

TO: Regional Transportation Commission
FROM: Rachel Moriconi, Senior Transportation Planner
RE: Proposed Changes to Eminent Domain Law

RECOMMENDATION

This item is for information only.

BACKGROUND

Last year several efforts were undertaken to modify state law in order to provide additional protections for property owners in the eminent domain process. In November 2006, Proposition 90, a property-rights initiative that would have further amended the state Constitution to limit the use of eminent domain, failed by a vote of 47.7% to 52.3%. However, the state legislature did pass SB1210. As reported at your last meeting, SB1210 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.

DISCUSSION

SB1210 has created some unforeseen impacts on public agencies that need to acquire property for public improvements, including delays to transportation projects. For instance, as reported by Caltrans at the California Transportation Commission's July meeting, since passage of SB1210 in the fall of 2006, Caltrans has yet to take possession of any of the properties for which the CTC had adopted Resolutions of Necessity, significantly delaying several transportation projects statewide. SB1210 has the potential to result in serious delays to 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. At its August 2, 2007 meeting, the RTC voted to support efforts to modify SB1210 in order to minimize delays to transportation projects, but requested additional information before support letters are sent out.

Attached is a summary of the proposed SB 1210 clean-up legislation ([Attachment 1](#)), a matrix comparing the proposed amendments to SB1210 ([Attachment 2](#)), and a comparison of project timelines for obtaining orders of possession (OP) under eminent domain law pre-SB1210 and post-SB1210 ([Attachment 3](#)). These documents were prepared by Contra Costa Transportation Authority.

Attachments:

1. *SB 1210 Proposed Clean-Up Legislation Summary*
2. *Matrix*
3. *Comparative Timeline*