

AGENDA: August 2, 2007

TO: Regional Transportation Commission
FROM: George Dondero, Executive Director
RE: Proposed Changes to Eminent Domain Law

RECOMMENDATION

Staff recommends that the Regional Transportation Commission support efforts of the Contra Costa Transportation Authority to modify eminent domain law SB 1210 (enacted in 2006) in order to address delays to transportation projects.

BACKGROUND

Last year, SB 1210, a bill aimed at providing additional protections for property owners in the eminent domain process, was signed into law. Among other things, the bill provided for earlier notification to property owners regarding certain aspects of the eminent domain process and guaranteed they would be reimbursed for up to \$5,000 in property appraisal costs by the government agency in eminent domain situations. However, the bill created some unforeseen impacts on public agencies who need to acquire property for public improvements, particularly regarding the process for pre-trial possession of property.

DISCUSSION

Among other provisions, SB 1210 revised the process and time frame whereby public agencies can gain entry onto, and take effective possession of, property being acquired by eminent domain to construct public works projects. These changes have the potential to result in serious delays in delivery of several projects in Santa Cruz County, including the Proposition 1B-funded Highway 1 Soquel-Morrissey Auxiliary Lane project, the Highway 1 HOV Lane project, transit projects and projects on local streets and roads. Attached is a letter from Bob McCleary, Executive Director of the Contra Costa Transportation Authority further outlining these issues.

Delays in project delivery and the cost increases associated with them, while always problematic, are particularly an issue with respect to projects funded through the Proposition 1B bonds and the State Transportation Improvement Program (STIP), which are subject to very strict time frames.

Staff recommends that the RTC support the attempts to modify the existing law to restore predictability to the eminent domain process as soon as possible.

Attachment: July 18, 2007 Letter from Bob McCleary, CCTA