an administrative settlement will be established prior to an agreement with the property owner.

CONDEMNATION

Condemnation is the process by which a public entity exercises its right to take private property for public use (the right of eminent domain). Condemnation of property interest by SCRTD will be sought only after all reasonable efforts to obtain the required property by negotiations have been exhausted and sufficient time has elapsed for the property owner to make a decision. The threat of condemnation will not be used to reach a settlement, but will be exercised in order to avoid costly delays in the construction program.

Condemnation may also be required when the following conditions exist:

- o Title defects which preclude acquisition by voluntary conveyance.
- o Multiple ownership and lack of unanimity among the owners.

When it has been determined that a negotiated settlement cannot be reached, the SCRTD Board of Directors will be requested to authorize condemnation actions. In order to comply with legal requirements, the Board of Directors will:

1. Hold a public hearing where each person whose property is to be acquired by eminent domain is given a reasonable opportunity to appear and be heard on the condemnation necessity.
2. Adopt a resolution of necessity which contains all of the following:
 - (a) A general statement of the public use for which the property is to be taken and a reference to the statute that authorizes SCRTD to acquire the property by eminent domain.
 - (b) A description of the general location and extent of the property to be taken with sufficient detail for reasonable identification.
 - (c) A declaration that the SCRTD Board of Directors has found and determined each of the following:
 - (1) The public interest and necessity require the proposed project.

- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (3) The property described in the resolution is necessary for the proposed project.

(Code of Civil Procedure Section 1245.235)

After the resolution of necessity is adopted, SCRTD's condemnation attorney will proceed to file the condemnation suit.

Upon deposit by SCRTD of the probable compensation amount as supported by appraisal data, the condemnation attorney will file an Order of Possession Prior to Judgment. The granting of the Order of Possession will allow SCRTD to gain possession of the property 90 days after the order is served on the owner(s) of record.

Negotiations will continue with the owner's attorney during the pending of the condemnation suit in an effort to reach a settlement.

ADVANCE (HARDSHIP) ACQUISITION

Advance acquisition will be made whenever practical to:

- o forestall anticipated value appreciation from development or speculation, or
- o alleviate a hardship on the property owner resulting from the District's interest in acquiring the property.

The following considerations will be investigated prior to recommending an advance acquisition to the Board of Directors:

- o Availability of sufficient funds.
- o Availability of matching federal funds or assurance that the right to such funds will not be prejudiced by virtue of the advance acquisition.
- o Certification of the property by engineering.
- o Carrying cost of the property will not exceed expected savings.

When advance acquisition is being considered to forestall anticipated appreciation, a written statement will be prepared to document the findings. The usual causes of such appreciation (or escalation) are derived from actions which will change the highest and best use of the land, such as zoning actions and planned construction of the land. Such actions will be the primary basis for determining the need for advance acquisition, however, other changes in real estate market factors which materially escalate land values will also be considered.

When advance acquisition is being considered to alleviate a hardship on an owner, a written statement will be prepared to document the findings. The basis of such a finding may be any one of the following:

- o the owner had a valid contract to purchase a replacement property and failure to dispose of the property affected by SCRTD's program will force him to default the contract, forfeit his deposit, or otherwise lose the benefits of the contract, and other replacement property is not available within the same area under similar terms;
- o the property owner is forced to relocate from the area due to relocation of his employment or other circumstances beyond his control, and the project has so affected the sale of properties within the project area so as to make a sale to another private party at a fair and reasonable price extremely difficult;
- o illness of the owner or other members of his family, or other personal hardship makes his relocation from the area necessary and the project has so affected the sale of properties within the project area as to make a sale to another private party at a fair and reasonable price extremely difficult;
- o any other situation where in the exercise of sound judgment, an actual hardship is found to exist.

When SCRTD is satisfied that these conditions have been met and Board approval has been obtained, purchase of the property will be accomplished in accordance with the approved real estate procedures.

VI. RELOCATION POLICIES AND PROCEDURES

VI RELOCATION POLICIES AND PROCEDURES

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) provides for certain relocation payments in addition to the amount a person receives as just and adequate compensation for his property. The Uniform Act also establishes a uniform policy for the fair and equal treatment of persons who are required to move from their homes, apartments, or businesses, as a result of governmental action.

SCRTD's relocation assistance policies will assure the public of its commitment to implement a fair and just relocation program and to provide all of the payments and assistance guaranteed by the Uniform Act.

RELOCATION POLICIES

1. SCRTD will use its own facilities, personnel and services to implement its relocation and acquisition programs.
2. To ensure that the public has adequate knowledge of the relocation program, SCRTD will present information and provide opportunity for discussion of relocation services and payments at public hearings, distribute relocation brochures and provide adequate notice of the relocation assistance program.
3. A relocation advisory program will be established in order to provide the maximum assistance possible to all persons required to relocate because of the Metro Rail Project.
4. Each displaced person will be provided written and verbal information which fully explains the relocation services and eligibility requirements for payments of replacement housing and moving expenses. Each displaced business will also be provided applicable information.
5. No persons eligible for relocation payments and lawfully occupying real property will be required to move from a dwelling or to move his business without at least 90 days written notice of the intended vacate date.
6. Any applicant for a relocation payment who is aggrieved by SCRTD's determination as to eligibility for payment or the amount of the relocation payment may appeal that determination.
7. SCRTD will assure itself that, within a reasonable time prior to issuance of a Notice to Vacate, there will be available to displaced persons, decent, safe and sanitary replacement dwellings.

RELOCATION ASSISTANCE

SCRTD recognizes that the public's acceptance of the Metro Rail Project can be greatly enhanced by the impressions and treatment that it receives during the implementation of its acquisition and relocation programs. A people oriented relocation service will be provided by employing adequate personnel to work with the persons affected by the project on an individual basis.

Relocation Personnel and offices

SCRTD will maintain the necessary personnel and office locations to ensure prompt and equitable relocation and reestablishment of persons, businesses and non-profit organizations displaced as a result of Metro Rail Project. Consideration will be given to establishing a field office in areas of concentrated relocation activity.

Information to be Maintained

SCRTD will maintain the following information in its real estate office(s) to assist in the relocation of displaced persons.

- o Lists of replacement dwellings available, without regard to race, color, religion or national origin, drawn from various sources, suitable in price, size and condition for individuals and families.
- o Current and continuing lists of comparable commercial properties and locations for displaced businesses.
- o Current information as to security deposits, rents, closing costs, typical downpayments, interest rates and terms for residential real property in the area.
- o Maps showing the location of schools, parks, playgrounds, shopping centers and public transportation routes in the area.
- o Schedules and costs of public transportation.
- o Information explaining the relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs and family budgeting.
- o Subscriptions to apartment directory services, neighborhood and metropolitan newspapers.
- o Multiple listing services of local realty boards.

This information will be amended, revised, deleted or added to from time to time as conditions change. In this way, SCRTD will be able to offer current and useable information as part of its relocation assistance program.

Coordination with other Agencies

SCRTD's real estate personnel will maintain contact and exchange information with other public and private agencies providing services that may be useful to persons being relocated. Such agencies will include:

- o City and County social welfare agencies
- o Los Angeles Housing Authority
- o County of Los Angeles Redevelopment Agency
- o California Department of Housing and Community Development
- o California Housing Finance Agency
- o Department of Housing and Urban Development
- o Veterans Administrations
- o Small Business Administrations
- o Other city, county and state agencies providing relocation assistance
- o Private agencies

Contact will also be maintained with the local real estate community, including real estate brokers, real estate boards, property managers, apartment owners and managers, and home building contractors.

PUBLIC INFORMATION

To ensure public awareness of the relocation assistance program, SCRTD will provide an opportunity for presentation of information and discussion of relocation services and payments through public hearings, relocation brochures, and the issuance of public announcements. All publications will be provided in English, as well as other languages that are predominant in the project's sectors if it is determined to be necessary.

Public Hearings

Public hearings will be held in appropriate facilities located in areas where acquisition and relocation activities will take place. At these meetings, the information presented will include:

- o Identification of parcels to be acquired.
- o Eligibility requirements, payment procedures and limitations for moving expenses and replacement housing payments.
- o A description of the expenses incidental to transfer of property that will be paid.
- o Appeal procedures.
- o A description of how relocation assistance and services will be provided.
- o The address and telephone number of SCRTD and the name of the person in charge of relocation.
- o An estimate number of dwelling units presently available to meet the replacement housing needs, and
- o An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will be available during that period.

Time will be allowed for questions from those present in order to assure a clear understanding of the relocation services and benefits.

Relocation Brochure

Two (2) relocation brochures will be utilized to describe the relocation services and payments available. One brochure will discuss residential benefits and the other will discuss benefits for businesses. These brochures will include such information as:

- o General description of the types of relocation payments and assistance available.
- o Statement of the eligibility requirements for relocation payments.
- o Assurance that no one will be required to relocate before they have been given an opportunity and assistance in obtaining a suitable replacement site.
- o The address, telephone number and hours of SCRTD's relocation offices.

The brochures will be distributed, free of charge, at all public hearings and given to any prospective displaced person upon request.

PUBLIC ANNOUNCEMENTS AND NOTICES

Within 15 days, after SCRTD Board of Directors give approval to begin any phase of acquisition which will cause displacement, Notices of Acquisition will be posted in adequate numbers and in places accessible to residents of the area. In addition, an adequate number of advertisements will be printed in newspapers normally read by residents of the area affected. The notices and newspaper advertisements will:

- o State the date of initiation of negotiation established for the project;
- o Define the area of the project;
- o Advise occupants of their eligibility for, and their right to receive, moving and replacement housing payments;
- o Advise occupants to notify SCRTD before moving to insure eligibility for moving and replacement housing payments;
- o Advise owner-occupants, that in order to be eligible for relocation benefits, they must sell to SCRTD and;
- o State where the brochure describing the relocation program may be obtained.

Other alternatives may be used to disseminate information including conducting personal interviews, holding community meetings and distributing a newsletter.

RELOCATION ADVISORY PROGRAM

SCRTD will establish a relocation advisory program in order to provide the maximum assistance possible to persons directly affected by the Metro Rail Project. These services will be directed toward assisting persons displaced in locating decent, safe and sanitary housing that meet their needs. The services will be provided by personal contact, when reasonably possible.

The advisory program will be administered so that the relocation process will not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or any other arbitrary circumstances.

Displaced persons may choose to relocate without SCRTD's aid and advisory services and still be eligible for relocation payments. To remain eligible, however, a displaced person must relocate to a decent, safe and sanitary dwelling and make application for payments within the allowable time limits.

WRITTEN NOTICES

Every effort will be made to assure that displaced persons are fully informed of the benefits and service available. The following written notices will be delivered personally or by Certified Mail: return receipt requested.

Notice of Intent to Acquire

This notice will be mailed at the time the public hearing is held to inform owners and tenants of SCRTD's intent to acquire parcels in a given area. The notice will invite owners and tenants to a public meeting where all of the parcels in the area that will be acquired will be identified and the relocation benefits will be discussed.

Notice of Displacement

SCRTD will provide to each displaced person a written notice explaining (1) the relocation services, (2) the eligibility requirements to receive a replacement housing payment and moving expenses payment, and (3) the optional types of payments available to homeowners, tenants and businesses.

This information notice will be provided:

- o to homeowner no later than the initiation of negotiations
- o to businesses no later than the initiation of negotiations
- o to tenants within seven (7) days after the initiation of negotiation with the owner

If the initial information is given by certified mail, there will be a personal contact with the tenant within 30 days of the initiation of negotiation for the parcel.

Notice of Replacement Amounts

The amount of the replacement housing payment and the pertinent eligibility requirements will be furnished to homeowners and tenants in writing.

The amount of the replacement housing payment will be based on the reasonable cost of a comparable replacement dwelling unit. SCRTD will examine the probable selling price of at least three comparable replacement dwellings which are available on the market in determining the amount that the displaced person is entitled to receive.

The displaced person will be informed of the amount of the replacement housing payment at a time which would accomplish the following purposes:

- o The housing units used to determine the replacement housing amount are available at the time the displaced person will be actively looking for a replacement dwelling.
- o The amount will be computed in a timely manner and given the displaced person within a reasonable period of time.
- o The displaced person will be informed of the maximum amount to which he is entitled at least 90 days prior to the time he is required to vacate.

Ninety (90) Day Notice to Vacate

Each person required to relocate from a dwelling or to move his business will be given at least 90 days written notice of the intended vacate date.

The 90-day notice will not be given until SCRTD either owns or has control of the acquired property. The notice will give a firm specific date by which the property must be vacated. The displaced person may move prior to the notice date and the date may be extended if conditions warrant.

Notice of Right to Appeal

All eligible displaced persons will be furnished a written notice of the right to appeal the determination of eligibility to receive relocation payment amounts. This notification will be provided in the relocation brochure.

RELOCATION PAYMENTS

The Uniform Act provides for certain relocation payments in addition to the amount which a person receives as just and adequate compensation for his property. SCRTD will provide a relocation program which will insure that any person required to move, who meets the eligibility requirements, will be provided relocation payments consisting of the following:

Residential Tenants and Homeowners

A displaced tenant or homeowner is generally entitled to received a Moving Expense Payment and a Replacement Housing Payment.

The Moving Expense Payment for moving personal property may be either:

- a. A Fixed Moving Expense payment determined by a graduated schedule based on the number of rooms involved, not to exceed \$300, plus a dislocation allowance of \$200.

OR

- b. The actual reasonable cost of a move accomplished by a commercial mover including:
- o Transporting personal property from the displacement site to a replacement site not more than 50 miles, unless SCRTD finds that the individual or family cannot be relocated within that distance.
 - o Packing, crating, and if SCRTD finds it necessary, storing personal property for not more than 12 months.
 - o If necessary, advertising for packing, crating, storing or transporting personal property
 - o Insuring against loss or damage of personal property while in storage or transit
 - o Removing and reinstalling household appliances, including reconnecting utilities.

The displaced tenant or homeowner may conduct a self-move and be paid actual moving costs which are supported by receipted bills. The payment for a self-move may not exceed the estimated cost of moving commercially.

The Replacement Housing Payment may be either:

- a. A replacement housing payment to owner occupants not to exceed \$15,000 for the additional cost necessary to: (1) purchase replacement housing, (2) compensate for the loss of favorable financing between existing mortgage and the financing necessary on the replacement housing and (3) reimburse the owner for expenses incident to the purchase of replacement housing.

OR

- b. A rental supplement payment to tenants and certain homeowners, not to exceed \$4,000, to rent or lease a comparable rental unit for up to four (4) years;

OR

- c. A downpayment on the purchase of a comparable replacement dwelling except that if such amount exceeds \$2,000, the amount in excess of the \$2,000 must be equally matched by the person making the downpayment. The maximum payment is \$4,000.

Businesses

Relocation payments for a displaced person who conducts a business may be either:

- a. A fixed payment in lieu of actual moving and related expenses which is an amount equal to the average annual net income of the business, computed in accordance with UMTA guidelines, except that such payment will not be less than \$2,500, nor more than \$10,000.

To be entitled to this payment, the business must meet the following requirements:

- (1) The business cannot be relocated without a substantial loss of its existing patronage;
- (2) The business is not part of a commercial enterprise having at least one other establishment not being acquired by SCRTD.
- (3) During the two taxable years prior to displacement the business had:
 - (a) Average annual gross receipts of at least \$2,000 in value; OR
 - (b) Average annual net earnings of at least \$1,000 in value; OR
 - (c) Contributed at least 33 1/3 percent of the average gross annual income of the owner(s).

OR

- b. A payment for actual reasonable moving expense including:
- o Transporting personal property from the displacement site to a replacement site, but not more than 50 miles, unless SCRTD finds that the business cannot be relocated within that distance.
 - o Packing, crating, and if SCRTD finds it necessary storing personal property for not more than 12 months
 - o If necessary, advertising for packing, crating, storing, or transporting personal property
 - o Insuring against loss or damage of personal property while in transit or storage
 - o Removing and reinstalling machinery and equipment, including reconnecting utilities

The move may be accomplished by a commercial mover or a self-move by the business owner.

AND

Payment for actual direct losses or personal property sustained by a business as a result of disposition or abandonment of personal property due to relocation.

AND

Payment for incidental expenses incurred in searching for a replacement property up to \$500.

Exclusions

Neither a displaced tenant, homeowner, or business is entitled to be paid for:

- o Additional expenses incurred because of living in a new location,
- o Cost of moving structures, improvements or other real property which are retained by the displaced person,
- o Improvement to the replacement site, except when required by law,
- o Interest on loans to cover moving expenses,
- o Loss of good will,
- o Loss of business and/or profits,
- o Loss of trained employees,
- o Personal injuries,
- o Cost of preparing the application for moving and relating expenses,
- o Modification of personal property to adapt it to replacement site except when required by law,
- o Payment for search cost in connection with locating a replacement dwelling.

Eligibility Requirments

- a. To be eligible for a moving expense payment, a family, individual or business must:
 - o occupy the property at the time of initiation of negotiation or at the time SCRTD gives notice of its intent to acquire the property; and
 - o submit a written claim for payment within 18 months after the date the displaced person moves or moves personal property from the real property.
- b. To be eligible for a replacement housing payment, the homeowner must:

- o own and occupy his dwelling for not less than 180 consecutive days immediately prior to the initiation of negotiation for his property; and
 - o purchase and occupy a replacement dwelling one year from the date he receives final payment for the acquired dwelling; and
 - o submit a written claim for payment no later than six months after the expiration of the one year period described above.
- c. To be eligible for a rental replacement housing payment or downpayment a homeowner or tenant must:
- o have occupied the dwelling to be acquired for not less than 90 consecutive days immediately prior to the initiation of negotiation; and
 - o rent or purchase and occupy a replacement dwelling within one year after the date he is required to move from the acquired dwelling; and
 - o submit a written claim for payment no later than six months after the expiration of the one year period described above.

No relocation payment received by persons or businesses shall be considered as income for the purpose of Federal or state income tax, or for determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

APPEALS PROCEDURE

All displaced persons will be informed of their right to appeal SCRTD's determination as to eligibility for payment or to the amount of the relocation payment. The right of appeal will be described in all brochures and other informational pamphlets distributed to the public.

Procedures will be established that will assure each applicant that his grievance will be heard. The procedure will insure that:

- o Each applicant has the opportunity for oral presentation.
- o Each appeal will be decided promptly and the applicant informed of the decision in writing.
- o Each appeal decision will include a statement of the reasons upon which it is based.
- o Each applicant will have a right of final appeal to a higher authority.

The appeal procedures will only apply to SCRTD's relocation assistance program. Judicial appeal may also be pursued if a claimant is not satisfied with SCRTD administrative determination.

RELOCATION PROGRAM PLAN

Before SCRTD proceeds to acquire any real property, it will comply with the requirements of the Uniform Act to make certain preliminary investigations regarding the impact of its relocation activities. Information from the preliminary investigations will be included in the second tier Environmental Impact Assessment Report for the Metro Rail Project, and will be used to determine:

- o The estimated number of individuals, families, businesses, and non-profit organizations that are to be relocated.
- o The probable availability of decent, safe and sanitary replacement housing within the financial means of the individuals and families affected.
- o The probable availability of replacement sites for businesses and non-profit organizations.
- o A description of the actions proposed to insure that the necessary dwellings will be available in advance of any displacement.
- o A statement of the relocation problems involved at each identifiable relocation along with possible solutions. A statement of the basis upon which the identified problem areas were made will also be included.

Prior to proceeding with any negotiations on the Metro Rail Project that involves the relocation of any person, SCRTD will prepare and submit to UMTA for approval a relocation plan. The initial plan will present an analysis of the overall relocation work program. The work program will be subsequently up-dated and defined on an annual basis for each phase of a project. The relocation plan will include:

- o An inventory of the characteristics and needs of persons to be displaced. The inventory will be determined by a sampling survey. The inventory will endeavor to obtain the following information:
 - a. Number of people and families to be displaced
 - b. Size of families, age of children
 - c. Number of elderly and handicapped
 - d. Area of preferred location
 - e. Type of unit preferred

f. Analysis of tenant preference

g. Need for schools and social and public services

- o An estimated inventory of currently available comparable replacement dwellings. This inventory will set forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas and distance to community and religious facilities.
- o A discussion of relocation problems and possible solutions.
- o A discussion of the impact on the human environment in which the project will be located including racial, ethnic, age and income considerations.
- o An estimate of the business operations to be displaced and the effect of their displacement on the economy of the area.
- o An analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing.
- o Detailed information on concurrent displacement and relocation by other governmental agencies or private concerns.
- o Description of the methods to be used to help displaced persons relocate.
- o Explanation of the lead time necessary to carry out a timely, orderly and humane relocation program.

LAST RESORT HOUSING

If a preliminary housing survey indicates that a sufficient number of comparable decent, safe and sanitary dwellings are not available for replacement purposes for those persons displaced by the Metro Rail Project, the District may consider the feasibility of "a last resort housing" project to make housing available through purchase and/or construction. This alternative may also be considered if comparable decent, safe and sanitary dwellings become unavailable during the acquisition and relocation phase of the construction project. Concurrence and approval from UMTA would be required before SCRTD proceeded to consider this alternative to providing replacement housing.

RECORDS AND REPORTS

In connection with the Metro Rail Project, SCRTD will maintain complete and comprehensive records of all relocation activities including names and addresses of displaced persons, and moving and replacement housing payment records.

The relocation records will be available at reasonable hours for inspection by representatives of the Department of Transportation who have an interest or responsibility for such records.

Annual reports on the relocation program will be submitted to UMTA in the form required.

VII. PROPERTY MANAGEMENT

Property Management relates to the control and administration of lands and improvements acquired from the time title is vested with SCRTD until the property is turned over for construction. This involves the maintenance and protection of the property acquired, including improvements, the responsibility for occupancy and rental of improved and unimproved lands, and the disposition of improvements by sale or demolition. SCRTD will adopt procedures pursuant to the following property management policies:

PROPERTY MANAGEMENT POLICIES

1. All property rights acquired for purposes of constructing and operating the Metro Rail Project will be managed by SCRTD.
2. SCRTD may permit an owner or tenant to occupy real property acquired on a rental basis for a short term or for a period subject to a termination by SCRTD on short notice.
3. The owner of improvements or appurtenances on land being acquired will be allowed the option of retaining improvements or appurtenances at a retention value predetermined by SCRTD.
4. SCRTD will expeditiously move to inspect vacant property and to protect against vandalism, fire, and rodent infestation.

PROPERTY INSPECTION

When SCRTD receives title for each property that has been acquired, and after the property has been vacated, SCRTD will inspect the property to:

- o Determine the present condition of the improvements and fixtures acquired;
- o Determine that all fixtures and equipment acquired remain on the property;
- o Make a preliminary estimate of the sale value of improvements for removal or salvage;
- o Make a preliminary estimate of demolition costs;

To provide for protection against vandalism and fire for vacated properties, SCRTD will (1) have all utilities disconnected; (2) clean out other fire hazards; (3) post notice of SCRTD ownership; and (4) arrange for adequate security protection.

RENTAL OF PROPERTY

If SCRTD rents the property it has acquired to an owner or a tenant for a period subject to termination on short notice, SCRTD will:

- o Establish the fair rental for the property on the basis of a uniformly applied rental policy;
- o Prepare rental agreements; and
- o Supervise property and rental collections through terms of the lease, making sure that all conditions of the lease are complied with and that the improvements are vacated in time for clearance before construction.

OWNER RETENTION

Unless inconsistent with planned urban development, the owner of improvements or appurtenances on land being acquired will be allowed the option of retaining his improvements or appurtenances at a retention value predetermined by SCRTD. This determination will be made prior to the start of negotiations.

RODENT AND PEST CONTROL

SCRTD will determine if conditions are such that rodent and pest control measures are necessary. If inspection indicates that control is desirable, action will be taken to eliminate the rodents and pests prior to the demolition or removal of the improvements located within the project area. The participation of state, county, and city health departments will be requested.

VII. PROPERTY MANAGEMENT

APPENDICES

APPENDIX 1

DEFINITION OF TERMS

1. Appraisal. A written statement of the appraiser's opinion of value fully supported by pertinent factual data of an adequately described parcel of property as of a specified date.
2. Business. Any lawful activity other than a farm operation conducted primarily:
 - a. For the purpose, sale, lease or rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property.
 - b. For the sale of services to the public.
 - c. By a nonprofit organization.
 - d. For assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or services by erection and maintenance of an outdoor advertising display(s) whether or not the display(s) is located on the premises on which any of the above activities are conducted.
3. Comparable Replacement Dwelling. A replacement dwelling which is:
 - a. Decent, safe and sanitary.
 - b. Functionally equivalent and substantially the same as the dwelling being acquired, but not excluding newly constructed housing, with respect to:
 - (1) Number of rooms;
 - (2) Area of living space;
 - (3) Type of construction
 - c. In an area not generally less desirable than the dwelling being acquired with respect to:
 - (1) Public utilities;
 - (2) Public and commercial facilities and
 - (3) Neighborhood conditions, including municipal services, and unreasonably adverse environmental factors;

- d. Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family or the displaced individual;
 - e. Adequate in size to accommodate the needs of the displaced family or individual;
 - f. Within the financial means of the displaced family or individual. A dwelling is within the financial means of an individual or family if, the monthly housing cost (including payments for mortgage, insurance, and property taxes) or rented cost is not more than:
 - (1) 25 percent of the monthly gross income of the individual or family, including supplemental income payments received from public agencies; or
 - (2) The portion of the monthly gross income of the individual or family, including supplemental income payments received from public agencies, paid for rent or housing cost at the acquired dwelling if the rent or housing cost is not excessive taking into consideration the cost of other needs of the family or individual.
 - g. Is open to all individuals regardless of race, color, religion, or national origin, in a manner consistent with the requirements of Title VIII of the Civil Rights Act of 1968, and which is available to all individuals regardless of sex.
4. Decent, Safe and Sanitary Housing. Standards for decent, safe and sanitary housing are:
- a. Minimum Requirements. A decent, safe and sanitary dwelling is one which meets all of the following minimum requirements:
 - (1) Conforms to State and Local Housing Codes and Ordinances. Conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
 - (2) Water. Has a continuing and adequate supply of potable safe water.
 - (3) Kitchen Requirements. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or

custom. When these facilities are not required by local code, ordinances or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

- (4) Heating System. Has an adequate heating system in good working order which will maintain a minimum temperature of 68 degrees in the living area under local outdoor design temperature conditions. A heating system will not be required in those areas where such is not normally included in new housing. Bedrooms are not included in the "living area" as referred to in this paragraph.
- (5) Bathroom Facilities. Has a bathroom, well lighted and ventilated and affording privacy to a person within it, contains a lavatory basin and a bathtub or staff shower, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.
- (6) Electric System. Has an adequate and safe wiring system for lighting and other electrical services in each room.
- (7) Structurally Sound. Is structurally sound, weathertight, in good repair and adequately maintained.
- (8) Egress. Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In a multi-dwelling building of three stories or more, the common corridor on each story must have at least two means of egress.
- (9) Habitable Floor Space. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square foot for mobile home) of habitable floor for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining.

b. Rental of Sleeping Rooms. The standards for decent, safe and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in Paragraph a.(1), (4), (5), (7), and (8) above and in the following:

(1) Habitable Floor Space. Has at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) Bathroom Facilities. Has a lavatory, bath and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the sleeping room.

c. In the event the local housing code does not meet all of the standards listed above, but is reasonably comparable, UMTA will be asked to approved the use of the local code as acceptable standards for decent safe and sanitary housing.

5. Displaced Person. A displaced person is any person who:

a. Is in occupancy at the initiation of negotiation for the acquisition of the real property or other real property on which he conducts a business or farm operation, in whole or in part; or

b. Is in occupancy at the time he is given a written notice by the District that is their intent to acquire the property by a given date; and

c. Moves from the real property or moves his personal property from the real property or other real property on which he conducts a business operation subsequent to the earliest date established above; and

d. The real property is subsequently acquired.

e. If the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.

6. District. Southern California Rapid Transit District.

7. Dwelling. The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multi-family building; a unit of a condominium or cooperative housing project; any other resident unit, including a mobile home which is either considered to be real property under state law, or cannot be moved without substantial damage or unreasonable cost or is not a decent, safe and sanitary dwelling.

8. Economic Rent. The amount of a rent a tenant or homeowner would have to pay for a dwelling comparable to the acquired dwelling in a similar area.
9. Fair Market Value. The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. (California Code of Civil Procedure 1253.320).
10. Family. Two or more individuals who live together in a dwelling and are:
 - a. Related by blood, marriage, adoption, or legal guardianship; or
 - b. Others who live together as a family unit may be determined to be jointly eligible for relocation assistance and payments.
11. Farm Operation. A lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use.
12. Federal Financial Assistance. A grant, loan or contribution provided by the United States, other than a Federal guarantee or insurance, or an annual payment or capital loan to the District of Columbia.
13. Initiation of Negotiation for the Parcel. The date SCRTD makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.
14. Initiation of Negotiation for the Project. The date SCRTD makes the first personal contact with any property owner or his representative and furnishes him a written offer to purchase the real property, except where such contact is made solely for protective buying or because of hardship.
15. Just Compensation. The measure of just compensation is the fair market value of the property taken. (Code of Civil Procedure, Section 1253.310)
16. Mortgage. A lien commonly given to secure an advance on, or the unpaid purchase price of real property together with any credit instruments secured thereby.

17. Nonprofit Organization. A corporation, partnership, individual or other public or private entity engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or instructional activity on the premises.
18. Owner. An individual(s):
 - a. Owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the property.
 - b. The contract purchaser of any of the foregoing estates or interests.
 - c. With a lease, at least 50 years to run from the date of the acquisition of the property.
 - d. With an interest in a cooperative housing project, which includes the right to occupy the dwelling.
 - e. Who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law.
19. Person. A partnership, company, corporation, or association as well as an individual or family.
20. Project. Any UMTA Grant Agreement which will result in the acquisition of land and/or the displacement of people.
21. Remnant. A remainder or portion of property that will be left in a size, shape or condition as to be of little market value.
22. Grantee. Any public agency which either individually or jointly with one or more other public agencies, is eligible to receive Federal financial assistance from the UMTA.
23. SCRTD. Southern California Rapid Transit District.
24. Tenant. An individual or family who rents, or is temporary in lawful possession of a dwelling, including a sleeping room.

**UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES
ACT OF 1970**

PUBLIC LAW 91-646



Public Law 91-646
91st Congress, S. 1
January 2, 1971

An Act

84 STAT. 1894

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

TITLE I—GENERAL PROVISIONS

Sec. 101. As used in this Act—

Definitions.

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the

families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived:

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING
FEDERAL FINANCIAL ASSISTANCE

Sec. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

Sec. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

Presidential
report to
Congress.

Sec. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 210. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234).

72 Stat. 152.

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

76 Stat. 384.

76 Stat. 511.

(3) Section 2650 of title 10, United States Code.

78 Stat. 305.

76 Stat. 765.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

76 Stat. 795.

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved October 6, 1964 (75 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

79 Stat. 486.

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

80 Stat. 1259.

82 Stat. 830.

23 USC 501.

62 Stat. 835.

23 USC 501

note, 510

note.

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b)(1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

APPENDIX 3

RIGHT-OF-WAY SELECTION CRITERIA

1.11 RIGHT-OF-WAY

1.11.1 General

- A. Right-of-way is the composite total requirement of all interests and uses of real property needed to construct, maintain, protect and operate the transit system. Some right-of-way requirements are temporary and reversionary in nature, while other requirements are permanent as dictated by operating needs. The philosophy of the District is to acquire and maintain the minimum right-of-way required consistent with the requirements of the system and good right-of-way practices. Because right-of-way plans approved by the District are used as a basis for acquisition of property, all interests and uses required shall be shown on the right-of-way plans together with the detailed property dispositions.

- B. The taking envelope is influenced by the topography, drainage, ditches, retaining walls, service roads, utilities, the nature of the structure and side slopes selected.

- C. The limits of permanent right-of-way shall be shown on the right-of-way plans as an unbroken line utilizing simple curves and tangents. Spiral curves will not be used in right-of-way descriptions. Chords may be used in lieu of curves under special conditions approved by the District.

1.11.2 Types of Right-of-Way

A. Fee Simple

1. Full ownership of property. It should provide sufficient space for the construction, operation, protection, and maintenance of the transit system.
2. Fee simple should always be the first type of right-of-way to be considered for any surface or aerial construction. If this is not practical, another type of right-of-way should be used.

B. Permanent Surface Easement With an Upper Limit

1. An easement that provides space for the transit structures, and for the future maintenance of structures, which support aerial facilities located on private property. This easement also is applicable where structures, such as railroad bridges, pass over transit facilities. The easement shall have definite upper and lateral limits which shall be described by the Designer. Where required, lower limits will be described.
2. The recommended easement width must include basic track width, drainage, supporting slopes and utilities, and must consider the overall effect on the affected property.

C. Permanent Underground Easement

1. An easement that encompasses the total transit facility located beneath the surface of the ground. It shall have definite upper and lateral limits which shall be described by the Designer. Lower limits will be described only where special limiting features exist.

D. Permanent Aerial Easement

1. An easement that completely envelopes the aerial portion of the transit facility. Its upper, lower and side limits shall be described by the Designer.

E. Temporary Construction Easement

1. An easement, temporary in nature, that provides sufficient space to allow for the use of the property by the Contractor during construction.

F. Utility Easements

1. Utility easements which are required shall be treated as right-of-way. Bearings and distances along the centerline shall be shown as well as the lengths and widths of the easements and ties to the limits of right-of-way. All easements shall be in accordance with local utility regulations.

1.11.3 Right-of-Way Criteria

A. Right-of-Way-Limits

The following criteria are provided for establishing the limits of the right-of-way. The dimensions are given for minimum conditions and must be modified where engineering requirements dictate additional needs. All right-of-way limits shall be vertical or horizontal planes.

1. Rock Tunnel

- a. Upper Limit: The limit of the right-of-way is described by elevations of horizontal planes, stepped as required, co-locating the steps with existing property lines or prominent suitable topographical features. Ten feet (10') above the high point of the structure is the minimum required vertical distance to the horizontal plane of the envelope. Allowances shall be made for rock bolting which may be required.
- b. Lateral Limit: Vertical planes ten feet (10') outside the inside finish surface of the tunnel. Where necessary, allowances shall be made for rock bolting or other required special construction. With formal approval of the District, the right-of-way lateral limit may be set at the existing property line if the normal lateral limit of the right-of-way encroaches upon the existing property by no more than three feet (3').

- c. Lower Limit: Where used, the lower limit shall be configured in a manner similar to that for the upper limit. Lower limits normally are not defined for rock tunnels.

2. Earth Tunnel

- a. Upper Limit: The limit of the right-of-way is described by elevations of horizontal planes, stepped as required, co-locating the steps with existing property lines or prominent suitable topographical features. Ten feet (10') above the high point of the structure is the minimum required vertical distance to the horizontal plane of the envelope.
- b. Lateral Limit: Five feet (5') beyond the outside face of each tunnel structure.
- c. Lower Limit: Where required by local conditions, a lower limit shall be configured in a manner similar to that of the upper limit, using a minimum vertical distance of ten feet (10') below the low point of the structure, where possible.

3. Cut and Cover Construction

- a. Upper Limit: Ten feet (10') above the high point of the structure. The limit shall be delineated by elevations of horizontal planes, stepped as required, co-locating the steps with existing

property lines or prominent suitable topographical features.

- b. Lateral Limit: Five feet (5') beyond the outside faces of the structure.
- c. Lower Limit: Where required by local conditions, the lower limit shall be configured in a manner similar to that of the upper limit, using a minimum vertical distance of ten feet (10') below the low point of the structure, where possible.

4. Aerial Construction

- a. Upper Limit: Where required by local conditions, the upper limit is delineated by elevations of horizontal planes, stepped as required, co-locating the steps with existing property lines or prominent suitable topographical features. The minimum required vertical distance from top of rail to the horizontal plane is fifteen feet (15').
- b. Lateral Limit: Twenty-five feet (25') outside the centerline of each track. Easements shall be required for maintenance of and repairs to structures.
- c. Lower Limit: Where required by local conditions and specifically directed by the District, the lower limit will be the ground level with specified use restrictions, except where crossing other rights-of-way.

5. At-Grade Construction

- a. Upper Limit: Normally, an upper limit is not required. When an upper limit is required, the limit shall be described by the elevations of horizontal planes, stepped as required, and co-locating the steps with existing property lines or prominent suitable topographical features. The minimum required vertical distance from top of rail to the horizontal plane is fifteen feet (15').
- b. Lateral Limit: On exclusive right-of-way, the minimum allowable distance from the centerline of the nearest track to the limit of right-of-way is thirteen feet (13').
- c. On restrictive rights-of-way, such as in highway and railroad corridors, the minimum rights-of-way shall be as approved by the District and by the agencies, jurisdiction or the owner involved.
- d. Additional distances required, such as for service road and drainage ditches, shall be added to the above. In superelevated sections, the minimum allowable exclusive right-of-way is fifteen feet, (15'-0") from the line of the nearest track on the high side.
- e. In retained cuts or on retained fills, the minimum right-of-way required is measured

laterally to the outside edge of the retaining wall footings. Allowances shall be made for pile encroachments. In side cuts, unretained open cuts or fills, the slopes shall be included in the right-of-way.

- f. Lower Limit: When required, the lower limit shall be defined in a manner similar to that for the upper limit, using a minimum vertical distance of ten feet (10') below top of rail, where possible.

6. Storm Drainage

- a. Open Ditches: The minimum width for surface drainage easements shall be governed by local agency requirements, but in no case shall be less than six feet (6') for paved ditches and channels and eight feet (8') for unpaved ditches.
- b. Underground Drainage: Easement widths for underground drainage systems shall be approved by the local agency involved. As a guideline, the minimum easement width is 10 feet with 2 foot minimum clearance from outside edge of structure to right-of-way line.

7. Stations

- a. Right-of-way required for stations shall include space needed for platforms, ticketing, waiting rooms, access to

stations ancillary rooms and accommodations and for the structure.

- b. In addition to the structural, mechanical and electrical requirements for space, the requirements for pedestrian circulation space must be observed. A fifteen foot (15') wide longitudinal walk strip on one side of the finished escalator portal is required. A twenty foot (20') distance from the newels of the escalators must also be preserved for pedestrian circulation. Minimum head room is eight feet (8').

8. Substations and Tie Breaker Stations

- a. Substations and tie breaker stations at grade require a minimum fifteen foot (15') access strip. The requirement for land varies. The land should be contiguous to the right-of-way for the transit system, where possible, with five feet (5') provided between the limit of the right-ofway and the face of the structure for maintenance purposes.

9. Vent and Fan Shafts

- a. Vent and fan shafts shall be located in public space, where possible. When located on private property, the limit of right-of-way is three feet (3') from the outside face of the structure. Access to the shaft is required.

B. Right-of-Way Information Requirements

1. Curve Data

- a. Circular curves are the only types of curve to be used for right-of-way limit lines. Curve data shall be shown on the right-of-way plan sheet in a table of curve data. Tangent sections shall be used in lieu of curves to show the limits of the right-of-way when curves are extremely flat.

2. Continuous Right-of-Way

- a. Although the District may not require acquisition of public space, all plans shall show the right-of-way envelope as being continuous crossing public as well as private space. Such private space shall be identified.

3. Isolated Right-of-Way

- a. The boundary for the easement areas supporting all new construction, such as fan and vent shafts, substations, escalators, and chiller plants, shall be defined geometrically with ties shown wherever the location is not contiguous to the right-of-way.

4. Vaults

- a. Vaults affected by transit construction shall be shown and their disposition shall

be noted. The vaults shall be labeled as follows:

- (1) Category "A" - vaults which must be removed during construction.
- (2) Category "B" - vaults which lie within the influence line of construction, but may not require removal.

b. The influence line generally may be considered to project outward on a 1:1 slope from the lowest point of excavation nearest the property line. Vaults not in Category "A", but within the influence line, could experience cracking, and utility lines may be subject to rupture. The owner may be required to abandon use of such vaults during construction.

5. Multi-Level Easements

a. Multi-level easements, such as at station entrances located in buildings, may be required by the District. In such instances, separate detailed drawing shall be prepared showing all interests on each floor level proposed for use by for the District. The following requirements shall be met:

- (1) Each floor level affected by the transit facility shall be so noted and separately illustrated. A separate entry in the property

disposition table is required for each level.

(2) Each type of easement on a floor level shall be dimensioned and symbolized properly . All column locations shall be shown.

(3) The elevations of each floor easement shall be given and shall be referenced to the project datum. Elevations normally shall be from the underside of the floor structure to the underside of the next higher floor structure.

6. Explanatory Notes

a. Explanatory notes shall be used, where applicable, to aid in clarifying the right-of-way takings.

7. Projections in Public Space

a. Right-of-way plans shall show all vaults, fire escapes, signs, display windows, footings, foundations and other projections in public space which must be removed to accommodate the construction of the transit system. The projections into public space affected by the construction will be identified in terms of location and type of projection and reported separately to the District as soon as possible. In areas where projections are numerous, a chart shall be provided on the plans for clarification.

8. Underpinning

- a. Detailed plans shall indicate the right-of-way necessary for any underpinning required in his scope of work. Separate drawings showing the easements required for the Contractor shall be prepared and referenced. The underpinning details shall show the dimensions of the easements and tie the easements to the transit system right-of-way. The property line and all the supporting columns of the structure shall be shown. Proposed access and location of dust walls shall be shown.

9. Street Closings

Separate drawings shall show the areas of public property to be closed and utilized for the transit system. These drawings shall be prepared in accordance with local requirements.

1.11.4 Surveys and Mounmentation

- A. Any Land Surveyor or any Civil Engineer registered in California before 1982 may conduct surveys and prepare drawings for recording in California. Civil Engineers registered in 1982 and thereafter may conduct surveys only if they have passed the Land Surveyor's examination and are duly registered as Land Surveyors.
- B. Field surveys, record information, and computations, shall be used to prepare individual plats

of survey in accordance with local regulations. The final plats shall comply with the recording requirements of Los Angeles County. The Transit System's right-of-way envelope shall be described by metes and bounds, insuring that the pertinent portions of all tracts, subdivisions, U.S. lands, parcels and other areas which are affected by the envelope are similarly described. Coordinates and elevations further describing the right-of-way and existing property corners shall be shown on the plans. Coordinates shall be provided for all angle and curve points along the limits of the right-of-way.

- C. Monuments, as shown in Figure II-1-54, will be used wherever monumentation is required and where it can be utilized in the form shown. Monuments shall be placed at each PC and PT of right-of-way line curves, and as necessary to satisfy involved jurisdictions. Where monument locations are such that use of the above described monument is not practical, other suitable monuments may be used, subject to approval of the District and the jurisdictions involved.

DEFINITIONS

Taking Envelope - An unbroken boundary line that contains all the land and property rights needed to construct, maintain, protect and operate the transit system. The boundary line is two dimensional in nature, vertical as well as horizontal.

Spiral Curve - A curve whose radius varies to provide a gradual transition between a tangent and a circular curve.

Chord - A straight line joining any two points on an arc or circular curve.

Bearing - An angle in degrees that a line makes with a given north-south reference line. The bearing is always a value of 0 to 90 degrees and identified by the compass quadrant within which it is located. Example: N 30° W

Rock Bolt - A device to support and strengthen the roof of a tunnel in certain types of rock.

Elevation - The vertical distance usually expressed in feet, above a known or assumed datum.

Retained fill - The earth placed upon original ground level that is held in place by a wall, generally constructed of concrete.

Retained cut - The earth below the surface level of the ground that is prevented from caving in or falling by a wall. The wall may be constructed by a variety of material but generally consists of concrete.

Substation - One of a series of electrical facilities where electrical power is converted for use to propel transit cars over a portion of the transit system.

Tie Breaker Station - An electrical facility that feeds propulsion power to a section of the transit system in the event the substation that normally supplies power is out-of-service.

Vent Shaft (sometimes referred to as Fan Shaft) - Essentially a vertical duct that conveys air between a section of a tunnel and the atmosphere.

Circular Curve - A continuous change in alignment produced by an arc of constant radius and fixed center.

Tangent - A line that touches a curve at only one point but does not intersect it.

Chiller Plant - An industrial refrigeration facility that develops cold air to cool selected areas of the transit system.

APPENDIX 4

QUESTIONS, COMMENTS AND RESPONSES
FROM MEETINGS ON PRELIMINARY DRAFT
REPORT

Questions/Comments from Preliminary Draft Presentation Meeting in
the Central Business District/Wilshire Segment on Milestone 5
(July 6, 1982)

Q/C: Which properties must be acquired to build the Metro Rail System?

A: The properties that must be acquired to build the Metro Rail System will be identified as the Preliminary Engineering Process is completed. The parcels required will be determined based on an analysis of the right-of-way criteria, design requirements, location of stations or line segments, construction requirements and construction techniques.

Q/C: When is the contemplated "certification" process to take place?

A: The certification process will begin after the Metro Rail Project has been approved and the engineers have completed design to the extent that the actual amount of real estate required can be identified.

Q/C: Will the certification be segmented or all along the line, and where will it start?

A: The design process will proceed simultaneously along various segments of the system. The real estate will be certified as soon as the engineers have identified the amount of property required.

Q/C: What allowances are there for those who are affected by relocation and must pay a higher interest rate when purchasing a new home? If I'm paying 6% now and must buy another home at 15%, how will RTD assist in this enormous increase?

A: Homeowners who are required to relocate and purchase a new home may be entitled to a replacement housing payment to assist them in purchasing a replacement home. One element of the replacement housing payment is an amount which compensates for increased interest cost.

Q/C: What if negotiations break down? Will eminent domain have priority in Superior Court? How long are these court procedures?

A: If negotiations break down and the property owner and RTD cannot reach an agreement, RTD will initiate condemnation proceedings. Condemnation cases take precedence in Superior Court over all other civil actions in the matter of setting them for hearing or trial. The time involved in a condemnation case varies greatly; however, approximately 4 to 7 months should be allowed for this process.

Q/C: Can RTD's right of eminent domain be challenged in Court?

A: The Public Utilities Code (PUC) Section 30600 grants RTD the power to acquire real and personal property of every kind by condemnation. Once the SCRTD Board of Directors has passed a resolution of necessity, the public necessity for the real estate is conclusive. However, a property owner may challenge the taking on the ground that the project is not an authorized public use or on the ground that RTD does not intend to put the property to its declared public purpose. There are also other statutory grounds provided in the eminent domain law upon which a defendant can contest the right of a public agency to take his property.

Q/C: Where will construction start? Will you build the line all at once or in segments?

A: A construction plan for building the Metro Rail Project will be developed which will determine where construction will begin and develop a time table and process for completing the construction of the various stations and line segments.

Q/C: What is the Relocation Appeal Process?

A: A relocation appeal process will be developed which assures all displaced persons that their grievance will be heard. Judicial appeal may be pursued if a claimant is not satisfied with the RTD administrative appeal determination.

Q/C: CalTrans is acquiring the Union Station property. Is RTD involved in the acquisition?

A: RTD is not involved in CalTrans' acquisition of Union Station; however, a portion of the Union Station complex will be required for the Metro Rail Union Station. RTD will negotiate separately for the property interest it requires.

Q/C: How much land will be taken for each station?

A: The land required for each station will be determined based on the location of the station. The determining factor will be whether it is under the street or off-street on private property. The construction technique utilized will also influence the amount of real estate required (Mined or cut and cover).

Q/C: Will the process for relocation be expedited so as not to further inconvenience the affected property owner?

A: Yes. All efforts will be made by RTD to move expeditiously to acquire real estate and complete relocation.

Q/C: How much property over the project's needs will RTD acquire?

A: RTD will acquire only that property that is needed for the construction and operation of the Metro Rail Project.

Q/C: What is a temporary construction easement?

A: A temporary construction easement is an easement which grants to RTD the temporary right to use real property for various construction activities.

Q/C: What happens to the property owner's ownership when RTD acquires a temporary use of the property?

A: The property owner retains full ownership of the property; however, RTD acquire full right to possession of property during the temporary period.

Q/C: Has RTD made a proposal to Southern Pacific to obtain right-of-way for the Metro Rail Project?

A: RTD has informed Southern Pacific of its need for a portion of their right-of-way.

Q/C: Will the appraisal take into account the future worth of the property RTD acquires?

A: The appraiser, in determining the fair market value of the property, will take into account the "highest and best use" of the property. This appraisal principal of valuation accounts for the most profitable use to which a property can be adapted or the use that is likely to be most in demand in the reasonably near future.

Q/C: Has RTD established a ceiling for payment for commercial improvements?

A: No. Commercial improvements (fixtures and equipments) will be appraised by a competent appraiser and RTD will pay the owner the appraised value of the improvements.

Q/C: Will RTD pay for a business' loss of goodwill?

A: Under California law, the owner of a business conducted on property acquired by a public agency or from the remainder, may be entitled to compensation for loss of goodwill if the owner can meet certain qualifications provided by law. The business owner will be informed of his possible right to compensation and provided a copy of the pertinent portion of the California Eminent Domain law relating to compensation for loss of goodwill.

Q/C: What kind of policy will affect joint development and value capture?

A: RTD policy statement on joint development and value capture will be presented in Milestone 6.

Q/C: Is RTD considering the implementation of assessment districts?

A: RTD is investigating a variety of financing options, including the implementation of assessment districts. Milestone 6 will investigate this option in more detail.

Questions/Comments from Preliminary Draft Presentation Meeting in the North Hollywood/Hollywood Segment on Milestone 5 (July 7, 1982)

Q/C: Who determines the right-of-way needed?

A: The engineers determine and certify the amount of right-of-way needed based on the approved alignment. The SCRTD Board of Directors reviews and approves the engineers' certification.

Q/C: At what point will appraisals be made?

A: Each property certified and approved for acquisition will be appraised by a professional property appraiser prior to an offer being made to a property owner.

Q/C: Who determines just compensation?

A: Upon review of the appraisal report, RTD's review appraiser will recommend the amount of just compensation. The amount of just compensation will then be approved by the Director of Real Estate or other designated officials at RTD.

Q/C: Will a copy of the appraisal be sent to the property owner?

A: Generally, the property owner is not provided a copy of the appraisal report.

Q/C: Does a property owner have legal recourse to challenge the RTD's appraisals?

A: If a property owner disagrees with RTD's offer of just compensation and an agreement cannot be reached, RTD will initiate condemnation proceedings. This legal action allows RTD and the property owner to present appraisal data to support their contention of value. Based on the evidence presented, the court will then decide on the amount of just compensation due the property owner.

Q/C: Can property owners retain their own appraiser?

A: Yes. Property owners can retain their own appraiser at their expense.

Q/C: What happens if you don't take all of my property, but lower the value of what is left?

A: In the case of a partial acquisition, the appraiser will value the after-value of the remainder. If the value of the remainder is reduced, the property owner will be paid severance damage for the lowered value of the remaining property. If the property owner is left with an uneconomic remnant, RTD will offer to purchase the entire parcel.

Q/:C Would sellers be subject to capital gains taxes?

A: Property owners who are required to sell their property to a public agency are allowed two years to reinvest into other property without paying capital gains taxes provided they meet certain requirements established by IRS.

Q/C: Has RTD identified parcels of land that will be needed for the Vineland aerial system?

A: Specific parcels that may be needed for the Vineland aerial alternative have not been identified.

Q/C: Are you conducting the Environmental Assessment concurrently with Milestone decisions or after the decisions are made?

A: The Environmental Assessment meetings will run concurrently with the Milestone process.

APPENDIX 5

QUESTIONS, COMMENTS, AND RESPONSES FROM THE
BOARD OF DIRECTORS PUBLIC HEARING OF AUGUST
12, 1982, AND UMTA'S REVIEW OF THE DRAFT
REPORT

QUESTIONS, COMMENTS AND RESPONSES FROM PUBLIC HEARING HELD
AUGUST 12, 1982 ON MILESTONE 5 DRAFT REPORT

The questions and comments responded to in this section are those made verbally at the Public Hearing, August 12, which were relevant to Milestone 5 and were not answered at the hearing. The comments and questions were taken from the official transcript of the hearing. Some statements have been paraphrased for brevity.

Q/C: "If you go down Lankershim Boulevard with any type of aerial system and you have to take easements into adjoining property maybe across the sidewalk, it is virtually impossible to assess a value on historic property, on sacred property, whether it is taken by eminent domain or other means. . ."

Mr. Malak (P. 17)

A: SCRTD is prohibited by Federal law from causing a condition which adversely changes the quality of the architectural, archeological, or cultural character that qualifies a property under the National Register Criteria. The District will assess very carefully the impact the selected alignment will have on the St. Charles Church. However, in the event a church or any other special purpose building is acquired by SCRTD, sound appraisal principles will be applied in determining the value of the property and the part required.

Q/C: "The report in no way accounts for indirect and partial takings or acquisition as opposed to direct and complete taking of easements or title."

Mr. Allen (P. 18)

A: In many cases, the right-of-way requirement will necessitate only a partial taking of a parcel or an easement. The acquisition process for a partial taking will be the same as for a full taking. If it is determined that the owner is left with an uneconomic remnant as a result of the partial taking, SCRTD will offer to purchase the entire parcel.

Q/C: "If damage occurs to any historical properties; that damage should not only be compensated for but actually repaired."

Mr. Allen (P. 19)

A: If physical damage occurs to any property as a result of the Metro Rail construction activities, SCRTD will take the appropriate action to compensate the owner, including actually repairing the damaged property. The impact of the Metro Rail Project on historical sites will be fully reviewed and discussed in the Second Tier Environmental Impact Assessment.

Q/C: "About someone who is put out of business directly attributable to the construction of the cut and cover station. This may not occur. If it does, he should be compensated even though there is no direct or complete taking."

Mr. Allen (P. 19)

A: Generally, California law does not provide payment for loss of business because of the speculative nature of the claim. SCRTD and its contractors will work cooperatively with businesses to accommodate their special needs during construction and will undertake preventive measures to mitigate disruption to businesses adjacent to construction sites. However, if a business owner feels that his property has been taken or damaged without payment of just compensation, he may initiate an inverse condemnation action against SCRTD.

Q/C: "I believe that the Milestone 5 Report acquisition and relocation policies should include the offer by the RTD to circulate to affected agencies, including those listed in the report, and other prominent developers in the area, to determine whether there are any plans for further use, further dislocation from the site, to which displacees might be relocated."

Mr. Allen (P. 20)

A: SCRTD will coordinate very closely with other public and private organizations that are causing displacement to assure that displacees are not subject to multiple displacement because of public or private projects.

Q/C: "There is not a description of an appeal process that your District would follow if someone is unsatisfied."

Mr. Roberts (P. 22)

A: The Milestone Report indicates that any person who is not satisfied with RTD's determination of eligibility for a relocation payment or amount of payment will be able to file an appeal through an administrative appeal process. The process will be developed and publicized to all persons affected by the acquisition and relocation program.

Q/C: "I would like to recommend to the RTD's consideration a pool of dollars which could be used should an aerial system be put, not just in the North Hollywood area, but other places throughout Los Angeles to compensate homeowners and perhaps businesses for loss of easement of light and air, and possible diminution of property values."

Mr. Malak (P. 27)

A: It will not be necessary to set aside a pool of dollars specifically for the purpose mentioned. Normally, easements for light and air are not required. Any other easement needed for the system will be acquired and the owner compensated for the value of the easement. The appraisal of the property will identify whether the value of the property has been diminished as a result of the easement. Compensation for any loss in value will be included in the offer of just compensation.

A: The chart has been revised to show preliminary work for relocation beginning during the negotiation phase.

2. Right of Way Selection Criteria (Appendix)

Q/C(a) Appendix 3 might be further clarified for the public by (a) explanation of many of the technical terms (e.g. "taking envelope", "sample curves and tangents," "fee simple," etc.) and (b) elimination of references to work to be done by the consultant.

A: The Right-of-Way Selection criteria was originally written as part of the comprehensive specifications for the Metro Rail Project. The Right-of-Way section was extracted for the Milestone 5 Report because of its relevance to the certification process. This section has been modified to be more easily understood by the general public. Also, a list of definitions has been added to further enhance the public's comprehension of the document.

REFERENCES

1. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 42 U.S.C. Section 4601 et. seq.
2. Department of Transportation, Urban Mass Transportation Administration, Circular 4530.1, March 21, 1978.
3. The California Relocation Act, California Government Code Section 7260 et. seq.
4. Relocation Assistance and Real Property Acquisition Guidelines, 25 Cal. Adm. Code Section 6000 et. seq.
5. Southern California Rapid Transit District Law, California Public Utilities Code Section 30000 et. seq.
6. The Eminent Domain Law, California Civil Procedure Code Section 1230.010 et. seq.
7. Dankert, Thomas M., California Real Estate Law & Practice: Condemnation Practice Handbook, (Matthew Bender & Company, Incorporated), 1976.