

Appendix A

CEQA Checklist

Appendix A: CEQA Environmental Checklist

PM 4.0/4.9 04-Sol-37

DISTRICT 04-SOL

PM10.6/11.2

4A4410

Dist.-Co.-Rte.

P.M/P.M.

E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
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I. AESTHETICS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES: Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS: Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. LAND USE AND PLANNING: Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. MINERAL RESOURCES: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. NOISE: Would the project result in:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
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XV. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less-than-Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
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|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Appendix B

Summary of Relocation Benefits

Appendix B: Summary of Relocation Benefits

DECLARATION OF POLICY

"The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

The Fifth Amendment to the U.S. Constitution states, "No Person shall...be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation." The Uniform Act sets forth in statute the due process that must be followed in Real Property acquisitions involving federal funds. Supplementing the Uniform Act is the government-wide single rule for all agencies to follow, set forth in 49 Code of Federal Regulations, Part 24. Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments, as discussed below.

FAIR HOUSING

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This Act, and as amended, makes discriminatory practices in the purchase and rental of most residential units illegal. Whenever possible, minority persons shall be given reasonable opportunities to relocate to any available housing regardless of neighborhood, as long as the replacement dwellings are decent, safe, and sanitary and are within their financial means. This policy, however, does not require the Department to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Any persons to be displaced will be assigned to a relocation advisor, who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments. At the time of the initiation of negotiations (usually the first written offer to purchase), owner-occupants are given a detailed explanation of the state's relocation services. Tenant occupants of properties to be acquired are contacted soon after the initiation of negotiations, and also are given a detailed explanation of the Caltrans Relocation Assistance Program. To avoid loss of possible benefits, no individual, family, business, farm, or nonprofit organization should commit to purchase or rent a replacement property without first contacting a Department relocation advisor.

RELOCATION ASSISTANCE ADVISORY SERVICES

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Department will provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. The Department will assist eligible displacees in obtaining comparable replacement housing by providing current and continuing information on the availability and prices of both houses for sale and rental units that are "decent, safe and sanitary." Nonresidential displacees will receive information on comparable properties for lease or purchase (For business, farm and nonprofit organization relocation services, see below).

Residential replacement dwellings will be in a location generally not less desirable than the displacement neighborhood at prices or rents within the financial ability of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, comparable replacement dwellings will be offered to displacees that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include the supplying of information concerning Federal and State assisted housing programs, and any other known services being offered by public and private agencies in the area.

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without first being given at least 90 days written notice. Residential occupants eligible for relocation payment(s) will not be required to move unless at least one comparable "decent, safe and sanitary" replacement dwelling, available on the market, is offered to them by the Department.

RESIDENTIAL RELOCATION PAYMENTS

The Relocation Assistance Program will help eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for or incidental to the purchase or rental of a replacement dwelling and actual reasonable moving expenses to a new location within 50 miles of the displacement property. Any actual moving costs in excess of the 50 miles are the responsibility of the displacee. The Residential Relocation Assistance Program can be summarized as follows:

MOVING COSTS

Any displaced person, who lawfully occupied the acquired property, regardless of the length of occupancy in the property acquired, will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 50 miles, or a fixed payment based on a fixed moving cost schedule. Lawful occupants who move into the displacement property after the initiation of negotiations must wait until the Department obtains control of the property in order to be eligible for relocation payments.

PURCHASE DIFFERENTIAL

In addition to moving and related expense payments, fully eligible homeowners may be entitled to payments for increased costs of replacement housing.

Homeowners who have owned and occupied their property for 180 days or more prior to the date of the initiation of negotiations (usually the first written offer to purchase the property), may qualify to receive a price differential payment and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. The maximum combination of these three supplemental payments that the owner-occupant can receive is \$22,500. If the total entitlement (without the moving payments) is in excess of \$22,500, the Last Resort Housing Program will be used (See the explanation of the Last Resort Housing Program below).

RENT DIFFERENTIAL

Tenants and certain owner-occupants (based on length of ownership) who have occupied the property to be acquired by the Department prior to the date of the initiation of negotiations may qualify to receive a rent differential payment. This payment is made when the Department determines that the cost to rent a comparable “decent, safe and sanitary” replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the tenant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitations noted under the Down Payment section below. The maximum amount payable to any eligible tenant and any owner-occupant of less than 180 days, in addition to moving expenses, is \$5,250. If the total entitlement for rent supplement exceeds \$5,250, the Last Resort Housing Program will be used.

In order to receive any relocation benefits, the displaced person must buy or rent and occupy a “decent, safe and sanitary” replacement dwelling within one year from the date the Department takes legal possession of the property, or from the date the displacee vacates the displacement property, whichever is later.

DOWN PAYMENT

The down payment option has been designed to aid owner-occupants of less than 180 days and tenants in legal occupancy prior to Caltrans’ initiation of negotiations. The down payment and incidental expenses cannot exceed the maximum payment of \$5,250. The one-year eligibility period in which to purchase and occupy a “decent, safe and sanitary” replacement dwelling will apply.

LAST RESORT HOUSING

Federal regulations (49 CFR 24) contain the policy and procedure for implementing the Last Resort Housing Program on federal-aid projects. Last Resort Housing benefits are, except for the amounts of payments and the methods in making them, the same as those benefits for standard residential relocation as explained above. Last Resort Housing has been designed primarily to cover situations where a displacee cannot be relocated because of lack of available comparable replacement housing, or when the anticipated replacement housing payments exceed the \$22,500 and \$5,250 limits of the standard relocation procedure, because either the displacee lacks the financial ability or other valid circumstances.

After the initiation of negotiations, the Department will within a reasonable length of time, personally contact the displacees to gather important information, including the following:

- Number of people to be displaced;
- Specific arrangements needed to accommodate any family member(s) with special needs;
- Financial ability to relocate into comparable replacement dwelling which will adequately house all members of the family;
- Preferences in area of relocation;
- Location of employment or school.

NONRESIDENTIAL RELOCATION ASSISTANCE

The Nonresidential Relocation Assistance Program provides assistance to businesses, farms and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. The Relocation Advisory Assistance Program will provide current lists of properties offered for sale or rent, suitable for a particular business's specific relocation needs. The types of payments available to eligible businesses, farms and nonprofit organizations are: searching and moving expenses, and possibly reestablishment expenses; or a fixed in lieu payment instead of any moving, searching and reestablishment expenses. The payment types can be summarized as follows:

MOVING EXPENSES

Moving expenses may include the following actual, reasonable costs:

- The moving of inventory, machinery, equipment and similar business-related property, including: dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting of personal property. Items acquired in the Right of Way contract may not be moved under the Relocation Assistance Program. If the displacee buys an Item Pertaining to the Realty back at salvage value, the cost to move that item is borne by the displacee.
- Loss of tangible personal property provides payment for actual, direct loss of personal property that the owner is permitted not to move.

- Expenses related to searching for a new business site, up to \$2,500, for reasonable expenses actually incurred.

REESTABLISHMENT EXPENSES

Reestablishment expenses related to the operation of the business at the new location, up to \$10,000 for reasonable expenses actually incurred.

FIXED IN LIEU PAYMENT

A fixed payment in lieu of moving, searching, and reestablishment payments may be available to businesses which meet certain eligibility requirements. This payment is an amount equal to half the average annual net earnings for the last two taxable years prior to the relocation and may not be less than \$1,000 nor more than \$20,000.

ADDITIONAL INFORMATION

Reimbursement for moving costs and replacement housing payments are not considered income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the extent of eligibility of a displacée for assistance under the Social Security Act, or any other law, except for any Federal law providing local “Section 8” Housing Programs.

Any person, business, farm or nonprofit organization which has been refused a relocation payment by the Department relocation advisor or believes that the payment(s) offered by the agency are inadequate, may appeal for a special hearing of the complaint. No legal assistance is required. Information about the appeal procedure is available from the relocation advisor.

California law allows for the payment for lost goodwill that arises from the displacement for a public project. A list of ineligible expenses can be obtained from Caltrans Right of Way. California's law and the federal regulations covering relocation assistance provide that no payment shall be duplicated by other payments being made by the displacing agency.

Your Rights and Benefits as a
Displacee Under the Uniform
Relocation Assistance Program
(Residential)
2007



Caltrans

California Department of Transportation

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is 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.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

- (1) Decent, safe, and sanitary. (See definition below)
- (2) Functionally equivalent to the displaced dwelling.
- (3) Adequate in size to accommodate the family being relocated.
- (4) In an area not subject to unreasonable adverse environmental conditions.
- (5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of-employment.
- (6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- (1) Be structurally sound, weather tight, and in good repair.
- (2) Contain a safe electrical wiring system adequate for lighting and other devices.



- (3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.
- (4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than 2 persons per room unless the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.
- (5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

- (6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- (7) *For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Residents **not lawfully present** in the United States are not eligible to receive relocation payments and assistance

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either a:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

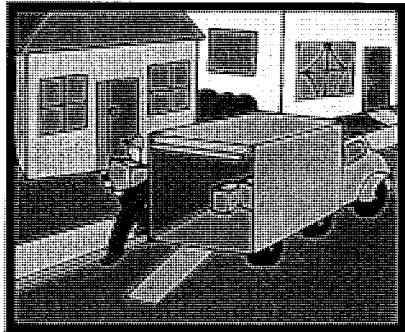
Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- (1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or
- (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- (3) A contract to purchase any interests or estates; or
- (4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Moving Expenses



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained. Below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs - You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses may include:

- Transportation
- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.

OR

Fixed Moving Cost Schedule - You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2005 Rate):

4 Rooms - \$ 950

7 Rooms - \$1,550

If the furniture is moved with the mobile home, the amount of the fixed payment is based on Schedule B.

Examples (Year 200 Rate):

4 Rooms - \$1,175

7 Rooms - \$1,900

Under the Fixed Move Schedule for a furnished unit (e.g. you are a tenant of an apartment that is furnished by your landlord) is based on Schedule B.

Example (Year 2005 Rate):

1 Room - \$400

Under the Fixed Move Schedule, you will not receive any additional payments for temporary storage, lodging, transportation or utility hook-ups.

Replacement Housing Payments

The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant, and the length of occupancy in the property being acquired.

If you are a qualified **owner occupant** of more than 180 days prior to the initiation of negotiations for the acquisition of your property, you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

If you are a qualified **owner occupant** of more than 90 days but less than 180 days, OR you are a qualified **tenant occupant** of at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Downpayment Option

Length of occupancy simply means counting the number of days that you actually occupied a dwelling before the date of initiation of negotiations by Caltrans for the purchase of the property. The term "initiation of negotiations" means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment. Check with your Relocation Agent before you make any decision to vacate your property.

For Owner Occupants of 180 Days or More

If you qualify as a 180-day owner occupant, you may be eligible -- in addition to the fair market value of your property -- for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and/or Incidental Expenses.

The **Price Differential** payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment will assist you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property

The **Mortgage Differential** payment will reimburse you for any increased mortgage interest costs you might incur because the interest rate on your new mortgage exceeds the interest rate on the property acquired by Caltrans. The payment computation is complex as it is based on prevailing rates, your existing loan and your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

If the total amount of your **Replacement Housing Payment** (Price Differential, Mortgage Differential and Incidental Expenses) exceeds \$22,500, the payment must be deposited directly into an escrow account or paid directly to the mortgage company.

EXAMPLES OF PRICE DIFFERENTIAL PAYMENT COMPUTATION:

Assume that Caltrans purchases your property for \$98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property will cost you \$100,000. If your purchase price is \$100,000, you will receive \$2,000 (see *Example A*).

If your actual purchase price is more than \$100,000, you pay the difference (see *Example B*). If your purchase price is less than \$100,000, the differential payment will be based on actual costs (see *Example C*).

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property and Mobile Home	\$100,000
Acquisition Price of Your Property and Mobile Home	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example A

Purchase Price of Replacement	\$100,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example B

Purchase Price of Replacement Property	\$105,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Maximum Price Differential	\$ 2,000
You Must Pay the Additional	\$ 5,000

Example C

Comparable Replacement Property	\$100,000
Purchase Price of Replacement	\$ 99,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Price Differential	\$ 1,000

In Example C you will only receive \$1,000 - not the full amount of the Caltrans "Comparable Replacement Property" because of the "Spend to Get" requirements.

IN ORDER FOR A "180 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT (*Price Differential, Mortgage Differential and Incidental Expenses*), you must:

- A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:
- (1) The date you first receive a notification of an available replacement house, **OR**
 - (2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the closing of escrow on State's acquisition),

AND

- B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

- C) File a claim for relocation payments within 18 months of the later:
- (1) The date you vacate the property acquired by Caltrans, **OR**
 - (2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Owner Occupants and Tenants of 90 Days or More

If you qualify as a 90-day occupant (either as an owner or tenant), you may be eligible for a Replacement Housing Payment in the form of a Rent Differential.

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

- a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**
- b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer - regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations.

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may - with certain limitations - be converted to a **Downpayment Option** to assist you in purchasing a replacement property.

Example of Rent Differential Payment Computation:

After a thorough study of comparable, decent, safe and sanitary dwellings that are available for rent, Caltrans determines that a comparable replacement property will rent for \$325.00 per month.

Caltrans Computation (rates are per month)

Rental Rate for Comparable Replacement Property	\$ 325
PLUS average estimated utilities costs	+ 100
TOTAL Cost to Rent Comparable Replacement Property	= \$ 425

Rental Rate for Your Current Property	\$ 300
PLUS average utilities costs	+ 90
TOTAL Cost to Rent Current Property	= \$ 390

Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	+ 390
Difference	= \$ 35

Multiplied by 42 months = \$1,470 Rent Differential

Example A:

Rental Rate for a Replacement Property including Estimated average utilities costs	\$ 525
Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	\$ 390

Since \$425 is less than \$525, the Rent Differential is based on the difference between \$390 and \$425.

Rent Differential (\$35 x 42 months = \$1,470)

In this case you spent "at least" the amount of the Comparable Replacement Property on the replacement property and will receive the full amount.

Example B:

Rental Rate for a Replacement Property including Estimated average utilities costs	\$ 400
Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	\$ 390

Since \$400 is less than \$525, the Rent Differential is based on the difference between \$400 and \$390.

Rent Differential (\$10 x 42 months = \$420)

In this case you spent "less than" the amount of the Comparable Replacement Property on the replacement property and will not receive the full amount.

IN ORDER FOR A "90 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT (Rent Differential), you must:

A) Rent and occupy a DS&S replacement dwelling within one year after the later of:

- (1) The date you first receive a notification of an available replacement house, **OR**
- (2) The day you vacate the property acquired by Caltrans.

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later of:

- (1) The date you vacate the property acquired by Caltrans, **OR**
- (2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. And, you will also receive at least 90 days' written notice before you must move.

Note1: The time periods for a 90-day owner occupant are different than a 180-day owner occupant.

Note 2: If the Rent Differential is converted to a Downpayment Option, there is no "spend-to-get" requirement.

DOWN PAYMENT OPTION

The Rent Differential payment may - with certain limitations - be converted to a **Down Payment Option** to assist you in purchasing a replacement property. The down payment option is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between \$0 and \$5,250, your down payment option will be \$5,250, which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over \$5,250, you may be able to convert the entire amount of the Rent Differential to a downpayment option.

The down payment option must be used for the acquisition of the replacement dwelling, plus any eligible incidental expenses (see "180-day Owner Occupants Incidental Expenses") related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your down payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a down payment option, those advance payments will be deducted from the entire benefit.

LAST RESORT HOUSING

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will utilize a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate or modify housing in order to meet the needs of the people displaced from a project. Caltrans can also pay above the statutory limits of \$5,250 and \$22,500 in order to make available housing affordable.

Relocation Advisory Assistance



Any individual, family, business or farm displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real property taxes.
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.



YOUR RIGHTS AS A DISPLACEE

All eligible displacees have a freedom of choice in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a purchase agreement or a rental agreement until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

NOTES

Sus Derechos y Beneficios Como Una Persona Desplazada Bajo el Programa Uniforme De Asistencia Para Reubicación (Residencial)

Introducción

En la construcción de un sistema moderno de transportación, el desplazamiento de un pequeño porcentaje de la población es a menudo necesario. Sin embargo, la política de Caltrans es que las personas desalojadas no tengan que sufrir innecesariamente como resultado de los programas diseñados para el beneficio del público en general.

Los individuos y familias desplazadas pueden ser elegibles para recibir servicios de asesoramiento y pagos de reubicación.

Este folleto provee información acerca de los servicios y pagos de reubicación disponibles. Si usted es requerido a mudarse como resultado de un proyecto de transportación, un Agente de Reubicación se comunicará con usted. El Agente de Reubicación le contestará preguntas específicas y le proveerá información adicional.

Ley de Procedimiento Uniforme de Asistencia para Rubicación y Adquisición de Bienes Raíces de 1970, Enmendada “La Ley Uniforme”

El propósito de esta Ley es proveer tratamiento igual y uniforme para las personas que son desplazadas de sus hogares, negocios, u operaciones agrícolas por programas federales o programas que son asistidos con fondos federales y para establecer uniformidad e igualdad en la política de adquisición de tierras por programas federales y programas asistidos con fondos federales.

La ley trata de asegurar que las personas desplazadas directamente como resultado de proyectos federales o proyectos asistidos con fondos federales sean tratados con igualdad, consistencia y equidad para que esas personas no sufran

daños desproporcionados como resultado de proyectos designados para el beneficio del público en general.

Aunque se ha hecho un esfuerzo para asegurar la precisión de este folleto, debe de ser entendido que no tiene la fuerza o efectos de la ley, regla, o regulación que gobierna el pago de los beneficios. Si hay diferencias o error, la ley tomará precedencia.

Algunas Definiciones Importantes...

Sus beneficios de reubicación pueden ser entendidos mejor si usted entiende los siguientes términos:

Vivienda de Restitución comparable: significa una propiedad que es:

- (1) Decente, segura y sanitaria. (Vea la definición abajo.)
- (2) Equivalente funcionalmente a la propiedad desplazada.
- (3) Adecuada en tamaño para acomodar a la familia que esta siendo reubicada.
- (4) En un área que no esté sujeta a condiciones irrazonablemente adversas.
- (5) En una localidad generalmente no menos deseable que la localidad de su propiedad desplazada con respecto a servicios públicos, y acceso razonable al lugar de empleo.
- (6) En una parcela de tamaño típico para el desarrollo de una residencia de tamaño normal.

Decente, Segura y Sanitaria (DS&S): La vivienda de restitución debe de ser decente, segura y sanitaria ... que significa que llena todos los requisitos mínimos establecidos por las regulaciones federales y conforme a los códigos de ocupación de viviendas aplicables. La propiedad será:

- (1) Buena estructuralmente, cerrada a las condiciones climáticas y en buen estado de reparación.
- (2) Contiene un sistema eléctrico adecuado para iluminación y otros aparatos.
- (3) Contiene un sistema de calefacción capáz de mantener una temperatura saludable (de aproximadamente 70 grados) para la persona desplazada,

con excepción en aquellas áreas donde las condiciones climáticas no requieren dicho sistema.

- (4) Debe de ser adecuada en tamaño con respecto al número de cuartos y áreas para vivir necesarias para acomodar a las personas desplazadas. Es política de Caltrans que más de dos personas no deben de estar en un solo cuarto, a menos que que el tamaño del cuarto sea suficientemente adecuado para acomodar los muebles de dormitorios necesarios de los ocupantes.
- (5) Tener un baño separado, bien iluminado y ventilado que sea privado a los usuarios y que contenga un lavamanos, una tina o regadera, y un excusado, todos en buenas condiciones y apropiadamente conectados a los sistemas de aguas negras y aguas potables.

Nota: En el caso de una propiedad residencial, debe de haber una área de cocina que contenga un lavatrastos usable, propiamente conectado a agua caliente y agua fría, y al sistema de drenaje, y con espacio adecuado para utilizar los servicios y conexiones para una estufa y un refrigerador.

- (6) Que contenga salidas sin obstrucción y seguros espacio abierto al nivel del suelo. Si la propiedad de restitución está en el segundo piso o más arriba, que tenga acceso directamente desde o a travéz de un corredor, y que éste corredor común debe de tener al menos dos salidas.
- (7) Si la persona desplazada es incapacitada físicamente, debe de ser libre de cualquier barrera que le impidan la entrada o salida, o uso razonable de la propiedad por dicha persona incapacitada.

Persona Desplazada: Cualquier individuo o familia que se mueva de una propiedad o mueva sus bienes personales de una propiedad como resultado de la adquisición de bienes raíces, en todo o en parte, o como resultado de una notificación escrita de una agencia pidiéndole que desocupe la propiedad que se necesita para un proyecto de transportación. En el caso de una adquisición parcial, Caltrans debe de determinar si la persona es desplazada directamente como resultado de esta adquisición.

Los residentes **que no están legalmente** en los Estados Unidos no son elegibles para recibir pagos y asistencia de reubicación.

Los beneficios de reubicación van a variar dependiendo del tipo y tiempo de ocupación. Como una persona desplazada de una unidad residencial usted puede ser clasificado como:

- Un dueño ocupante de una propiedad residencial (incluyendo casas móviles)
- Un inquilino ocupante de una propiedad residencial (incluyendo casas móviles y cuartos para dormir)

Vivienda: El lugar de permanencia o residencia regular y usual de una persona, de acuerdo a las costumbres locales o la ley, incluyendo una unidad familiar, una unidad familiar en un complejo doble o multi-familiar, o una propiedad de uso múltiple, una unidad de condominio o proyecto de vivienda en cooperativa, una unidad libre de mantenimiento doméstico, una casa móvil, o cualquier otra unidad residencial.

Dueño: Una persona es considerada que llena los requisitos de dueño de una casa, si esta persona compra, tiene título o tiene algunos de los siguientes intereses en una propiedad:

- (1) Una escritura de propiedad, un interés de por vida en una propiedad, un contrato de renta por 99 años, un contrato oral de renta incluyendo una opción para extensión con al menos 50 años que queden después de la fecha de adquisición; o
- (2) El interés en un proyecto de vivienda en cooperativa que incluya el derecho de ocupar una vivienda; o
- (3) Un contrato de compra de interés, o bienes raíces.
- (4) Algún otro interés, incluyendo intereses parciales, que a juicio de la agencia garanticen los pagos como dueño.

Inquilino: Una persona que tiene el uso y la ocupación temporal de una propiedad de la que otro es dueño.

Gastos de Mudanza

Si usted califica como persona desplazada, usted tiene derecho a reembolso de sus gastos de mudanza y a ciertos gastos relacionados incurridos durante el traslado. Los métodos de traslado y los distintos tipos de pagos para gastos de mudanza son explicados abajo.

Los individuos y familias desplazadas pueden escoger un pago basado en los gastos reales, razonables y los gastos relacionados, o de acuerdo a una lista de costos fijos de mudanza. Sin embargo, para asegurar su elegibilidad y el pago rápido de sus gastos de mudanza, usted debe de ponerse en contacto con su Agente de Rubricación antes de mudarse.

Usted Puede Elegir Entre:

Los Gastos Razonables de Mudanza – A usted se le puede pagar por los gastos razonables de mudanza y gastos relacionados cuando una compañía comercial de mudanza hace la mudanza. Los reembolsos deberán ser limitados a una mudanza de 50 millas o menos. Los gastos relacionados pueden incluir:

- Transportación.
- Empaque y desempaque de propiedades personales.
- Desconexión y reconexión de aparatos eléctricos.
- Almacenaje temporal de propiedades personales.
- Seguros cuando la propiedad está almacenada o en tránsito.

Ó

Lista de Costos Fijos de Mudanza – A usted se le puede pagar basado en una lista de costos fijos de mudanza. Bajo esta opción, usted no puede ser elegible para reembolsos de gastos relacionados incluidos en la lista de arriba. Esta lista de gastos fijos está designada a cubrir todos esos gastos.

Por ejemplo (Tarifa para el año 2001)

4 Cuartos - \$ 950
7 Cuartos - \$1,550

Los costos fijos de mudanza para una unidad amueblada (ejemplo, usted es inquilino en un apartamento donde los muebles pertenecen al dueño de la vivienda) estan basados en la Tabla de Honorarios B.

Ejemplos (Taza en el año 2001):

4 Cuartos - \$475

7 Cuartos - \$625

Bajo la lista de Pago Fijos de Mudanza, usted no puede recibir ningun pago adicional por almacenamiento temporario, vivienda temporaria, transportación o conexiones de servicios públicos.

Pagos Para Vivienda de Restitución

El tipo de Pago Para Vivienda de Restitución (RHP) depende de si usted es dueño o un inquilino, y en el tiempo de ocupación que tiene de la propiedad que será adquirida.

Si usted es calificado **como dueño ocupante** de más de 180 días antes de la iniciación de negociaciones para la adquisición de su propiedad, usted puede tener derecho a recibir RHP que consiste en:

Diferencia de Precio, y

Diferencia para Hipoteca, y

Gastos Incidentales

O

Diferencia Para Rentar

Si usted es calificado como **dueño ocupante** de más de 90 días, pero menos de 180 días, O si usted es calificado como **inquilino ocupante** de al menos 90 días, usted puede tener derecho a recibir RHP así:

Diferencia Para Rentar

U

Opción para Enganche

Tiempo de ocupación simplemente significa contar el número de días que usted actualmente ocupó la vivienda antes de la fecha de iniciación de negociaciones por Caltrans para la compra de la propiedad. El término “iniciación de negociaciones” significa la fecha que Caltrans hizo el primer contacto personal con el dueño de bienes raíces, o su representante, para darle a él/ella una oferta escrita para la adquisición de la propiedad.

*Nota: Si usted ocupó una vivienda por **menos de 90 días** antes de la iniciación de negociaciones y la propiedad es posteriormente adquirida, o si usted se mudó a la propiedad después de la iniciación de negociaciones y usted todavía*

ocupaba la propiedad a la fecha de adquisición, usted puede ser elegible para un Pago para Restitución de Vivienda, basado en una guía de elegibilidad establecida. Consulte con su Agente de Reubicación antes de que haga cualquier decisión de mudarse de su propiedad.

Para Ocupantes de 180 Días o Más

Si usted califica como dueño ocupante de 180 días, puede ser elegible – además del valor equitativo en el mercado de su propiedad – para un Pago de Restitución de Vivienda que consiste en un pago de Diferencia de Precio y/o Gastos Incidentales.

El Pago de **Diferencia de Precio** es la cantidad por la que el costo de una vivienda de restitución excede el costo de adquisición de la vivienda desplazada. Este pago le asistirá en la compra de una vivienda decente, segura, y sanitaria (DS&S). Caltrans computará el pago máximo que usted puede ser elegible para recibir. (Vea un ejemplo en la página 15.)

Para recibir la cantidad total de la diferencia de precio calculadas, usted debe de gastar al menos la cantidad calculada por Caltrans en la propiedad de restitución.

El pago de **Diferencia de Hipoteca** le será reembolsado por cualquier aumento del costo de interés en la hipoteca que usted haya incurrido porque la taza de interés en su nueva hipoteca excede la taza de interés de la propiedad adquirida por Caltrans. La computación del pago es complicada ya que está basada en las tasas típicas entre su préstamo anterior y su préstamo nuevo. También, una parte de los pagos pueden ser prorrateado como reembolso por una porción de los honorarios de su préstamo y los puntos (intereses) de la hipoteca.

Para ser elegible para recibir este pago, la propiedad adquirida debe de ser hipotecada con una hipoteca de buena fe, la cual fue un crédito válido de por lo menos 180 días antes de la iniciación de negociaciones.

Usted también puede ser reembolsado por cualquier **Gasto Incidental** actual y necesario que usted incurra en relación con la compra de su propiedad de restitución. Estos gastos pueden ser los costos por búsqueda de título, honorarios de copia en el Registro, reporte de crédito, reporte de evaluación, y ciertos otros gastos de cierre de escritura. Usted no puede ser reembolsado por ningún gasto frecuente como pre-pagos de impuesto de bienes raíces y seguro de propiedad.

Si la cantidad total de su **Pago de Vivienda de Restitución** (Diferencia de Precio, Diferencia Para Hipoteca y Gastos Incidentales) excede \$22,500, el pago debe de ser depositado directamente en una cuenta fiduciaria o ser pagado directamente a la compañía financiera.

EJEMPLO DE COMO SE CALCULA LA DIFERENCIA DE PAGO:

Suponga que Caltrans compra su propiedad por \$98,000. Despues de un estudio completo de viviendas disponibles en el mercado, que sean decentes, seguras y sanitarias, Caltrans determina que la propiedad de restitución comparable en el mercado abierto le costará \$100,000. Si su precio de compra es \$100,000 usted recibirá \$2,000 (*Vea el Ejemplo A*)

Si su precio de compra es de más de \$100,000, usted paga la diferencia (*vea el Ejemplo B*). Si su precio de compra es menos de \$100,000, el pago se basará en los costos actuales (*vea el Ejemplo C*).

La cantidad que usted recibe en un pago diferencial dependerá de cuanto usted realmente gasta en una vivienda de restitución, como se muestra en estos ejemplos.

Computación de Caltrans

Precio Comparable de la Propiedad de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000

Ejemplo A

Precio de Compra de Restitución	\$100,000
Propiedad Comparable de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000

Ejemplo B

Precio de Compra de Restitución	\$105,000
Propiedad Comparable de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000
Usted Debe de Pagar el Precio Adicional de	\$ 5,000

Ejemplo C

Propiedad Comparable de Restitución	\$100,000
Precio de Compra de Restitución	\$ 99,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia de Precio	\$ 1,000

En el ejemplo C usted solo recibirá \$1,000 – no la cantidad completa de “La propiedad Comparable de Restitución” por los requisitos de “Gastar para Obtener” de Caltrans.

PARA QUE UN “DUEÑO OCUPANTE DE 180 DÍAS” RECIBA LA CANTIDAD TOTAL DE SUS BENEFICIOS DE PAGOS PARA VIVIENDA (Diferencia de Precio, Diferencia de Hipoteca y Gastos Incidentales), usted debe:

- A) Comprar y ocupar una vivienda de restitución que sea DS&S dentro de al menos un año desde la fecha más tarde de:
- (1) La fecha en que recibió la primera notificación de una casa de restitución, **O**
 - (2) La fecha que Caltrans pagó los costos de adquisición de su vivienda actual (usualmente los gastos de cierre de escritura en la adquisición del Estado.)

Y

- B) Haber gastado al menos la cantidad que Caltrans estableció para “La Propiedad Comparable de Restitución” para la propiedad de restitución.

Y

C) Reportar un reclamo para pago para reubicación dentro de los 18 meses de la fecha más tarde de:

- (1) La fecha en que se mudó de la propiedad adquirida por Caltrans,
- (2) La fecha en que Caltrans le pagó los costos de adquisición de su vivienda actual (usualmente al cierre de escritura en la adquisición del Estado.)

Usted no será elegible para recibir ningún pago de reubicación hasta que el Estado haya hecho la primera oferta por escrito de la compra de la propiedad. Usted también recibirá una notificación escrita por lo menos 90 días antes de tener que mudarse.

Para Dueños Ocupantes e Inquilinos de 90 Días o Más

Si usted califica como un ocupante (ya sea como dueño o inquilino) de 90 días, usted puede ser elegible para un Pago de Vivienda de Restitución en la forma de Diferencia para Rentar.

El pago de la **Diferencia para Rentar** es designado para asistirle en la renta de una vivienda comparable que sea decente, segura y sanitaria. El pago será basado en la diferencia entre la renta básica mensual por la propiedad adquirida por Caltrans (incluyendo el promedio del costo mensual de servicios públicos) y el menor de:

- a) La renta mensual y el promedio del costo mensual estimado de los servicios públicos para una vivienda comparable de restitución determinada por Caltrans,
- b) La renta mensual y el promedio del costo mensual estimado de los servicios públicos para una vivienda decente, segura y sanitaria que usted rente como vivienda de restitución.

Gastos de servicios públicos son esos gastos que usted incurre por calefacción, luz, agua, aguas negras y basura – sin importar quien los provea (ejemplo, electricidad, gas propano, y sistema séptico.) No incluye cable de televisión, teléfono, o seguridad. Los servicios públicos en su propiedad de restitución será el estimado del promedio de costos por los 3 últimos meses para el tipo de vivienda y área usados en los cálculos.

Esta diferencia es multiplicada por 42 meses y le puede ser pagado en una sola suma o en pagos periódicos de acuerdo con la política y regulaciones. (Vea un ejemplo en la página 21.)

Para recibir la cantidad calculada total de la diferencia para rentar, usted debe gastar al menos la cantidad calculada por Caltrans en la propiedad de restitución.

Este pago puede – con ciertas limitaciones – ser convertido en una **Opción para Enganche** para asistirle en la compra de una propiedad de restitución (Vea la página 25 para una explicación completa.)

EJEMPLO DE LA COMPUTACIÓN DEL PAGO DE LA DIFERENCIA PARA RENTAR:

Después de hacer un estudio completo de viviendas comparables, decentes, seguras y sanitarias que estén disponibles para rentar, Caltrans determina que una propiedad comparable de restitución podría ser rentada por \$325 al mes.

Computación de Caltrans

Renta por una Propiedad Comparable de Restitución	\$ 325 al mes
MÁS: estimado de costos de servicios públicos	100 al mes
TOTAL Costo de renta por una Propiedad Comparable de Restitución	\$ 425 al mes
Renta por su Propiedad Actual	\$ 300 al mes
MÁS: costos de servicios públicos	90 al mes
TOTAL Costo para pagar la renta de su propiedad actual	\$ 390 al mes
Propiedad Comparable de Restitución incluyendo servicios públicos	\$ 425 al mes
Costo para pagar la renta de su propiedad incluyendo servicios públicos	390 al mes
Diferencia	\$ 35 al mes
Multiplicado por 42 meses = \$1,470 Diferencia para Rentar	

Ejemplo A:

Renta para una Propiedad de Restitución, incluyendo los costos estimados de servicios públicos	\$ 525 al mes
Propiedad Comparable de Restitución incluyendo servicios públicos	\$ 425 al mes
Costos de pago de la renta de su propiedad incluyendo servicios públicos	\$ 390 al mes

Ya que \$425 es menos que \$525, la diferencia para rentar está basada en la diferencia entre \$390 y \$425.

Diferencia para Rentar (\$35 x 42 meses = \$1,470)

En este caso usted gasta “al menos” la cantidad de la Propiedad de Restitución Comparable en la propiedad de restitución y así recibirá la cantidad total.

Ejemplo B:

Renta por una Propiedad de Restitución, incluyendo los costos estimados de servicios públicos	\$ 400 al mes
Propiedad Comparable de Restitución incluyendo servicios públicos	\$ 425 al mes
Costos de pago de la renta de su propiedad incluyendo servicios públicos	\$ 390 al mes

Ya que \$400 es menos que \$525, la diferencia para rentar está basada en la diferencia entre \$400 y \$390.

Diferencia para Rentar (\$10x 42 meses = \$420)

En este caso usted va a gastar “menos que” la cantidad de Propiedad de Restitución Comparable en la restitución de la vivienda y usted no recibirá la cantidad total.

PARA QUE UN “DUEÑO OCUPANTE DE 90 DÍAS” RECIBA LA CANTIDAD TOTAL DE PAGO PARA SU VIVIENDA DE RESTITUCIÓN (Diferencia para Rentar), **usted debe de:**

- A) Rentar y ocupar una vivienda de restitución DS&S dentro de un año después de la última fecha de:

- (1) La fecha en que usted recibió la primera notificación de una casa de restitución disponible,
- (2) El día en que usted su mudó de la propiedad adquirida por Caltrans.

Y

B) Gastar al menos la cantidad de la “Propiedad Comparable de Restitución” de Caltrans para rentar una vivienda de restitución.

Y

C) Reportar un reclamo para pagos de reubicación dentro de los 18 meses de la fecha más tarde:

- (1) La fecha en que usted se mudó de la propiedad adquirida por Caltrans,
- (2) La fecha en que Caltrans le pagó los costos de adquisición de su propiedad actual (usualmente al cierre de escritura de la adquisición del Estado.)

Usted no será elegible para recibir ningún pago de reubicación hasta que haya hecho la primera oferta escrita para comprar la propiedad. Además, usted recibirá al menos una noticia por escrito 90 días antes de tener que mudarse.

OPCIÓN PARA ENGANCHE

El pago de Diferencia para Rentar puede – con ciertas limitaciones – ser convertido en una **Opción para Enganche** para asistirle en la compra de una propiedad de restitución. La Opción para Enganche es una conversión directa del pago de la diferencia para rentar.

Si la diferencia para rentar es calculada entre \$0 y \$5,250, su Opción Para Enganche será de \$5,250 la cual puede ser usada para la compra de una vivienda de restitución decente, segura y sanitaria.

Si la diferencia para rentar es más de \$5,250 usted podrá convertir la cantidad completa de diferencia para rentar a una Opción Para Enganche.

La Opción Para Enganche debe de ser usada para el enganche requerido, la cual usualmente es un porcentaje del precio total de compra, más cualquier gasto incidental elegible (vea la página 14, “Gastos Incidentales para Dueños Ocupantes de 180 días”) relacionado con la compra de la propiedad. Usted debe trabajar junto con su Agente de Reubicación para asegurarse de que puede utilizar la cantidad total de su Opción Para Enganche en su compra.

Si alguna porción de la diferencia para rentar fue usada antes de su decisión de convertirla a una Opción Para Enganche, los pagos avanzados serán deducidos de los beneficios completos.

CASA DEL ÚLTIMO RECURSO

En la mayoría de los proyectos de Caltrans, existe una cantidad adecuada de viviendas de venta y alquiler, y los beneficios serán suficientes para que usted pueda reubicarse a una vivienda comparable. Sin embargo, en ciertas localidades pueden haber proyectos donde el número de viviendas disponibles no son suficientes para proveer viviendas a todas las personas desplazadas. En estos casos, Caltrans utiliza un método llamado Casa del Último Recurso. La Casa del Último Recurso permite a Caltrans construir, rehabilitar, o modificar viviendas para cumplir con las necesidades de las personas desplazadas por un proyecto. Caltrans puede también pagar arriba de los límites legales de \$5,250 y \$22,500 para hacer posible viviendas con precios razonables.

Asistencia de Consulta Para Reubicación

A cualquier individuo, familia, negocio u operación agrícola desplazada por Caltrans deberá ofrecérsele servicios de asistencia con el propósito de localizar una propiedad de restitución. Los servicios de reubicación son proveídos por empleados calificados de Caltrans. Es la meta de ellos y el deseo de estos empleados de servirle y asistirle de cualquier manera posible para ayudarle a reubicarse exitosamente.

Un Agente de Reubicación de Caltrans se pondrá en contacto con usted personalmente. Los servicios de reubicación y pagos se le explicarán de acuerdo con su elegibilidad. Durante la entrevista inicial, sus necesidades de vivienda y deseos se determinarán así como sus necesidades de asistencia. No se le puede pedir que se mude a menos que una vivienda comparable de restitución le sea disponible.

Usted puede esperar recibir los siguientes servicios, consejos y asistencia de su Agente de Reubicación quien le:

- Explicará los beneficios de reubicación y los requisitos de elegibilidad.
- Proveerá por escrito la cantidad de pago por su vivienda de restitución.
- Asegurará la disposición de una propiedad comparable antes de que se mude.
- Inspeccionará las posibles unidades residenciales de restitución para el cumplimiento de DS&S.

- Proveerá información y aconsejará como puede obtener ayuda para minimizar las adversidades en ajustarse a su nueva localidad.
- Ayudará en completar los documentos de préstamos, aplicaciones de rentas o las Formas de Reclamo para Reubicación.

Y proveerle información de:

- Seguro de Depósitos
- Taza de intereses y términos
- Pagos típicos de enganches
- Requisitos de préstamos de la Administración de Veteranos (VA) y la Administración de Vivienda Federal (FHA)
- Impuestos sobre bienes raíces
- Literatura de educación en viviendas para el consumidor

Si usted lo desea, el Agente de Reubicación le dará una lista actual de otras viviendas de restitución disponibles.

Se proveerá transportación para inspeccionar viviendas disponibles, especialmente si usted es mayor de edad o con impedimento físico. Aunque usted puede utilizar los servicios de un agente de bienes raíces, Caltrans no lo podrá referir.

Su Agente de Reubicación está familiarizado con los servicios proveídos por otras agencias de su comunidad y le proveerá información de otros programas de viviendas federales, estatales y locales que ofrecen programas de asistencia para personas desplazadas. Si usted tiene algún problema especial, su Agente de Reubicación hará su mejor esfuerzo para asegurarle los servicios de esas agencias con personal capacitado y con experiencia que le ayudarán.

Si el proyecto de transportación requiere un número considerable de personas que sean reubicados, Caltrans establecerá una Oficina Temporal de Reubicación en, o cerca del proyecto. Las oficinas de proyectos de reubicación deberán de abrirse durante horas convenientes y en horas tempranas de la noche, si es necesario.

Además de estos servicios, Caltrans es requerido que coordine las actividades de otras agencias que causen desplazamientos para asegurar que todas esas personas desplazadas reciban beneficios de reubicación equitativos y consistentes.

Recuerde – SU AGENTE DE REUBICACIÓN está para aconsejarle y asistirle. No vacile en hacer preguntas, y asegúrese de que entiende completamente sus derechos y beneficios de reubicación disponibles.

SUS DERECHOS COMO UNA PERSONA DESPLAZADA

Todas las personas elegibles como personas desplazadas tienen la libertad de escoger dentro de la selección de viviendas de restitución, y Caltrans no requerirá a ninguna persona que sea desplazada que acepte una vivienda de restitución proveída por Caltrans. Si usted decide no aceptar la vivienda de restitución ofrecida por Caltrans, usted puede elegir una vivienda de restitución de su propia selección, mientras que cumple con los requisitos de DS&S. Caltrans no pagará más que los beneficios calculados por una vivienda de restitución.

Lo más importante que usted debe de recordar es que la vivienda de restitución que usted seleccione debe de llenar los requisitos básicos de “decente, segura y sanitaria”. No ejecute los documentos de compra o el contrato de renta hasta que un representante de Caltrans haya inspeccionado y certificado por escrito que la vivienda que usted se propone ocupar cumple con los requisitos básicos. **NO ARRIESGUE** su derecho de recibir los pagos de vivienda de restitución por mudarse a una vivienda que no sea “decente, segura y sanitaria.”

Es importante recordar que sus beneficios de reubicación no van a tener ningún efecto adverso en su:

- Elegibilidad para Seguro Social
- Elegibilidad para Asistencia Social
- Impuestos sobre ingresos

Además, el Título VIII de los Derechos Civiles, Ley de 1968 y luego otras leyes y enmiendas hacen descriminatoria la práctica de compra y renta de unidades de vivienda si es basada ilegalmente en la raza, color, religión, sexo u origen nacional.

Cuando sea posible, a personas de minorías se les debe de dar oportunidades razonables para reubicarse a viviendas de restitución que sean decentes, seguras y sanitarias, no localizadas en áreas de concentración de minorías, y que estén dentro de sus recursos económicos. Esta política, sin embargo, no requiere que Caltrans provea a una persona pagos más grandes de lo que sean necesarios para permitir que la persona sea reubicada a una vivienda de restitución comparable.

La política No-Descriminatoria de Caltrans asegura que todos los servicios y/o los beneficios deben de ser administrados al público en general sin importar la raza, color, origen nacional, o sexo en cumplimiento con el Título VI de la Ley de Derechos Civiles de 1964 (42 USC 2000 d. et seq.)

Usted siempre tendrá el Derecho de Apelar cualquier decisión hecha por Caltrans relacionada a los beneficios de reubicación y elegibilidad.

Su Derecho de Apelar está garantizado en la “Ley Uniforme” la cual establece que una persona puede apelar al jefe de la agencia responsable, si ella cree que la agencia ha fallado en determinar correctamente su elegibilidad, o la cifra del pago autorizado por la Ley.

Si usted indica su disatisfacción, ya sea verbalmente o por escrito, Caltrans le asistirá en hacer su demanda de apelación y le explicará el procedimiento que debe de seguir. Usted tiene derecho de ser representado por un asesor legal u otro representante en conexión con su apelación (pero solamente por su propia cuenta.)

Caltrans considerará toda justificación y materia pertinente que usted entregue u otra información disponible, necesaria para asegurar una audiencia equitativa. Caltrans le proveerá una determinación por escrito del resultado de su apelación, con una explicación sobre la base de la decisión. Si usted aún no está satisfecho con la decisión otorgada, Caltrans le aconsejará que usted puede pedir una audiencia judicial.

Noticiero de la Ley para Americanos con Incapacidades Físicas (ADA):

Para personas con incapacidades físicas, este documento es disponible en formatos alternativos. Para Información llame al número (916) 654-5413 Voz, CRS: 1-800-735-2929, o escriba a Derecho de Vía, MS 37, 1120 N Street, Sacramento, CA 95814.

NOTAS

Your Rights and Benefits as a Displaced Business, Farm or Nonprofit Organization Under the Uniform Relocation Assistance Program

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their business, farm or nonprofit organization, by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Relocation Services

The California Department of Transportation has two programs to aid businesses, farms and nonprofit organizations which must relocate.

These are:

1. The Relocation Advisory Assistance Program, which is to aid you in locating a suitable replacement property, and
2. The Relocation Payments Program, which is to reimburse you for certain costs involved in relocating. These payments are classified as:
 - Moving and Related Expenses (costs to move personal property not acquired).
 - Reestablishment Expenses (expenses related to the replacement property).
 - In-Lieu Payment (a fixed payment in lieu of moving and related expenses, and reestablishment expenses).

NOTE: *Payment of loss of goodwill is considered an acquisition cost. California law and the federal regulations mandate that relocation payments cannot duplicate other payments such as goodwill. You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. You will also receive at least 90 days' written notice before you must move.*

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Owners and tenants **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Contributes Materially: A business or farm operation must have had average annual gross receipts of at least \$5,000 **or** average annual net earnings of at least \$1,000, or their income must have contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources, in order to qualify as a bona-fide operation.

Farm Operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable law.

MOVING EXPENSES

If you qualify as a displaced business, farm or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. To qualify you must legally occupy the property as the owner or lessee/tenant when Caltrans initiates negotiations for the acquisition of the property **OR** at the time Caltrans acquires title or takes possession of the property. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses, with limitations, **may** include:

- Transportation.
- Packing and unpacking of personal property.
- Disconnecting and reconnecting personal property related to the operation.
- Temporary storage of personal property.
- Insurance while property is in storage or transit, or the loss and damage of personal property if insurance is not reasonably available.
- Expenses in finding a replacement location.
- Professional services to plan and monitor the move of the personal property to the new location.
- Licenses, permits and fees required at the replacement location.

OR

Self-Move Agreement – You may be paid to move your own personal property based on the lower of two acceptable bids obtained by Caltrans.

Under this option, you will still be eligible for reimbursement of related expenses listed above that were not included in the bids.

OR

In-Lieu Payment – You can accept a fixed payment between \$1,000 and \$20,000, based on your annual earnings IN LIEU OF the moving cost, related expenses and reestablishment cost.

Actual Reasonable Moving Costs

You may be paid the actual reasonable and necessary costs of your move when a professional mover performs the move. All of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your Relocation Agent can provide you with a complete explanation of reimbursable expenses.

Self-Move Agreement

If you agree to take full responsibility for all or part of the move of your business, farm, or nonprofit organization, the Department may approve a payment not to exceed the lower of two acceptable bids obtained by the Department from qualified moving firms or a qualified Department staff employee. A low-cost or uncomplicated move may be based on a single bid or estimate at the Department's discretion. The advantage of this moving option is the fact that it relieves the displaced business, farm or nonprofit organization operator from documenting all moving expenses. The Department may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate. Other expenses, such as professional services for planning, storage costs, and the cost of licenses, permits, and certifications may also be reimbursable if determined to be necessary. These latter expenses must be pre approved by the Relocation Agent.

Requirements:

Before you move, you must provide Caltrans with the:

- Certified inventory of all personal property to be moved.
- Date you intend to vacate the property.
- Address of the replacement property.
- Opportunity to monitor and inspect the move from the acquired property to the replacement property.

Related Expenses

1. **Searching Expenses for Replacement Property:** Displaced businesses, farms and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to the real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the Department.

2. **Direct Loss of Tangible Personal Property:** Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the lesser of:

a. The fair market value of the item for continued use at the displacement site minus the proceeds from its sale.

OR

b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expense4s, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE:

You determine that the “document shredder” cannot be moved to the new location because of its condition, and you will not replace it at the new location.

Fair Market Value of the Document Shredder

Based on its use at the current location \$ 1,500

Proceeds: Price received from selling the -

Document Shredder \$ 500

Net Value \$ 1,000

OR

Estimated cost to move \$ 1,050

Based on the “lesser of”, the amount of the

“Loss of Tangible Personal Property” = \$ 1,000

Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

3. Purchase of Substitute Personal Property: If an item of personal property, which is used as part of the business, farm, or nonprofit organization, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

a. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item;

OR

b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE A:

You determine that the copying machine cannot be moved to the new location because it is now obsolete and you will replace it.

Cost of a substitute copy machine	
Including installation costs at the replacement site	\$ 3,000
Trade-in Allowance	- \$ 2,500
Net Value	\$ 500

OR

Estimated cost to move \$ 550

Based on the "lesser of", the amount of the
"Substitute Personal Property" = \$ 500

EXAMPLE B:

You determine that the chairs will not be used at the new location because they no longer match the décor and you will replace them.

Cost of substitute chairs	\$ 1,000
Proceeds from selling the chairs	- \$ 100
Net Value	\$ 900

OR

Estimated cost to move \$ 200

Based on the "lesser of", the amount of the
"Substitute Personal Property" = \$ 200

Note: You are also entitled to all reasonable costs incurred in attempting to sell the copy machine and/or chairs.

4. **Disconnecting and Reinstallation:** You will be reimbursed for your actual and reasonable costs to disconnect, dismantle, remove, reassemble and reinstall any machinery, equipment or other personal property in relation to its move to the new location. This includes connection to utilities available nearby and any modifications to the

personality that is necessary to adapt it to utilities at the replacement site.

5. **Physical changes at the new location:** You may be reimbursed for certain physical changes to the replacement property if the changes are necessary to permit the reinstallation of machinery or equipment necessary for the continue operation of the business. **Note:** *The changes cannot increase the value of the building for general purposes, nor can they increase the mechanical capability of the buildings beyond its normal requirements.*
6. The cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site.
7. Marketing studies, feasibility surveys and soil testing.
8. Professional real estate services needed for the purchase or lease of a replacement site.
9. One-time assessments or impact fees for anticipated heavy utility usage.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Construction and installation of exterior signing to advertise the business.
4. Redecoration or replacement such as painting, wallpapering, paneling or carpeting when required by the condition of the replacement site or for aesthetic purposes.

5. Advertising the new business location.
6. The estimated increased costs of operation at the replacement site during the first two years, for items such as:
 - a) Lease or rental charges
 - b) Personal or real property taxes
 - c) Insurance premiums, and
 - d) Utility charges (excluding impact fees).
7. Other items that the Department considers essential for the reestablishment of the business or farm.

Note: A nonprofit organization must substantiate that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). The payment is based on the average of two years annual gross revenues less administrative expenses.

In-Lieu Payment (Fixed)

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$20,000.

For a business to be eligible for a fixed payment, the Department must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of existing patronage.
3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity, which are under the same ownership and are not being displaced by the department.
4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are being displaced from a farm or your represent a nonprofit organization and are interested in a fixed payment, please consult your relocation counselor for additional information.

The Computation of Your In-Lieu Payment:

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced. Caltrans can use a different two year period if it is determined that the last two taxable years do not accurately reflect the earnings of the operation.

EXAMPLE: Caltrans acquires your property and you move in 2005:

2003 Annual Net Earnings	\$ 10,500
2004 Annual Net Earnings	<u>\$ 12,500</u>
TOTAL	\$ 23,000
Average over two years	\$ 11,500

This would be the amount of your in-lieu payment. Remember – this is in-lieu of all other moving benefits, including reestablishment expenses. You must provide the Department with proof of net earnings to support your claim.

Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence of net earnings acceptable to the Department.

Note: The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

Before You Move:

- A. Request a determination of entitlement for in-lieu payment from your Relocation Agent.
- B. Include a written statement of the reasons the business cannot be relocated without a substantial loss in net earnings.

- C. Provide certified copies of tax returns for the two tax years immediately preceding the tax year in which you move. (If you move anytime in the year 2005, regardless of when negotiations began or the State took title to the property, the taxable years would be 2003 and 2004).
- D. You will be notified of the amount you are entitled to after the application is received and approved.
- E. You cannot receive the payment until after you vacate the property, AND submit a claim for the payment within 18 months of the date of your move.

Relocation Advisory Assistance



Any business, farm or nonprofit organization displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your needs and desires will be determined as well as your need for assistance.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Determine your needs and preferences.
- Explain the relocation benefits and eligibility requirements.
- Provide information on replacement properties for your consideration.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- Permits, fees and local planning
- SBA loan requirements
- Real property taxes.
- Consumer education literature

If you desire, your Relocation Agent will give you current listings of other available replacement property. Transportation will be provided to inspect available property, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local programs offering assistance to displaced persons. If you have special needs, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.



YOUR RIGHTS AS A DISPLACED

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d, et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that

person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

NOTES

Sus Derechos y Beneficios Como Negocio, Operación Agrícola o Organización No Lucrativa Desplazada Bajo el Departamento de Transportación de California, Programa para Asistencia de Reubicación

Introducción

Cuando se está construyendo un sistema de transporte moderno, el desplazamiento de un pequeño porcentaje de la población es a veces necesario. Sin embargo, es el procedimiento de Caltrans que las personas desplazadas no deben de sufrir innecesariamente como resultado de los programas diseñados para el beneficio del público en general.

Los negocios, operaciones agrícolas, y organizaciones no-lucrativas desplazadas pueden ser elegibles para servicios de reubicación y pagos.

Este libreto le provee información acerca de los servicios y pagos de reubicación disponibles. Si usted tiene que mudarse como resultado de un proyecto de transportación de Caltrans, un Agente de Reubicación lo contactará. El Agente de Reubicación estará disponible para responderle preguntas específicas y darle información adicional.

Acta de Procedimiento Uniforme de Asistencia para Reubicación y Adquisición de Bienes Raíces de 1970, Emendada “El Acta Uniforme”

El propósito de esta Acta es de proveer uniformidad e igualdad de tratamiento a personas desplazadas de sus negocios, operaciones agrícolas, u organización no-lucrativa, por programas federales o programas asistidos con fondos federales, y de establecer uniformidad e igualdad en los procedimientos para adquisición de tierras para los programas federales y programas asistidos con fondos federales.

El Código de Regulaciones Federales 49, Parte 24 implementa el “Acta Uniforme” de acuerdo a los siguientes objetivos de asistencia de relocalización:

Para asegurar que las personas desplazadas como resultado directo de proyectos federales o proyectos asistidos con fondos federales sean tratados con justicia, consistencia e igualdad de tal manera que esas personas no sufran daños desproporcionados como resultado de los proyectos diseñados para el beneficio del público en general.

Mientras se ha hecho todo esfuerzo para asegurar la veracidad de este folleto, debe entenderse que no tiene la fuerza ni efecto de la ley, regla o regulaciones que gobiernan el pago de los beneficios. Si alguna diferencia o error resulta, la ley tomará precedencia.

Servicios de Reubicación

El Departamento Transportación tiene dos programas para ayudar a negocios, granjas y organizaciones no-lucrativas que tienen que reubicarse. Estas son:

1. El Programa de Consejos de Asistencia de Reubicación, que es para ayudarle en localizar una propiedad de reemplazo conveniente, y
2. El Programa de Pagos para Reubicación, que le reembolsará de ciertos costos envueltos en la reubicación. Estos pagos están clasificados como:
 - Gastos Relacionados a Mudanza (costos de mover propiedad personal no adquirida).
 - Gastos de Re establecimiento (gastos relacionados a la propiedad de reemplazo.)
 - Pagos Fijos (pago fijo en vez de los gastos de mudanzas y otros gastos relacionados, y gastos de re establecimiento).

Nota: *Pagos por pérdida de clientela es considerado un costo de adquisición. La ley de California y las regulaciones federales mandan que los pagos de reubicación no pueden duplicar otros pagos, como los pagos de pérdida de clientela.*

Usted **no** puede ser elegible a recibir ningún pago de reubicación hasta que el Estado haya hecho la primera oferta escrita para comprar su propiedad. Usted tambien recibirá un aviso escrito por lo menos 90 días antes que se tenga que mover.

Algunas Definiciones Importantes...

Sus beneficios de relocalización pueden ser entendidos mejor si usted se familiariza con los siguientes términos:

Negocio: Cualquier actividad legal, con la excepción de operaciones agrícolas, conducida principalmente para la compra, venta, arrendamiento, y alquiler de bienes personales o bienes raíces, o para la fabricación, elaboración y/o mercadotecnia de productos, mercancías, u otros bienes personales, o solamente para el propósito de ésta Acta, un rótulo con anuncio o anuncios, cuando el rótulo(s) tenga(n) que ser movido(s) como resultado del proyecto.

Negocios Pequeños: Un negocio que tenga no más de 500 empleados trabajando en el lugar que está siendo adquirido o desplazado por un programa o proyecto.

Contribuye Materialmente: Un negocio u operación agrícola debe de haber tenido un ingreso bruto en recibos de al menos \$5,000 o un promedio anual de ingreso netos de al menos \$1,000, para poder calificar como una operación de buena fe.

Operación Agrícola: Cualquier actividad conducida sola o primariamente para la producción de uno o más productos de agricultura o mercancías, incluyendo venta de madera, para la venta y uso en casa, y producción ordinaria de tales productos o mercancía en cantidades suficientes para tener la capacidad de contribuir materialmente al soporte del operario.

Organización No-lucrativa: Una entidad pública o privada que haya establecido su estado de organización no-lucrativa bajo las leyes aplicables.

Persona desplazada: Cualquier individuo o familia que se muda de una propiedad o mueva sus bienes personales de una propiedad como resultado de la adquisición de bienes raíces, en todo o en parte, o como resultado de una notificación escrita de una agencia para desocupar la propiedad que se necesita para un proyecto de construcción. En el caso de una adquisición parcial, Caltrans determinará si la persona es desplazada directamente como resultado de la adquisición.

Los residentes que no están legalmente en los Estados Unidos no son elegibles para recibir pagos y asistencia de reubicación.

Los beneficios de reubicación varían según el tipo y tiempo de ocupación. Como una persona desplazada de un unidad residencial usted puede ser clasificado como:

- Un dueño ocupante de una propiedad residencial (incluye casas móviles)
- Un inquilino ocupante de una propiedad Residencial (incluye casas móviles y cuartos para dormir)

GASTOS DE MUDANZA

Si usted califica como un negocio, operación agrícola, u organización no-lucrativa desplazada, usted puede recibir reembolso de los gastos de mudanza y ciertos gastos relacionados incurridos en la mudanza. Para calificar, usted tiene que ocupar la propiedad legalmente como dueño o inquilino cuando Caltrans inicie negociaciones para la adquisición de la propiedad, o al tiempo que Caltrans adquiera título, o tome posesión de la propiedad. Sin embargo, para asegurar su elegibilidad y el pronto pago de los gastos de mudanza, usted tiene que haber contactado a su Agente de Reubicación antes de que se mude.

Usted Puede Escoger Entre:

Gastos Razonables de Mudanza Actual – Usted tiene que haber pagado por sus gastos de mudanza razonables y gastos relacionados cuando una compañía comercial hace la mudanza.

El reembolso será limitado a mudanza de 50 millas o menos. Los gastos relacionados, con limitaciones, **pueden** incluir:

- Transportación.
- Empacamiento y desempacamiento de la propiedad personal.
- Desconexión y reconexión relacionada a la operación de la propiedad personal.
- Almacenamiento temporal de la propiedad personal.

Seguros mientras la propiedad está en almacenamiento o en tránsito, o la propiedad personal es perdida y dañada, si los seguros no son razonablemente disponible.

- Gastos en encontrar un lugar de reemplazamiento.
 - Servicios profesionales para planificar y supervisar la mudanza de la propiedad personal al nuevo lugar.
 - Licencias, permisos y honorarios requeridos en el lugar de reemplazamiento.
- Ó

Contrato de Mudanza Propia – Usted puede ser pagado por mover su propia propiedad personal basado en la más baja de dos ofertas aceptables obtenidas por Caltrans. Bajo esta opción, usted deberá todavía ser elegible para el reembolsamiento de los gastos arriba relacionados que no fueron incluídos en la oferta

Ó

Pago Fijo – Usted puede aceptar un pago fijo entre \$1,000 y \$20,000 basado en sus ganancias anuales EN VEZ de los costos y gastos relacionados de la mudanza.

Costos Actuales Razonables de Mudanza:

Pueden pagársele los gastos actuales razonables y necesarios de su mudanza si lo transporta con una compañía comercial de muebles y mudanzas. Todos sus gastos deben de ser respaldados con recibos u otra evidencia de gastos incurridos. Además de los gastos de transportación de su propiedad personal, ciertos otros gastos también pueden ser reembolsados, tales como empaque, embalaje, desempaque y desembalaje, desconexión, desmantelación, removimiento, reensamblamiento, y reinstalación de maquinaria relocalizada, equipos y otras propiedades personales. Otros gastos necesarios tales como servicios profesionales para planificar y supervisar la mudanza, almacenaje temporal y el costo para licencias, permisos y certificados también pueden ser reembolsables. Esta no es la intención de ser una lista inclusiva de todos los gastos relacionados de mudanza. Su Agente de Reubicación puede proveerle una explicación completa de los gastos reembolsables.

Contrato de Mudanza Propia

Si usted elige tomar la responsabilidad total o parcial para la mudanza de su negocio, operación agrícola, u organización no-lucrativa, Caltrans puede aprobar un pago sin exceder el presupuesto mas bajo de dos ofertas aceptables de una compañía comercial de muebles y mudanzas o por el Agente de Reubicación. Una mudanza a costo bajo o sin complicaciones puede ser basada en una sola oferta o estimado. En realidad, la ventaja de esta opción es que releva de la obligación al operador del negocio, operación agrícola u organización no-lucrativa desplazadas de documentar todos los gastos de mudanza. Caltrans puede hacer el pago sin documentación adicional siempre y cuando el pago sea limitado a la cantidad más baja aceptable de la oferta o del estimado. Otros gastos tales como servicios profesionales para planificar, costos de almacenaje y el costo de licencias, permisos, y certificados también pueden ser reembolsables si son necesarios. Estos gastos tienen que ser aprobados de ante mano por el Agente de Reubicación.

Requisitos:

Antes de que se mueva, usted tiene que proveer a Caltrans con:

- El inventario certificado de toda la propiedad personal que va a mover.
- La fecha que usted intenta desalojar la propiedad.
- La dirección de la propiedad de reemplazamiento.
- La oportunidad de supervisar e inspeccionar la mudanza desde la propiedad adquirida a la propiedad de reemplazo.

Gastos Relacionados

(1) **Gastos Para la Búsqueda de una Propiedad de Reemplazo** – Negocios, operaciones agrícolas, y organizaciones no-lucrativas tienen derecho a un reembolso por gastos actuales razonables, incurridos en la búsqueda de una propiedad de reemplazo, sin exceder \$1,000. Los gastos pueden incluir transportación, alimento y alojamiento cuando esté lejos de su casa; el valor razonable del tiempo que ha gastado buscando una propiedad de reemplazo; los honorarios pagados a agentes de bienes raíces o asesores; y otros gastos determinados por Caltrans como razonables y necesarios.

(2) Pérdidas Directas de Bienes Personales Tangibles: Los negocios, operaciones agrícolas, y organizaciones no-lucrativas desplazadas pueden ser elegibles para un pago por pérdidas directas de bienes personales tangibles incurrido como resultado de la mudanza o descontinuación de la operación. Este pago deberá ser basado en el menor de:

(a) El valor de mercado de un producto para uso continuo en el sitio de desplazamiento menos la ganancia por su venta.

Ó

(b) El costo estimado de mudanza y reinstalación de los objetos reemplazados es basado en la oferta mas baja o el estimado obtenido por Caltrans para mudanza elegible y costos relacionados, incluyendo desmantelamiento y reensamblaje, pero sin pago por almacenamiento.

POR EJEMPLO:

Usted determina que el “cortador de documentos” no puede ser movido a la nueva localidad por su condición, y usted no lo va a reemplazar en la nueva localidad.

El Valor de Mercado del Cortador de Documentos basado en su uso actual en la localidad actual es de \$1,500

Ganancia: Precio recibido por la venta del Cortador de Documentos – \$ 500

Valor Neto \$1,000

Ó

El costo estimado de moverlo \$ 1,050

Basado en el “menor de”, la cantidad de la “Perdida de Propiedad Personal Tangible” = \$ 1,000

Nota: Usted tambien tiene derecho a todos los costos razonables incurrido en su esfuerzo por vender el cortador de documentos (por ejemplo, anuncio commercial)

(3) Compra de Substitución de la Propiedad Personal: Si un objeto de propiedad personal, el cual es usado como parte del negocio, la operación agrícola, o la organización no-lucrativa, no es movido pero es prontamente reemplazado con un objeto substituto que hace una función comparable en el sitio de reemplazo, el desplazado tiene derecho al menor de:

(a) El costo de un objeto substituto, incluyendo los costos de instalación en el sitio de reemplamiento, menos cualquier ganacia por la venta o intercambio del objeto reemplazado.

O

(b) El costo estimado de mudanza y reinstalación del objeto de reemplazo, basado en la oferta mas baja aceptable o el estimado obtenido por Caltrans para una mudanza elegible y gastos relacionados, incluyendo el desmantelamiento y reensamblaje, pero sin pago por almacenamiento

EJEMPLO A:

Usted puede determinar que la máquina copiadora no puede ser movida a la nueva localidad porque es ahora obsoleta y la va a reemplazar.

Costo de substituir una Máquina Copiadora incluyendo costos de instalación en el sitio de reemplazamiento.	\$ 3,000
--	----------

Pago por el Intercambio	<u>-\$ 2,500</u>
-------------------------	------------------

Valor Neto	\$ 500
------------	--------

O

Costo estimado de la mudanza	\$ 550
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Basado en el “menor de” la cantidad de “La Propiedad Personal Substituida”	\$ 500
--	--------

EJEMPLO B:

Usted determina que las sillas no van a ser usadas en la nueva localidad, porque ya no combinan con la decoración, y usted las quiere reemplazar.

Costo de la sillas substitutas	\$ 1,000
--------------------------------	----------

Ganancias: Por la venta de las Sillas	<u>-\$ 100</u>
---------------------------------------	----------------

Valor Neto	\$ 900
------------	--------

O

Costo estimado de la mudanza	\$ 200
------------------------------	--------

Basado en el “menor de”, la cantidad de “La Propiedad Personal de Substitución”	\$ 200
---	--------

NOTA: Usted tambien tiene derecho a todos los gastos razonables incurridos en su esfuerzo por vender la copiadora (Ejemplo A) o las sillas (Ejemplo B).

(4) **Desconección y Reinstalación:** Usted va a ser reembolsado por los costos actuales y razonables de desconección, desmantelamiento, mudanza, reensamblaje, e reinstalación de cualquier maquinaria, equipo u otra propiedad personal en relación a la mudanza a su nuevo local. Esto incluye conexión a los servicios públicos disponibles en el lugar y a cualquier modificación de los objetos personales que sean necesario para adaptar a los servicios públicos en el sitio de reemplazamiento.

(5) **Cambios Físicos en el nuevo local:** Usted puede ser reembolsado por ciertos cambios físicos de la propiedad de reemplazamiento si los cambios son necesarios para permitir la reinstalación de la maquinaria o equipo necesario para la continua operación del negocio.

Nota: Los cambios no pueden incrementar el valor del edificio para propósitos generales, tampoco pueden incrementar la capacidad mecánica de los edificios más alla de los requerimientos normales.

Gastos De Re establecimiento

Un pequeño negocio, operación agrícola, u organización no-lucrativa puede ser elegible para un pago, que no excede \$10,000, para los gastos actuales incurridos en la reubicación y el re establecimiento en el sitio de reemplazo.

Gastos de re establecimiento pueden incluir, pero no están limitados a, lo siguiente:

1. Reparación y mejoramiento de la propiedad de reemplazamiento requerido por las leyes, códigos, u ordenanzas federales, estatales o locales.
2. Modificaciones de la propiedad de reemplazamiento para hacer la estructura(s) apropiado para la operación del negocio.
3. Construcción e instalación de los letreros exteriores para anunciar el negocio.
4. El costo de instalación de servicios públicos desde la línea del derecho de vía a la estructura(s) o mejoramientos en el sitio de reemplazamiento.

5. Redecoración o reemplazamiento como pintura, tapizado de pared, paneles, o carpetas cuando sean requeridas por la condición del sitio de reemplazo o con propósitos estéticos.
6. El costo de licencias, honorarios, y permisos cuando no sean cubiertos como gastos de mudanza.
7. Estudios de mercado, estudios de factibilidad y exámen de suelo.
8. Anunciar la localidad del nuevo negocio.
9. Servicios profesionales de bienes raíces necesarios para la compra o la renta de un lugar de reemplazo.
10. El aumento del costo estimado de operación en el lugar de reemplazo durante los primeros dos años, por objectos como:
 - a. Cargas de rentas,
 - b. Impuestos de propiedad personal o propiedad real
 - c. Prima de seguros, y
 - d. Carga de servicios públicos (excluyendo honorarios de impacto).
11. Evaluación de una-vez o honorarios de impacto por alta utilización de servicios públicos.
12. Otros objetos que el Departamento considere esenciales para el re establecimiento del negocio ú operación agrícola.

Pago De Una Vez (O Pago Fijo)

Negocios que han sido desplazados, operaciones agrícolas, y organizaciones no-lucrativas podrían ser elegibles para un pago fijo (en vez de) por los gastos actuales de mudanza, pérdida de propiedad personal, gastos de búsqueda, y gastos de re establecimiento. Los pagos fijos no podrán ser menos de \$1,000 o más de \$20,000.

Para que un negocio sea elegible por un pago fijo, Caltrans debe de determinar lo siguiente:

1. El negocio posee o renta propiedad personal que debe de ser movida debido al desplazamiento.
2. El negocio no puede ser relocalizado sin una pérdida substancial de la clientela existente.
3. El negocio no es parte de un empresa comercial que tiene mas de tres otros negocios conectados en una misma o actividad similar, las cuales están bajo el mismo dueño y no están siendo desplazadas por el Departamento.
4. El negocio contribuyó materialmente a las ganancias del operador del negocio desplazado durante los dos años anteriores al desplazamiento.

Cualquier operación del negocio que está conectado solamente en la renta del espacio de otros, no es elegible para un pago fijo. Esto incluye la renta de espacio con propósitos residenciales o de negocios.

Los requerimientos de elegibilidad para las operaciones agrícolas y organizaciones no-lucrativas son un poco diferentes a los requerimientos para negocios. Si usted está siendo desplazado de una granja o usted representa una organización no-lucrativa y está interesado en un pago fijo, por favor consulte con su consejero de reubicación para información adicional.

La computación de Su Pago Fijo

El pago fijo para un negocio desplazado o una operación agrícola es basado en el promedio anual neto de ganancias de la operación por los dos años inmediatamente precedentes al año en el cual fue desplazado. Caltrans puede usar un período de dos años diferentes, si se determina que los dos últimos años no reflejan con certeza las ganancias de la operación.

EJEMPLO: Caltrans adquiere su propiedad y usted se mueve en el 2001:

1999 Ganancias Netas Anuales	\$10,500
2000 Ganancias Netas Anuales	<u>\$12,500</u>
TOTAL	\$23,000
Promedio de los dos años	\$11,500

Este podría ser la cantidad de su pago fijo. Recuerde – esto es “en vez de” todos los otros beneficios de mudanza. Usted tendrá que proveer Caltrans pruebas de las ganancias netas para verificar su reclamo.

Prueba de las ganancias netas pueden ser documentadas con sus declaraciones de impuestos, cartas financieras certificadas, u otra evidencia razonable de las ganancias netas aceptables por Caltrans.

Nota: *La computación de las organizaciones no-lucrativas difiere en que los pagos son computados en la base del promedio anual grueso de las ganancias menos los gastos administrativos por el período de los dos años especificados arriba.*

Antes de que se Mueva:

- A. Complete una forma de “Aplicación para Determinación de sus Derechos” que la puede obtener de su Agente de Reubicación, y devuélvala con la mayor prontitud posible.
- B. Incluya una declaración escrita de las razones por las cuales su negocio no puede ser reubicado sin una pérdida substancial en la ganancias netas.
- C. Provea una copia certificada de su declaración de impuestos de los dos años inmediatamente precedentes al año en el que se va a mover. (Si usted se mueve en cualquier momento en el año 2001, sin importar de cuando comenzaron las negociaciones o cuando el Estado tomó título de su propiedad, los años serán el de 1999 y el 2000.)
- D. Usted deberá ser notificado de la cantidad a la que tiene derecho después que la aplicación es recibida y aprobada.
- E. Usted no puede recibir un pago hasta que se haya movido de la propiedad, Y que haya entregado un reclamo de pago dentro de los 18 meses de la fecha de mudanza.

Asistencia de Asesoría de Reubicación

A cualquier negocio, operación agrícola, u organización no-lucrativa, desplazado por Caltrans debe de ofrecerle los servicios de asistencia de reubicación con el propósito de localizar una propiedad de reemplazamiento. Los servicios de reubicación deben de ser proveídos por un empleado de Caltrans. Es la meta y el deseo de nosotros de servirle y asistirle en cualquier manera posible para ayudarle a reubicarse exitosamente.

Un Agente de Reubicación de Caltrans se comunicará con usted personalmente. Los servicios de reubicación y los pagos deberán ser explicados a usted de acuerdo con su elegibilidad. Durante la entrevista inicial con usted, sus necesidades y deseos deberán determinarse así como su necesidad de asistencia.

Usted puede esperar recibir los siguientes servicios, consejos, y asistencia de su Agente de Reubicación quien le:

- Determinará sus necesidades y preferencias.
- Explicará los beneficios de reubicación y su elegibilidad.
- Proveerá información en las propiedades de reemplazo para su consideración.
- Proveerá información en aconsejarle como puede obtener ayuda para minimizar la adversidad en ajustarse a su nuevo local.
- Asistirá en completar los documentos de préstamos, aplicaciones de rentas o Formas de Reclamos de Reubicación.

Y puede proveerle información en:

- Depósitos de seguridad.
- Taza de intereses y términos.
- Pagos típicos de enganches.
- Permisos, honorarios, y ordenanzas locales.
- Requerimientos de préstamos SBA
- Impuestos de bienes raíces.
- Literatura de educación al consumidor.

Si usted desea, su Agente de Reubicación le dará una lista actual de otras propiedades de reemplazamiento que estén disponibles. Se le proveerá transportación para inspeccionar la propiedad disponible, especialmente si usted es anciano o desabilitado. Aunque usted puede usar los servicios de un vendedor de bienes raíces, Caltrans no lo puede referir a un agente específico.

Su Agente de Reubicación está familiarizado con los servicios proveído por otros en su comunidad y le proveerá información de otros programas federales, estatales y locales que ofrecen asistencia a las personas desplazadas. Si usted tiene necesidades especiales, su Agente de Reubicación hará un esfuerzo para asegurar los servicios del personal entrenado de estas agencias que tienen la experiencia para ayudarle.

Si el proyecto de carreteras requiere que un número considerable de personas sean reubicadas, Caltrans establecerá Oficinas temporales de Reubicación en o cerca del proyecto. Las oficinas de proyectos de reubicación serán abiertas durante las horas convenientes y hasta horas de la noche si es necesario.

Además de estos servicios, Caltrans será requerido a coordinar las actividades de reubicación con otras agencias causantes de desplazamiento para asegurar que todas las personas desplazadas reciban beneficios de reubicación iguales y consistentes.

Recuerde – Su Agente de Reubicación está ahí para ofrecer consejos y asistencia. No tenga dudas en preguntar. Y esté seguro que usted entiende completamente todos los derechos y beneficios disponibles.

SUS DERECHOS COMO UNA PERSONA DESPLAZADA

Es importante que recuerde que los beneficios de reubicación no tendrán un efecto adverso en su:

- Elegibilidad para Seguro Social
- Elegibilidad para Asistencia Social
- Declaración de Impuestos.

Además, el **Título VIII del Acta de Derechos Civiles de 1968**, y las actas anteriores y sus enmiendas hacen ilegal las prácticas en la venta y renta de las unidades residenciales que estén basadas en la raza, color, religión, sexo, u origen nacional.

Los Procedimientos No-Desriminutivos de Caltrans aseguran que todos los servicios y/o beneficios sean administrados al público en general sin diferencia de raza, color, origen nacional, o sexo en cumplimiento con el Título VI del Acta de Derechos Civiles de 1964. (42 USC 2000 (d.) et seq.).

Y usted siempre tiene el **Derecho de Apelar** una decisión de Caltrans en relación a sus beneficios de reubicación y elegibilidad.

Su Derecho de Apelación es garantizado en la “Ley Uniforme” que establece que una persona puede apelar con el responsable de la agencia si esta persona cree que la agencia ha fallado en determinar apropiadamente la elegibilidad de la persona o la cantidad de un pago autorizado por la Ley.

Si usted indica su disatisfacción, ya sea verbalmente o por escrito, Caltrans puede asistirle en entregar su caso y explicar los procedimientos a seguir. A usted le darán la oportunidad de ser oído pronta y totalmente. Usted tiene el derecho de ser representado por un consejero legal u otro representante en conexión con la apelación (pero solamente a su propio costo.)

Caltrans puede considerar todas las justificaciones pertinentes y materiales entregadas por usted y cualquier otra información disponible que sea necesaria para asegurar una revisión justa. Caltrans le proveerá con una determinación de la apelación por escrito con una explicación de la base de la decisión. Si usted todavía no está satisfecho con la asistencia prestada, Caltrans le aconsejará que usted puede buscar una revisión judicial.

Noticiero de la Ley para Americanos con Incapacidades Físicas (ADA):

Para personas con incapacidades físicas, este documento es disponible en formatos alternativos. Para Información llame al número (916) 654-5413 Voz, CRS: 1-800-735-2929, o escriba a Derecho de Vía, MS 37, 1120 N Street, Sacramento, CA 95814.

NOTAS:

Appendix C

Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR

P.O. BOX 942873, MS-49

SACRAMENTO, CA 94273-0001

PHONE (916) 654-5266

FAX (916) 654-6608

TTY 711

www.dot.ca.gov

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March 16, 2012

**NON-DISCRIMINATION
POLICY STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact Mario Solis, Manager, Title VI and Americans with Disabilities Act Program, California Department of Transportation, 1823 14th Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-1353, TTY 711, fax (916) 324-1869, or via email: mario_solis@dot.ca.gov.

A handwritten signature in blue ink that reads "Malcolm Dougherty".

MALCOLM DOUGHERTY
Acting Director

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Appendix D

SHPO Concurrence

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

March 1, 2012

Reply To: FHWA120203A

Elizabeth Krase Greene
Acting Chief, Office of Cultural Resource Studies
Caltrans District 4
PO Box 23660
Oakland, CA 94623-0660

Re: Determination of Eligibility for the Proposed Redwood Parkway-Fairground Drive Improvement Project, Solano County, CA

Dear Ms. Krase:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

Caltrans has determined that the following properties are not eligible for the National Register of Historic Places:

- 67 Emerald Circle, Vallejo
- 501-511 Fairgrounds Drive, Vallejo
- 510-534 Fairgrounds Drive, Vallejo
- 435 Fairgrounds Drive, Vallejo
- 437 Fairgrounds Drive, Vallejo
- 444 Moorland Street, Vallejo
- 436 Moorland Street, Vallejo
- 424 Moorland Street, Vallejo
- 2612 Redwood Street, Vallejo
- 2618 Redwood Street, Vallejo
- 2624 Redwood Street, Vallejo
- 20 Howard Avenue, Vallejo
- 18 Howard Avenue, Vallejo
- 337 Moorland Street, Vallejo
- 328 Moorland Street, Vallejo
- 711 Admiral Callaghan Lane, Vallejo

Based on review of the submitted documentation, I concur.

Ms. Krase
March 1, 2012
Page 2 of 2

Caltrans has also found that no historic properties will be affected by this undertaking. I concur. I do recommend however that Caltrans monitor in the area near CA-SOL-317, including the secondary deposit locus.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at nlindquist@parks.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Susan K. Stratton for".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Appendix E

Threatened and Endangered Species List



G A N D A

**Garcia and Associates
1512 Franklin Street, Suite 100
Oakland, CA 94612
Phone: (510) 891-0024 Fax: (510) 891-0027**

To: Jennifer Gallerani (Circlepoint)

From: Jason Minton

Date: February 2, 2015

RE: Updated Database Query for Redwood Parkway – Fairgrounds Drive Improvement Project, December 2014

Periodic review of state and federal databases has been conducted to update the project file for the Redwood Parkway – Fairgrounds Drive Improvement Project. This memorandum reports the results of an assessment and evaluation that supplements the review conducted in June 2013, and the original evaluation presented in the Natural Environment Study (NES) dated March 2012.

This evaluation identified several species with new CNDDB occurrences (all of which are documented in the table below), and two species with changes in listing status.

In summary, the following three species resulted in noteworthy revisions, but there is no rationale to expect any resulting potential impacts:

- Listing of the Yellow-billed Cuckoo as Threatened under the Federal Endangered Species List caused this species to be a new occurrence on the USFWS Species List. The evaluation concludes that the habitat of Rindler Creek is of poor quality and that location records for the species do not support a reasonable expectation that the species would occur in the project area.
- A new location record in the CNDDB for Callippe silverspot butterfly, an Endangered species under the Federal Endangered Species List, which was located approximately 2 miles east of the project area. The evaluation concludes that the species has a “very low” potential to occur in the project area, which is upgraded from “none” in the NES.
- Listing of the Showy Indian clover *Trifolium amoenum* by the USFWS as Endangered. This species was reviewed in detail during the 2011 Rare Plant Survey because of its State status (California Rare Plant Rank 1B.1), and was found to be absent from the project area.

The following databases were queried in December 2014 to update the project file for the Redwood Parkway – Fairgrounds Drive Improvement Project:

- California Natural Diversity Database (CNDBB)
Last updated by CDFW: December 2, 2014
Query range: Within 5 miles of the Biological Study Area as shown in the Natural Environment Study (NES). That query includes the following 12 quadrangles: Benicia, Briones Valley, Cordelia, Cuttings Wharf, Fairfield North, Fairfield South, Mare Island, Mt George, Napa, Richmond, Vine Hill, and Walnut Creek.
- United States Fish and Wildlife Service (USFWS) Species List
Date queried: December 17, 2014
Last updated by USFWS: November 11, 2014
Quadrangles queried (9): Walnut Creek (465a), Briones Valley (465b), Richmond (466a), Fairfield South (482a), Cordelia (482b), Benicia (482c), Vine Hill (482d), Cuttings Wharf (483a), Mare Island (483d), Mt. George (499c), Fairfield North (499d), and Napa (500d).

The results of the assessment and evaluation are presented in the supplemental species table below.

Common name / Scientific name	Conservation Status (Fed/CA/CNPS)	Assessment and Evaluation
Plants		
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	- / - / 1B.2	Reason for assessment: Previously, this species was reviewed and considered to have no potential to occur in the project area. This update addresses a new CNDBB record that was identified within 5 miles. Suitable habitat: Alkali playa, valley and foothill grassland, vernal pools. Evaluation: During the 2011 Rare Plant Survey, the species was evaluated but was not considered to have a potential to occur. The survey did not detect the species, despite thorough coverage of the project area. The new record does not modify the original conclusion that the species has no potential to occur, because there is no suitable habitat in the project area.
Big tarplant	- / - / 1B.1	Reason for assessment: During the 2011 Rare

<i>Blepharizonia plumosa</i>		Plant Survey, this species was reviewed and considered to have no potential to occur in the project area, but a historic record from 1917 was newly added as a CNDDDB record within 5 miles.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	- / - / 1B.2	<p>Suitable habitat: Dry hills & plains in annual grassland. Clay to clay-loam soils; usually on slopes and often in burned areas.</p> <p>Evaluation: The new record in CNDDDB dates from 1917, and is noted as possibly extirpated. The record does not modify the conclusions that the species has no potential to occur in the project area.</p>
Bolander's water hemlock <i>Cicuta maculata var. bolanderi</i>	- / - / 2B.1	<p>Reason for assessment: During the 2011 Rare Plant Survey, the species was reviewed and considered to have no potential to occur in the project area. Two new CNDDDB records were identified within 5 miles of the project area.</p> <p>Suitable habitat: Chaparral, valley and foothill grassland, cismontane woodland.</p> <p>Evaluation: The new record does not modify the original conclusion that the species has no potential to occur, because there is no suitable habitat in the project area.</p>
		<p>Reason for assessment: This species was included as a target species for evaluation in the NES, and a new CNDDDB record was identified within 5 miles.</p> <p>Suitable habitat: Freshwater and brackish marshes. Usually on marsh and slough edges.</p> <p>Evaluation: This species was evaluated during the Rare Plant Survey conducted in 2011, and was not detected. The study area contains potentially suitable habitat for this species in the form of freshwater marshes, however, these are very small, of low quality, and do not include slough bank microhabitat recorded for some known locations of this species. The new CNDDDB record was from 1938, and was labelled simply as "Benicia", so it does not add any information to the assessment for the project area. The original finding of "moderate" potential to occur is supported, but no</p>

		detections of this species occurred during the 2011 Rare Plant Survey.
Chaparral ragwort <i>Senecio aphanactis</i>	- / - / 2B.2	<p>Reason for assessment: During the 2011 Rare Plant Survey, this species was reviewed and considered to have no potential to occur in the project area. A historic record from 1874 was newly added as a CNDDDB record within 5 miles.</p> <p>Suitable habitat: Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats.</p> <p>Evaluation: New record in CNDDDB dates from 1874. This record does not modify the conclusions that the species has no potential to occur in the project area due to a lack of suitable habitat.</p>
Congdon's tarplant <i>Centromadia parryi</i> spp. <i>congdonii</i>	- / - / 1B.1	<p>Reason for assessment: During the 2011 Rare Plant Survey, this species was reviewed and considered to have no potential to occur in the project area. This species was not included as a target species for inclusion in the NES, but a historic record from 1930 was recently included in the CNDDDB within 5 miles. The site in Benicia was recorded as extirpated.</p> <p>Suitable habitat: Alkaline soils, sometimes described as heavy white clay. Valley and foothill grassland.</p> <p>Evaluation: This species was determined to have no potential to occur, due to lack of suitable soil types in the project area. The Rare Plant Survey in 2011 did not observe any species within this genus. The historic record does not change the conclusions of the NES that the species does not appear to occur in the project area.</p>
Delta tule pea <i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	- / - / 1B.2	<p>Reason for assessment: Previously included as a target species, and evaluated in the NES, and new CNDDDB records were identified within 5 miles.</p> <p>Suitable habitat: Freshwater and brackish marshes. Usually on marsh and slough edges.</p> <p>Evaluation: This species was evaluated during the Rare Plant Survey conducted in 2011, and was not detected. The study area contains</p>

		potentially suitable habitat for this species in the form of freshwater marshes, however, these are very small, of low quality, and do not include slough bank microhabitat described for some known locations of this species. The new records in CNDDB date from 1937, 1983 and 2010, and do not influence the negative findings of the 2011 survey, which did not detect the species or the genus as present.
Diablo helianthella <i>Helianthella castanea</i>	- / - / 1B.2	<p>Reason for assessment: Previously included as a target species, and evaluated in the NES, and a new CNDDB record was identified within 5 miles.</p> <p>Suitable habitat: Broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley & foothill grassland. Usually in chaparral/oak woodland interface in rocky, azonal soils.</p> <p>Evaluation: This species was evaluated during Rare Plant Survey conducted in 2011, and was not detected. Although the study area contains riparian woodland, which is one of many vegetation types with which this species is associated, the understory of the riparian woodland in the study area is very low quality. It is trash-laden, dominated by invasive non-native grasses and herbs, and deemed not suitable for Diablo helianthella. The new record in CNDDB dates from 2003, and does not influence the negative findings of the 2011 survey, which did not detect the species or the genus as present.</p>
Fragrant fritillary <i>Fritillaria liliacea</i>	- / - / 1B.2	<p>Reason for assessment: During the 2011 Rare Plant Survey, the species was reviewed and considered to have no potential to occur, so it was not included in a list of target species for the NES. This is a new historic record of the species, from 1875, reported in CNDDB. The site is reported as an extirpated location within 5 miles of the project area.</p> <p>Suitable habitat: Coastal scrub, valley and foothill grassland, coastal prairie. Often on serpentine, usually clay.</p>

		Evaluation: New record in CNDDDB dates from 1875, and is noted as possibly extirpated. This record does not modify the conclusions of the NES, and the species is considered to have no potential to occur at the project area.
Marin knotweed <i>Polygonum marinense</i>	- / - / 3.1	<p>Reason for assessment: Previously included as a target species, and evaluated in the NES, and a new CNDDDB record was identified within 5 miles.</p> <p>Suitable habitat: Coastal salt marshes and brackish swamps.</p> <p>Evaluation: The study area contains habitat that is generally suitable for Marin knotweed, but it occurs in small patches and is heavily disturbed by trash dumping and foot traffic. During surveys in 2011, the species was not observed, although individuals in the genus <i>Polygonum</i> were found in several places in the study area, on the upper edge of freshwater marsh vegetation. New CNDDDB records were all from marine-influenced habitats, unlike the Fairgrounds Drive project area, and the negative results of the Rare Plant Survey are considered adequate to conclude that the species is not present in the project area.</p>
Mason's lilaeopsis <i>Lilaeopsis masonii</i>	- / Rare / 1B.1	<p>Reason for assessment: Previously included as a target species, and evaluated in the NES, and a new CNDDDB record was identified within 5 miles.</p> <p>Suitable habitat: Freshwater and brackish marshes, riparian scrub.</p> <p>Evaluation: The study area contains the general habitat type for this species in the form of freshwater marshes, however, it does not contain clay soil areas on tidally inundated wave-cut beaches or levees, which are the typical microhabitats for this species (Golden and Fiedler 1991). New CNDDDB records were all from marine-influenced habitats, unlike the Fairgrounds Drive Project area. No plants in the genus <i>Lilaeopsis</i> were observed in the study area during the 2011 protocol-level surveys, and the new record does not change the conclusion</p>

		that the species is not present in the project area.
Saline Clover <i>Trifolium hydrophilum</i>	- / - / 1B.2	<p>Reason for assessment: Previously included as a target species in the NES, but new CNDB record was identified within 5 miles.</p> <p>Suitable habitat: Marshes and swamps, valley and foothill grassland, vernal pools.</p> <p>Evaluation: The study area contains the general habitat type for this species in the form of freshwater marshes, however, it does not contain the open, mesic alkaline microhabitat that is typical for this species. No plants in the genus <i>Trifolium</i> were observed in the study area during the 2011 protocol-level surveys. The new CNDB records were from 2009, and were located in a natural area (Sulfur Mountain) to the east of the project area. The new records confirm that the species was correctly included as a target species for evaluation in the NES, but do not change the conclusions that the species has a “very low” potential to occur in the project area, and was not observed during the Rare Plant Survey.</p>
San Joaquin spearscale <i>Atriplex joaquinana</i>	- / - / 1B.2	<p>Reason for assessment: Previously reviewed and considered to have no potential to occur in the project area, but new CNDB records were identified within 5 miles.</p> <p>Suitable habitat: Chenopod scrub, alkali meadow, playas, valley and foothill grassland.</p> <p>Evaluation: The species was evaluated but was not considered to have a potential to occur during the 2011 Rare Plant Survey. The survey did not detect the species, despite thorough coverage of the project area. The new records do not modify the original conclusion that the species has no potential to occur, because there is no suitable habitat in the project area.</p>
Showy Indian clover <i>Trifolium amoenum</i>	FE / - / 1B.1	<p>Reason for assessment: Previously reviewed and considered to have no potential to occur in the project area, due to designation under CNPS, but the species’ federal protective status is updated here to reflect inclusion on the USFWS species list.</p> <p>Suitable habitat: Valley and foothill grassland,</p>

		coastal bluff scrub. Sometimes on serpentine soil, open sunny sites, swales. Most recently cited on roadside and eroding cliff face.
		Evaluation: Currently included on the USFWS species list for consideration, but no CNDDB records are located within 5 miles of the project area. The species was evaluated but was not considered to have a potential to occur during the 2011 Rare Plant Survey. The survey did not detect the species, despite thorough coverage of the project area. The new listing does not modify the original conclusion that the species has no potential to occur, because there are no new location records within proximity or similarity to the project area.
Soft bird's-beak <i>Chloropyron molle</i> ssp. <i>molle</i>	FE / Rare / 1B.2	Reason for assessment: Previously reviewed and considered to have no potential to occur in the project area, but a new CNDDB record was identified within 5 miles.
Suisun Marsh aster <i>Symphyotrichum lenticum</i> (= <i>Aster latus</i>)	- / - / 1B.2	Reason for assessment: Previously included as a target species, and evaluated in the NES, and a new CNDDB record was identified within 5 miles. Suitable habitat: Marshes and swamps (brackish and freshwater). Evaluation: All suitable habitat within the study area was thoroughly searched for Suisun Marsh aster during the 2011 protocol-level survey, and this species was not detected. It is not expected to occur within the study area. The study area habitat that is generally suitable for Suisun Marsh aster occurs in small patches and does not provide the levee and slough bank microhabitat with which this species is often associated. The new record is from 1986, and is approximately the same distance from the

		project area as the previous nearest-record. The new record confirms that the species was correctly included as a target species for evaluation in the NES, but does not change the conclusions that the species has a “very low” potential to occur in the project area, and was not observed during the Rare Plant Survey.
Tiburon paintbrush <i>Castilleja affinis</i> var. <i>neglecta</i>	FE / CT / 1B.2	<p>Reason for assessment: Previously reviewed and considered to have no potential to occur in the project area, but a new CNDDDB record was identified within 5 miles.</p> <p>Suitable habitat: Valley and foothill grassland with rocky serpentine sites.</p> <p>Evaluation: New CNDDDB records are located south of the Cordelia Junction, which is 3 to 5 miles northeast of the project area. During the 2011 Rare Plant Survey, the species was evaluated but was not considered to have a potential to occur. The survey did not detect the species, despite thorough coverage of the project area, and the new records do not modify the original conclusion that the species has no potential to occur. The project area is primarily on a fill substrate, and the species generally occurs on serpentine soils, which do not appear to occur at the project area.</p>
Western leatherwood <i>Dirca occidentalis</i>	- / - / 1B.2	<p>Reason for assessment: Previously reviewed and considered to have no potential to occur in the project area, but a new CNDDDB record was identified within 5 miles.</p> <p>Suitable habitat: Broadleafed upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, and coast conifer forest, riparian forest, riparian woodland. On brushy slopes, mesic sites; mostly in mixed evergreen & foothill woodland communities.</p> <p>Evaluation: New CNDDDB records are located south of the Carquinez Straits in the hills between Crocket and Cummins Skyway. The species was evaluated but was not considered to have a potential to occur during the 2011 Rare Plant Survey. The survey did not detect the species, despite thorough coverage of the</p>

project area, and the new records do not modify the original conclusion that the species has no potential to occur.

Wildlife

Callippe silverspot butterfly <i>Speyeria callippe</i>	FE / - / na	Reason for assessment: This species was evaluated in the NES, but a new CNDDDB record was identified within 5 miles. Suitable habitat: Restricted to seven known sites. Host plant is <i>Viola pedunculata</i> . Evaluation: No suitable habitat occurs in the project area. The host plant was not observed during plant surveys, and the suitable habitat for that host plant, northern coastal scrub, was not present within the project area. The location of the new record is not precise, but is likely to be within 2 miles east of the project area. That area is an open space along Sulfur Ridge, and its habitats are very different than those in the project area, which has little native vegetation and none of the larval host plant that the species requires. The new record confirms that the species was correctly included as a target species for evaluation in the NES, but that the potential to occur should be revised from “none” to “very low” in the project area.
San Bruno elfin butterfly (<i>Callophrys</i>) <i>Incisalia mossii bayensis</i>	FE / - / na	Reason for assessment: Newly included in the USFWS species list for the quads requested. Suitable habitat: Coastal, mountainous areas with grassy ground cover, mainly in the vicinity of San Bruno Mountain, San Mateo County. Colonies are located on steep, north-facing slopes within the fog belt. Larval host plant is <i>Sedum spathulifolium</i> . Evaluation: No suitable habitat occurs in the project area. The host plant was not observed during plant surveys. The species is considered to have no potential to occur in the project area because of its very limited known range on the SF Peninsula, the lack of larval host plants in the project area, and the lack of CNDDDB records within 5 miles. No further analysis is recommended.

Longfin smelt <i>Spirinchus thaleichthys</i>	FC / CT, SSC / na	Reason for assessment: Species was not previously included in the NES evaluation. New records in CNDDB are based on the San Francisco Bay Study, which is a monthly trawl survey of bay waters. Suitable habitat: Euryhaline, nektonic & anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Reproduction occurs in delta sloughs. Evaluation: No suitable habitat exists in the project area, and Lake Chabot is a barrier to fish passage. No further analysis is recommended.
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FT / CE / na	Reason for assessment: Newly included species in the USFWS list for the quads requested. The species was recently listed (11/03/2014) as Threatened under the Federal Endangered Species Act. Suitable habitat: Riparian forest along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods with lower story of blackberry, nettles, or wild grape. Evaluation: The riparian corridor of Rindler Creek appears too small to attract breeding by the species under the current low population densities, although the general mix of riparian tree varieties may be generally suitable. The species is known to prefer the riparian corridor of large river systems, which provide large wooded floodplains. The habitat at Rindler Creek may be too narrow to be considered suitable. The USFWS has proposed Critical Habitat for this species at 8 sites in California (and more in other western states), and the nearest proposed site is 80 miles northeast of the project area, along the Sacramento River in Sutter County. There are no published records of the species within 5 miles of the project area. Of the 9 Bay Area counties, only Sonoma has CNDDB observations during breeding season. One pair

was observed in 1972, more than twenty miles northwest of the project area, but breeding was not confirmed, and most recently, CNDDDB reports one bird was found dead by collision with a window in Occidental in 1996. Considering the sparse history of records, and the narrow band of habitat that Rindler Creek presents, the potential to occur is “very low”.

Federal

FE – Federally Endangered
FT – Federally Threatened
FC – Candidate to FESA

State

CE – California Endangered
CT – California Threatened
SSC – California Species of Special Concern

U.S. Fish & Wildlife Service

Sacramento Fish & Wildlife Office

**Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested**

Document Number: 141217021642

Current as of: December 17, 2014

Quad Lists

Listed Species

Invertebrates

- Branchinecta conservatio*
Conservancy fairy shrimp (E)
- Branchinecta lynchi*
Critical habitat, vernal pool fairy shrimp (X)
vernal pool fairy shrimp (T)
- Desmocerus californicus dimorphus*
valley elderberry longhorn beetle (T)
- Elaphrus viridis*
delta green ground beetle (T)
- Incisalia mossii bayensis*
San Bruno elfin butterfly (E)
- Lepidurus packardi*
Critical habitat, vernal pool tadpole shrimp (X)
- Speyeria callippe callippe*
callippe silverspot butterfly (E)
- Syncaris pacifica*
California freshwater shrimp (E)

Fish

- Acipenser medirostris*
green sturgeon (T) (NMFS)
- Eucyclogobius newberryi*
tidewater goby (E)
- Hypomesus transpacificus*
Critical habitat, delta smelt (X)
delta smelt (T)
- Oncorhynchus kisutch*
coho salmon - central CA coast (E) (NMFS)
- Oncorhynchus mykiss*
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)
Critical habitat, Central California coastal steelhead (X) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)
- Oncorhynchus tshawytscha*
Central Valley spring-run chinook salmon (T) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

- Ambystoma californiense*

California tiger salamander, central population (T)

Rana draytonii

California red-legged frog (T)

Critical habitat, California red-legged frog (X)

Reptiles

Masticophis lateralis euryxanthus

Alameda whipsnake [=striped racer] (T)

Critical habitat, Alameda whipsnake (X)

Thamnophis gigas

giant garter snake (T)

Birds

Charadrius alexandrinus nivosus

western snowy plover (T)

Coccyzus americanus occidentalis

Western yellow-billed cuckoo (T)

Pelecanus occidentalis californicus

California brown pelican (E)

Rallus longirostris obsoletus

California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni

California least tern (E)

Strix occidentalis caurina

northern spotted owl (T)

Mammals

Reithrodontomys raviventris

salt marsh harvest mouse (E)

Plants

Arctostaphylos pallida

pallid manzanita (=Alameda or Oakland Hills manzanita) (T)

Castilleja affinis ssp. neglecta

Tiburon paintbrush (E)

Cirsium hydrophilum var. hydrophilum

Suisun thistle (E)

Cordylanthus mollis ssp. mollis

soft bird's-beak (E)

Holocarpha macradenia

Critical habitat, Santa Cruz tarplant (X)

Santa Cruz tarplant (T)

Lasthenia conjugens

Contra Costa goldfields (E)

Critical habitat, Contra Costa goldfields (X)

Oenothera deltoides ssp. howellii

Antioch Dunes evening-primrose (E)

Suaeda californica

California sea blite (E)

Trifolium amoenum

showy Indian clover (E)

Proposed Species

Plants

Cirsium hydrophilum var. hydrophilum

Critical habitat, Suisun thistle (PX)

Cordylanthus mollis ssp. mollis
Critical habitat, soft bird's-beak (PX)

Quads Containing Listed, Proposed or Candidate Species:

WALNUT CREEK (465A)
BRIONES VALLEY (465B)
RICHMOND (466A)
FAIRFIELD SOUTH (482A)
CORDELIA (482B)
BENICIA (482C)
VINE HILL (482D)
CUTTINGS WHARF (483A)
MARE ISLAND (483D)
MT. GEORGE (499C)
FAIRFIELD NORTH (499D)
NAPA (500D)

County Lists

Alameda County

Listed Species

Invertebrates

Branchinecta conservatio
Conservancy fairy shrimp (E)

Branchinecta longiantenna
Critical habitat, longhorn fairy shrimp (X)
longhorn fairy shrimp (E)

Branchinecta lynchi
Critical habitat, vernal pool fairy shrimp (X)
vernal pool fairy shrimp (T)

Desmocerus californicus dimorphus
valley elderberry longhorn beetle (T)

Euphydryas editha bayensis
bay checkerspot butterfly (T)

Icaricia icarioides missionensis
mission blue butterfly (E)

Incisalia mossii bayensis
San Bruno elfin butterfly (E)

Lepidurus packardi
Critical habitat, vernal pool tadpole shrimp (X)
vernal pool tadpole shrimp (E)

Speyeria callippe callippe
callippe silverspot butterfly (E)

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

Eucyclogobius newberryi
tidewater goby (E)

Hypomesus transpacificus
Critical habitat, delta smelt (X)
delta smelt (T)

Oncorhynchus kisutch
coho salmon - central CA coast (E) (NMFS)

Oncorhynchus mykiss
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)
Critical habitat, Central California coastal steelhead (X) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)
Critical habitat, CA tiger salamander, central population (X)

Rana draytonii
California red-legged frog (T)
Critical habitat, California red-legged frog (X)

Reptiles

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)
Critical habitat, Alameda whipsnake (X)

Thamnophis gigas
giant garter snake (T)

Thamnophis sirtalis tetrataenia
San Francisco garter snake (E)

Birds

Charadrius alexandrinus nivosus
western snowy plover (T)

Coccyzus americanus occidentalis

Western yellow-billed cuckoo (T)

Pelecanus occidentalis californicus
California brown pelican (E)

Rallus longirostris obsoletus
California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)

Mammals

Reithrodontomys raviventris
salt marsh harvest mouse (E)

Vulpes macrotis mutica
San Joaquin kit fox (E)

Plants

Amsinckia grandiflora
Critical habitat, large-flowered fiddleneck (X)
large-flowered fiddleneck (E)

Arctostaphylos pallida
pallid manzanita (=Alameda or Oakland Hills manzanita) (T)

Chorizanthe robusta var. robusta
robust spineflower (E)

Clarkia franciscana
Presidio clarkia (E)

Cordylanthus palmatus
palmate-bracted bird's-beak (E)

Holocarpha macradenia
Critical habitat, Santa Cruz tarplant (X)
Santa Cruz tarplant (T)

Lasthenia conjugens
Contra Costa goldfields (E)
Critical habitat, Contra Costa goldfields (X)

Layia carnosa
beach layia (E)

Suaeda californica
California sea blite (E)

Key:

- (E) *Endangered* - Listed as being in danger of extinction.
- (T) *Threatened* - Listed as likely to become endangered within the foreseeable future.
- (P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.
- (NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.
- Critical Habitat* - Area essential to the conservation of a species.
- (PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.
- (C) *Candidate* - Candidate to become a proposed species.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online [Inventory of Rare and Endangered Plants](#).

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. See our [Protocol](#) and [Recovery Permits](#) pages.

For plant surveys, we recommend using the [Guidelines for Conducting and Reporting Botanical Inventories](#). The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding,

feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.

During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our Map Room page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts.

[More info](#)

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined

by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be March 17, 2015.

Appendix F

Caltrans Right-of-Way Brochure (English and Spanish)

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Your Property Your Transportation Project



INTRODUCTION

This booklet was prepared for you as a person who may potentially be affected by a proposed public transportation project. If it is your property that is affected, you may have wondered what will happen. Who will contact you? What will you be paid for your property? Who will pay your moving costs? Will the State Department of Transportation (Department) help you find a new place to live? Important questions like these require specific answers.

We hope this booklet will answer some of your questions and present a better picture of our overall procedures.

WHY DOES A PUBLIC AGENCY HAVE THE RIGHT TO BUY MY PROPERTY?

Our State and federal constitutions recognize the need for public agencies to purchase private property for public use, and provide appropriate safeguards to accomplish this purpose. State and federal constitutions and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, authorize the purchase of private property for public use and assure full protection of the rights of each citizen. The responsibility for studying potential sites for a transportation project rests with a team of specially trained individuals selected to do this important job. Many months or even years are spent in preliminary study and investigation to consider possible locations for a project.

Consideration of the environmental and social impacts are as much a part of location determination as engineering and cost. Participation by private citizens and public agencies is actively sought so that various views can be considered in the study process. The process may include public hearings and/or workshops, which give persons an opportunity to express their views on the locations being considered.

The California Department of Transportation is composed of many specialists. Among these are:

Transportation Planners

These individuals determine methods and routes for the traveling public. This includes studies of existing traffic patterns, "origin-destination" surveys and user benefits. They also determine whether the proposed project location is economically sound. They research and analyze the effects produced by similar projects upon other communities.

Environmental Planners

These individuals evaluate the socio-economic and/or environmental impacts, including traffic, noise and visual impacts of the proposed project

Design Engineers

These individuals recommend the type of transportation project which will be of the most benefit to the public. They prepare design plans which determine the properties needed for the project.

Relocation Specialists

These individuals perform early studies of the general needs of persons who may need to be relocated and the kind of replacement properties which may be required. A relocation impact analysis will be completed before the Department requires anyone to move from their property.

As a result of this team effort, the best possible location for a transportation facility is selected after thorough social, economic, engineering, and environmental analyses, as well as consideration of expressed public concerns and desires. The goal is that the project provide the greatest public good and the least private injury or inconvenience while rendering the best possible service.

Transportation Surveyors

These individuals perform field surveys and monument property lines to delineate and map the Department's right of way needs. They are also authorized by law to enter real property to perform such tasks. It is the Department's policy that owners and tenants of property will be notified prior to such surveys.

WHO WILL CONTACT ME?

One of the first persons you will meet is a Right of Way Agent performing the staff appraisal. You will be afforded the opportunity to accompany the appraiser on the inspection of your property. At the time of the inspection the appraiser will also provide you with general project information. The appraiser will analyze your property and examine all of the features which contribute to its market value. Information about improvements you have made and any other special features that you believe may affect the market value of your property should be given to the appraiser to ensure he/she has all the information you feel is relevant.

It is the duty of the Department to ensure that you receive fair market value as if you sold your property privately in the open market. The Department cannot buy your property for more than it is worth, but it **can** and **will** assure you that you do not have to sell your property for less than its fair market value. California law provides that the owner shall receive a copy of the appraisal or a summary of the valuation upon which the Department's offer is based.

At the time the offer is made to purchase your property, you may obtain your own appraisal and the Department will reimburse you up to \$5,000 for the actual, reasonable costs of obtaining an independent appraisal. A licensed State appraiser must perform your appraisal. Your Right of Way Agent will provide more information concerning this reimbursement at the time of the offer.

WHAT ADVANTAGE IS THERE IN SELLING YOUR PROPERTY TO THE DEPARTMENT?

A real estate purchase by the Department of Transportation is handled in the same way as any private sale of property. However, there can be financial advantages in selling to the Department.

The Department will pay fair market value for your property. The Department will also pay for the preparation of all documents, all title and escrow fees, a policy of title insurance, recording fees and such other fees as may be required for the conveyance of title to the Department. Since this is a direct conveyance of real property from the property owner to the Department, there are no real estate commissions involved, and the Department will not recognize or pay any such real estate commissions.

A private sale will usually cost thousands of dollars in sales expenses. There are no seller's expenses in a purchase by the Department.

Additionally, depending on your specific circumstances, you may be eligible for relocation payments and benefits when you move. These benefits are described in supplemental booklets which will be provided to you, should the Department's acquisition actually cause you to be displaced from your property.

WILL I BE PAID FOR LOSS IN VALUE TO MY REMAINING PROPERTY?

When only a part of your property is needed for a project, every reasonable effort is made to ensure that you do not suffer damages to the remainder of your property. The total payment by the Department will be for the property the Department actually purchases and for any loss in market value to your remaining property.

The determination of any loss in market value is an appraisal problem involving many variables. When this situation occurs, the Right of Way Agent will explain the effect of a partial acquisition on your remaining property.

MAY I RETAIN AND MOVE MY HOME, BUSINESS BUILDING, MACHINERY, OR EQUIPMENT?

If your house is movable and you wish to make such an arrangement, the Department will pay you on the basis of the market value of your present lot including landscaping, plus the reasonable cost of moving the building. There are cases where, because of age, size or condition of the house, the cost of moving it would exceed its present market value, less its salvage value. In such a case, payment of moving costs would, of course, be an unwise expenditure of public funds.

If you operate a farm or business, you may wish to keep and move fixed machinery and equipment. Additionally, as an owner of a business conducted on the property to be purchased, you may be entitled to compensation for a loss of business goodwill. Your specific circumstances will need to be analyzed on a case-by-case basis.

If any of these concepts are applicable to your situation, they will be explained by the Right of Way Agent assigned to purchase your property.

WILL I HAVE TIME TO SELECT ANOTHER HOME AFTER THE DEPARTMENT MAKES ITS PURCHASE?

The Department starts to appraise properties early enough so that you will have ample time to move prior to project construction. Like any other real estate transaction, it requires time to close an escrow after a right of way contract and deed have been signed. You will not be required to move until reasonable, decent, safe and sanitary replacement housing is available.

Once you have received the written offer to purchase your property from the Department, it is in your best interest to look for a new place to live as soon as possible. Finding a home early that best suits your needs before you are required to move will minimize your personal inconvenience and will avoid having to make a choice of housing under pressure. In some instances you may be able to sell your property to the Department and rent back temporarily pending construction.

The Department also offers to provide you with assistance in finding a new place in which to live. The Department will give you at least 90 days notice in writing before you are required to move.

WHAT HAPPENS TO THE LOAN ON MY PROPERTY?

After you and the Department have agreed upon a price, a Right of Way Agent and/or a title company will contact all other parties having an interest in the property. Payment to satisfy outstanding loans or liens will be made through a title company escrow as in the case in any real estate transaction.

WHAT WILL HAPPEN TO MY GI OR CAL-VET LOAN?

The Veterans Administration and the California Department of Veterans Affairs allow your veteran loan privileges to be transferred and to become available for coverage on another property.

Your Right of Way Agent will assist you in the transfer. However, it is to your benefit and your responsibility to check with the Veterans Administration or the California Department of Veterans Affairs for procedural instructions.

IF THE VALUE OF MY PROPERTY IS HIGHER TODAY THAN WHEN I PURCHASED IT, DO I HAVE TO PAY INCOME OR CAPITAL GAINS TAX ON THIS DIFFERENCE WHEN I SELL/CONVEY TO THE DEPARTMENT?

According to the Internal Revenue Service, the sale of property to a governmental agency for public purposes comes under the definition of an “involuntary conversion”. In these cases, it is not necessary to pay income tax or capital gains tax if the money you receive is used to buy a similar property within a limited period of time. In every case, however, you should check with your local Internal Revenue Service office and/or accountant.

WILL I LOSE THE FAVORABLE PROPERTY TAX BASIS THAT I NOW HAVE UNDER THE PROVISIONS OF PROPOSITION 13?

Section 2(d) of Article XIII-A of the California Constitution and Section 68, Rule 462.5 of the Revenue and Taxation Code generally provide that property tax relief shall be granted to any real property owner who acquires comparable replacement property after having been displaced by governmental acquisition or eminent domain proceedings.

You will be given a copy of Rule 462.5 with an attached page showing examples of how to calculate estimates of the tax relief you may be eligible for. These are only approximations. You must see your county Tax Assessor for a final determination.

Note: Revenue and Taxation Code Section 68, Rule 462.5, G. 1 through G.4, set forth time limits that may affect your eligibility to retain your favorable current real property tax status.

THE DEPARTMENT'S RIGHT OF EMINENT DOMAIN.

An owner's rights are guaranteed by the federal and State constitutions and applicable federal and State laws. The principal right is that "Just Compensation" must be paid.

The vast majority of our transactions are settled by contract. However, if the owner and the Department cannot agree on the terms of sale, the Department may resort to the eminent domain process to avoid delaying the project, and will ultimately initiate condemnation proceedings.

The Department will request authority from the California Transportation Commission (Commission) to file a condemnation action in court. You will be given an opportunity to appear before the Commission to question whether public interest, necessity, planning and location require the proposed project and your property. The Commission does not hear arguments regarding valuation or just compensation.

Condemnation lawsuit documents are prepared by the Department and filed with the court in the county where the property is located. The Summons and Complaint will then be served on all persons having a property interest in the parcel. The persons served must Answer the lawsuit within 30 days.

Counsel for the parties will then prepare for trial, and the court will set dates for preliminary motions and the trial.

WHAT HAPPENS IN A CONDEMNATION TRIAL?

The purpose of the trial is to determine the amount of Just Compensation. Usually the trial is conducted before a judge and jury. Both the property owner and Department will have the opportunity to present evidence of value. The jury will determine the amount of compensation after being instructed as to the law by the judge. In those cases where the parties choose not to have a jury, the judge will decide the amount of compensation.

The Judgment is then prepared by counsel and signed by the judge. It will state that, upon payment of the amount of the verdict for the benefit of the property owner, title will be transferred to public ownership.

When the Department makes the payment as required by the Judgment, the Final Order of Condemnation is signed by the judge and recorded with the County Recorder's office. This finalizes the actual transfer of title.

WHO PAYS THE CONDEMNATION TRIAL COSTS?

The Department pays the costs of its attorney and its engineering and appraisal witnesses. It will also pay the jury fees and your recoverable costs allowed by law. The fee for filing your Answer with the court is an example of such costs.

If the judge determines that the Department's offer of settlement was unreasonable, while the demand of the property owner was reasonable as viewed in light of the evidence admitted at trial and the verdict, the property owner may receive litigation expenses such as their attorney's fees. The Judgment is then prepared by counsel and signed by the judge.

IF I WANT A TRIAL, MUST I HAVE AN ATTORNEY AND EXPERT WITNESSES?

Most property owners will be represented by an attorney, although they have the right to represent themselves.

You may wish to consult your family attorney. If you do not have one, in many communities the yellow pages of the telephone directory will refer you to an attorney reference service. The local bar association may also provide a list of attorneys who may offer services in eminent domain proceedings.

You and your attorney must decide what type of case you will present and what witnesses will be needed.

WILL I BE PAID ANY RELOCATION ASSISTANCE BENEFITS EVEN THOUGH I GO TO COURT?

A decision to go to court has no effect on your right to relocation benefits. Payment of relocation benefits is administered separately from the condemnation action. You will be provided details of additional assistance to help displaced persons, businesses, farms or nonprofit organizations in finding, purchasing or renting, and moving to a new location. These are explained in various booklets prepared for homeowners, tenants, and business and farm operators and are made available by the Department of Transportation.

HOW LONG CAN I KEEP MY PROPERTY?

Continued use of your property usually depends on when construction must begin, including utility relocations, and the demolition and/or clearance of buildings. If construction must begin before the trial, the Department will seek a court order for early possession of your property.

In this regard the Department will be required to deposit with the State Treasurer, the probable amount of just compensation, as determined by an appraisal as security for the value of the property rights it is seeking. The court will determine if the amount of money deposited is adequate. Once the deposit is made the owner may withdraw all or a portion of it at any time during the condemnation proceedings.

The court may then grant to the Department an order for early possession allowing the Department to use the property for construction of the project.

To obtain an Order for Possession, the Department will file a motion with the court and schedule a hearing 90 days after you and all occupants of the property are served with the motion papers (60 days if the property is unoccupied). You and the occupants, if any, will have 30 days to oppose the motion. Once the court grants an Order for Possession of the property, the Department may obtain possession of the property 30 days after the owner and any occupants are served with the Order.

Subject to the rights of any other persons having an interest in the property, you may withdraw all or part of the pre-Judgement deposit. If you do not make a withdrawal, the Department will pay interest on the eventual court award, or agreed settlement sum from the time it legally occupied your property until the date of final payment to you. Interest will accrue at the applicable statutory rate until paid at the time of final settlement.

The Department's Right of Way Agent assigned to purchase your property will assist you in the transaction and will be available to answer any additional questions you may have.

DEFINITIONS

The language used in relation to eminent domain proceedings may be new to you. These are some terms you may hear and their general meaning.

Acquire - To purchase

Answer - The property owner's written reply, in appropriate legal form, filed with the court in response to the eminent domain complaint and as requested by the summons.

Compensation - The amount of money to which a property owner is entitled under the law for the purchase of their property and any related damages.

Complaint - The document filed with the court by the Department which initiates an eminent domain proceeding.

Condemnation - The legal process by which a proceeding in eminent domain is accomplished.

Counsel - An attorney or attorneys.

Department - The State of California acting through the Department of Transportation.

Eminent Domain - The right of government to purchase private property for public use.

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.

Final Order of Condemnation - The instrument which, when recorded, transfers title to public ownership.

Judgment - The court's formal decision based on applicable law and the verdict.

Just Compensation - The measure of Just Compensation is Fair Market Value.

Loss of business goodwill - A loss in the value of a business caused by the Department's acquisition of property that cannot be reasonably prevented by relocation of the business or the owner adopting prudent or reasonable steps that preserve the value of the business goodwill.

Parcel - Usually means the property that is being acquired.

Plaintiff - The public agency that desires to purchase the property.

Possession - Legal control; to have the right to use.

Property - The right or interest which an individual has in land, including the rights to use or possess. Property is ownership; the exclusive right to use, possess or dispose of a thing.

Right of Entry - An agreement between an owner and the Department which allows the Department to utilize the property while continuing to negotiate the terms of settlement. Interest, calculated at the statutory rate, is included in the settlement upon conclusion of the transaction.

Summons - Notification of filing of a lawsuit in eminent domain and of the necessity to file answer or other responsive pleading.

Title - Legal ownership.

Trial - The hearing of the facts from a plaintiff and defendant in court of law, either with or without a jury.

Verdict - The amount of just compensation to be paid for a property including any damages to the remainder, if applicable.

**STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DIVISION OF RIGHT OF WAY AND LAND SURVEYS**

JULY 2008



This is an informational pamphlet only. It is not intended to give a complete statement of all State or federal laws and regulations pertaining to the purchase of your property for a public use, the Relocation Assistance Program, technical legal definitions, or any form of legal advice.

ADA Notice

**For individuals with disabilities, this document is available in alternate formats.
For information contact:**

**Division of Right of Way and Land Surveys
(916) 654-5896
CRS: (800) 735-2929
or write:
1120 N Street, MS 37
Sacramento, CA 95814**

Su Propiedad

Su Proyecto de Transporte

Julio 2008



Introducción

Este folleto fué preparado para personas, que como usted, pueden ser afectadas por un proyecto público de transporte. Si su propiedad es afectada, usted puede haberse preguntado que pasará? Quién se pondrá en contacto conmigo? Cuánto se le pagará por su propiedad? Quién pagará sus costos de mudanza? Le ayudará el Departamento de Transporte del Estado (Departamento) a encontrar un nuevo lugar donde vivir? Preguntas importantes como éstas requieren respuestas específicas.

Nosotros esperamos que este folleto conteste algunas de sus preguntas y que presente un cuadro mejor de nuestros procedimientos generales.

Porqué una agencia pública tiene el derecho de comprar mi propiedad?

Nuestras constituciones estatales y federales reconocen la necesidad de que las agencias públicas compren propiedad privada para uso público, y provean protección apropiada para llevar a cabo éste propósito. Las constituciones estatales y federales y el Acta Uniforme de Adquisición de Bienes Raíces y Asistencia para Relocalización de Propiedades, autoriza la compra de propiedad privada para uso público y asegura protección completa de los derechos de cada ciudadano. La responsabilidad de estudiar los posibles sitios para un proyecto de transporte depende de un grupo de individuos especialmente seleccionados y entrenados para hacer este importante trabajo. Muchos meses y hasta años son dedicados a los estudios preliminares e investigaciones para considerar localidades posibles para un proyecto.

La consideración del medio ambiente e impactos sociales son parte de la determinación de la localización, a como lo son la ingeniería y el costo. La participación de individuos privados y agencias públicas son activamente solicitadas para que diversas opiniones puedan ser consideradas en el proceso del estudio. El proceso puede incluir audiencias públicas y/o talleres de trabajo, que le darán a las personas oportunidad para que expresen sus opiniones de las localidades que son consideradas.

El Departamento de Transporte de California está formado por diversos especialistas. Entre estos están:

Planificadores de Transporte

Estos individuos determinan métodos y rutas para el público viajero. Esto incluye estudios de modelos existentes de tráfico, inspección de "origin-destino" y beneficios de los usuarios. Ellos también determinan si la localización del proyecto propuesto es factible económicamente. Ellos investigan y analizan los efectos producidos por proyectos similares en otras comunidades.

Planificadores del Ambiente

Estos individuos evalúan el efecto socio-económico y/o los impactos del medio ambiente, incluyendo tráfico, ruido, e impactos visuales del proyecto propuesto.

Ingenieros de Diseño

Estos individuos recomiendan el tipo de proyecto de transporte que será de más beneficio para el público. Ellos preparan los planos de diseño los cuales determinan las propiedades necesarias para el proyecto.

Especialistas de Relocalización

Estos individuos hacen estudios preliminares de las necesidades generales que tendrán las personas al ser relocalizadas y el tipo de propiedades de reemplazo que serán requeridas. Un análisis de impacto de relocalización deberá ser completado, antes de que el Departamento requiera a alguien mudarse de su propiedad.

Como resultado del esfuerzo de este grupo, la mejor localización posible para el servicio de transporte es seleccionada después de un profundo análisis social, económico, de ingeniería y del medio ambiente, así como consideración de los deseos y problemas expresados por el público. La meta es que el proyecto provéa el mayor bienestar al público y cause el menor daño o inconveniencia privada, mientras se presta el mejor servicio posible.

Agrimensores de Transporte

Estos individuos realizan inspecciones de terrenos y monumentación de las líneas de propiedad para la delineación y preparación de mapas de los derechos de vías que necesite el Departamento. Ellos están autorizados por la ley para entrar a una propiedad privada a realizar dichas tareas. Es la guía interna del Departamento que los dueños e inquilinos de propiedad sean notificados antes de la inspección.

Quién me contactará?

Una de las primeras personas que conocerá es un Agente de Derecho de Vías realizando una evaluación. Usted tendrá la oportunidad de acompañar al evaluador en la inspección de su propiedad. En el momento de la inspección, el evaluador también le proveerá información general del proyecto. El evaluador analizará su propiedad y examinará todas las características que puedan contribuir al valor de mercado. Información acerca de las mejoras que ha hecho y otras características especiales que usted considere que pueden afectar el valor de mercado de su propiedad le serán entregadas al evaluador para asegurar que el/ella obtenga la información que usted considere relevante.

Es deber del Departamento asegurarle que recibirá el precio del valor de mercado que usted recibiría si vendiera su propiedad privadamente en el mercado abierto. El Departamento no puede comprar su propiedad por más de lo que vale, pero le **puede y le asegura** que no tendrá que vender su propiedad por menos del valor justo de mercado. La ley de California provee que el dueño reciba una copia completa de la evaluación o una copia del resumen de la evaluación en la que el Departamento basó su oferta.

Al tiempo de que la oferta es hecha para comprar su propiedad, usted puede obtener su propia evaluación y el Departamento le reembolsará hasta \$5,000 por

los costos actuales y razonables para la obtención de una valoración independiente. Su Agente de Derecho de Vías le proveerá más información relacionada al reembolso durante el tiempo de la oferta.

Que ventaja hay en vender su propiedad al Departamento?

Una compra de bienes y raíces por el Departamento de Transporte es realizada de la misma manera que cualquier venta privada de propiedad. Sin embargo, pueden haber ventajas financieras en vender al Departamento.

El Departamento le pagará valor justo de mercado por su propiedad. El Departamento tambien pagará por la preparación de documentos, todos los gastos de título y registro, póliza de seguro del título, costos de archivo en el registro y otros honorarios que pueden ser requeridos en el cierre de venta con el Departamento. Ya que ésta es una venta directa del dueño de propiedad al Departamento, no hay comisiones de venta de bienes raíces envueltas, y el Departamento no reconocerá o pagará por estas comisiones.

Una venta privada usualmente cuesta miles de dolares en gastos de venta. El vendedor no incurre en ningún gasto de venta cuando la compra es hecha por el Departamento.

Adicionalmente, dependiendo de sus circunstancias específicas puede ser elegible para pagos de relocalización y beneficios cuando se mueva. Estos beneficios son descritos en folletos suplementarios los cuales le serán entregados en caso de que la adquisición por el Departamento le cause el desplazamiento de su propiedad.

Seré pagado por pérdida en valor del remanente de mi propiedad?

Cuando solo una parte de su propiedad se necesite para el proyecto, se hará todo el esfuerzo razonable para asegurar que usted no sufra daños en el remanente de su propiedad. El pago total por el Departamento será por la propiedad que el Departamento adquiera actualmente y por los daños de valor que el remanente de su propiedad sufra en el mercado.

La determinación de la pérdida de valor en el mercado es un problema de evaluación que implica una serie de variables. Si ésta situación se presenta, un Agente de Derecho de Vías le explicará los efectos de la compra parcial del remanente de su propiedad.

Puedo reterminer y mover mi casa, edificio de negocio, maquinaria ó equipo?

Si su casa es móvil y usted desea hacer dichos arreglos, el Departamento le pagará en base al valor presente de mercado de su lote, incluyendo jardines, más los costos razonables de mudanza del edificio. Hay casos en que por

edad, tamaño, o condición de la casa, los costos de mudanza podrían exceder al valor presente de mercado, menos el valor residual. En tal caso, por supuesto, el pago de costo de mudanza no sería un buen uso de los fondos públicos.

Si usted opera una granja o negocio, usted puede retener y mover su maquinaria fija y equipo si así lo desea. Adicionalmente, como dueño de un negocio conducido en la propiedad que será comprada, usted puede tener derecho a una compensación por la pérdida de clientela del negocio. Sus circunstancias específicas serán analizadas en la base de caso-por-caso.

Si cualquiera de estos conceptos son aplicables a su situación, le serán explicados en detalles por el Agente de Derechos de Vías asignado a la compra de su propiedad.

Tendré tiempo de seleccionar otra casa después que el Departamento haga su compra?

El Departamento comenzará a valorar propiedades con suficiente antelación para que usted tenga tiempo suficiente de moverse antes de la construcción del proyecto. Como cualquier otra transacción de bienes y raíces, se requiere tiempo para cerrar escrituración después de que firme el contrato y la escritura de transferencia. A usted no se le pedirá que se mueva hasta que una casa de reemplazo razonable, decente, segura y sanitaria esté disponible.

Una vez que haya recibido la oferta por escrito del Departamento para comprar su propiedad, es en el mejor interés para usted buscar un nuevo lugar donde vivir lo más pronto posible. Encontrar una casa que mejor le convenga a sus necesidades, con tiempo antes de que usted sea requerido a moverse, le minimizará inconveniencias personales y usted evitará tener que hacer su selección bajo presión. En algunas ocasiones le será posible vender su propiedad al Departamento y rentarla temporalmente de nuevo dependiendo de la construcción.

El Departamento también le ofrece asistencia para encontrar un nuevo lugar en donde vivir. El Departamento le dará por lo menos 90 días de notificación por escrito antes que tenga que moverse.

Que le pasa al préstamo en mi propiedad?

Después que usted y el Departamento hayan acordado en un precio, un Agente de Derecho de Vías o una compañía de título contactará todas las personas que tengan interés en la propiedad. Los pagos para satisfacer los préstamos pendientes o las hipotecas serán hechos a través de una compañía de poliza de seguro de títulos de propiedad como en cualquier otra transacción de bienes y raíces.

Qué le pasará a mi préstamo GI ó Cal-Vet?

La Administración de Veteranos y el Departamento de Veteranos de California permiten que los privilegios de préstamo para veteranos sean transferidos y estén disponibles para la cobertura en otra propiedad.

Su Agente de Derecho de Vías le asistirá en la transferencia. Sin embargo, es para su beneficio y es su responsabilidad de chequear con la Administración de Veteranos ó las instrucciones de procedimiento del Departamento de Veteranos de California.

Si el valor de mi propiedad es más alto hoy que cuando la compré, tendré que pagar impuestos sobre la renta o impuesto de ganacia de capital por la diferencia de cuando yo se la venda/transfiera al Departamento?

Según la Oficina de Ingresos, la venta de propiedad a una agencia de gobierno para uso público está bajo la definición de una “conversión involuntaria.” En estos casos, no es necesario pagar impuestos de ingresos o impuestos de ganancias de capital, si el dinero que usted recibirá es usado para comprar una propiedad similar dentro de un tiempo limitado. Sin embargo, en todo caso usted debe chequear con su Oficina de Ingresos y/o con un contador.

Perderé el impuesto básico de propiedad que me es favorable ahora bajo las provisiones de la Proposición 13?

La Sección 2(d) de la Constitución de California, Artículo XIII-A y Sección 68, Regla 462.5 del Código de Ingresos e Impuestos generalmente provéen que la ayuda de impuestos de propiedad tienen que ser otorgados a dueños de propiedades reales que adquieran propiedad comparable de reemplazo después que haya sido desplazado por la adquisición del gobierno o procedimiento de dominio público.

Se le entregará una copia de la Regla 462.5 con una hoja adjunta demostrando ejemplos de como calcular estimados de la ayuda de impuestos a los que usted puede ser elegible. Estas son solo aproximaciones. Usted debe hablar con su asesor de impuestos del condado para llegar a una determinación final.

Nota: El Código de Ingresos e Impuestos, Sección 68, Regla 462.5, G1 hasta la G.4, enuncia límite de tiempo que puede afectar su elegibilidad de retener su posición favorable actual de impuestos de la propiedad real.

El derecho del Departamento de tomar la propiedad privada para uso público.

El derecho de los dueños están garantizados por las constituciones federales y estatales, y las leyes federales y estatales que sean aplicables. El principio de

derecho es que una compensación justa debe de ser pagada.

La gran mayoría de nuestras transacciones son llegadas a acuerdo por medio de un contrato. Sin embargo, si el dueño y el Departamento no pueden llegar a un acuerdo de los términos de venta, el Departamento puede recurrir al proceso de dominio público evitando así atrasos al proyecto, y por último iniciar los procedimientos de condenación.

El Departamento pedirá autorización a la Comisión de Transporte de California (Comisión) para comenzar una acción de condenación en la corte. A usted se le dará la oportunidad que comparezca ante la Comisión y pregunte acerca del interés público, necesidad, planificación y localización requeridas por el proyecto y su propiedad. La Comisión no escucha argumentos con respecto a la valuación o compensación justa.

Los documentos de litigio de condenación serán preparados por el Departamento y sometidos a la corte en el condado donde la propiedad está localizada. Todas las personas que tienen derecho de propiedad en la parcela, deberán de ser notificadas con las citas y demandas. Las personas notificadas tienen que Contestar la demanda dentro de 30 días.

Los abogados de las partes se prepararán para el juicio y la corte establecerá los días para la moción preliminar y el juicio.

Qué pasa en un Juicio de Condenación?

El propósito del juicio es determinar la cantidad de Compensación Justa. Usualmente, el juicio es conducido ante el juez y un jurado. Los dos, el dueño de la propiedad y el Departamento, tendrán la oportunidad de presentar pruebas del valor de la propiedad. El jurado determinará la cantidad de compensación después de haber sido instruídos por el juez. En los casos donde los participantes escogen no tener jurado, el juez decidirá la cantidad de compensación.

La Sentencia es preparada por un abogado y firmada por el juez. Establecerá que cuando se haga el depósito de la cantidad del veredicto en la corte a beneficio del dueño de la propiedad, el título será transferido a la posesión pública.

Cuando el Departamento haga el pago requerido por la Sentencia, la Orden Final de Condenación es firmada por el juez y registrada en la Oficina de Registro del Condado. Esto finaliza el traspaso actual del título.

Quien paga los costos del juicio de condenación?

El Departamento paga los costos de sus propios abogados, ingenieros y testigos

evaluadores de la propiedad. Tambien pagará los honorarios al jurado y le pagará gastos recobrables permitidos por la ley. Los honorarios para archivar su Respuesta con la corte es un ejemplo de tales costos.

Si el juez determina que la oferta del Departamento no era razonable y que la demanda del dueño de la propiedad era razonable a la vista de la luz de la evidencia admitida en juicio y el veredicto, el dueño de la propiedad puede recibir gastos de litigio, por ejemplo, los gastos de honorarios de abogados. La Sentencia es entonces preparada por un abogado y firmada por el juez.

Si yo quiero un juicio, tengo que tener un abogado y un testigo experto?

La mayor parte de los dueños de propiedades serán representados por un abogado, aunque los propietarios tienen el derecho de representarse así mismo.

Si lo desea, puede consultar al abogado de su familia. Si usted no tiene uno, en muchas comunidades las páginas amarillas de la guía telefonica lo referirá a una agencia de servicios de abogados. La asociación local de abogados le puede proveer una lista de abogados que le podrían ofrecer servicios en procedimientos de dominio público.

Usted y su abogado deben decidir el tipo de caso que usted ha de presentar y que testigos necesitará.

Seré pagado por gastos de mudanza o cualquier otro beneficio de asistencia de reubicación aunque tenga que ir a corte?

Su decisión de ir a corte no tiene efecto en su derecho de beneficios de relocalización. El pago de sus beneficios de relocalización es administrado separadamente de la acción de condenación. Se le proveerá detalles adicionales de asistencia para ayudar a personas desplazadas, negocios, haciendas y organizaciones no lucrativas en encontrar, comprar, ó alquilar y moverse a la nueva localidad. Estos son explicados en varios folletos preparados para los dueños de casa, inquilinos, negocios y operadores de haciendas y son disponibles por el Departamento de Transporte.

Por cuánto tiempo puedo retener mi propiedad?

El uso continuo de su propiedad usualmente depende de cuando la construcción va a comenzar, incluyendo la relocalización de las utilidades públicas, demolición y/o remoción de edificios. Si la construcción debe de comenzar antes de que el período de prueba comience, el Departamento buscará una orden de la corte para la posesión temprana de la propiedad.

En relación a ésto el Departamento será requerido a depositar con el Tesorero del Estado, la cantidad probable de compensación justa que será determinada

por un evaluador como seguridad por el valor de los derechos de propiedad deseados. La corte determinará si el monto de dinero depositado es adecuado. Una vez que el depósito sea hecho el dueño podrá retirar todo o parte de éste en cualquier momento durante los procedimientos de condenación.

La corte puede conceder al Departamento una orden de posesión temprana de la propiedad, permitiendo al Departamento el uso de la propiedad para la construcción del proyecto.

Para obtener una Orden de Posesión, el Departamento archivará una moción con la corte y pedirá fecha para una audiencia 90 días después que usted y todos los ocupantes de la propiedad sean notificados con los documentos de la moción (ó 60 días si la propiedad no está ocupada). Usted y los ocupantes, si los hay, tendrán 30 días para oponerse a la moción. Una vez que la corte autorize una orden de posesión de la propiedad, el Departamento puede obtener la posesión de la propiedad 30 días después de que el dueño y algún otro ocupante sea notificado con la Orden.

Sujeto a los intereses que cualquier otra persona tenga en la propiedad, usted puede retirar todo o parte del depósito pre-Judicial.

Si usted no hace ningún retiro de dinero, el Departamento le pagará intereses en el evento que la corte le conceda algún derecho ó alguna suma acordada de compensación por el tiempo que legalmente su propiedad fué ocupada hasta la fecha que se le haga el pago final. La tarifa de intereses legales le serán pagados en el momento de la sentencia final.

El Agente de Derecho de Vías del Departamento que sea asignado a la compra de su propiedad le asistirá en la transacción y estará disponible para contestar cualquier pregunta adicional que tenga.

Definiciones

El lenguaje usado en relación a los procedimientos de dominio público pueden ser nuevos para usted. Estos son algunos de los términos que usted puede escuchar y su significado general.

Adquirir

Comprar.

Contestar

La respuesta escrita del dueño de la propiedad en forma legal, archivada en la corte y en respuesta a la demanda de dominio público requerida por la notificación.

Compensación

El monto de dinero que el dueño de la propiedad tiene derecho bajo la ley por la compra o daño a la propiedad.

Demandá

El documento archivado en la corte por el Departamento el cual inicia un procedimiento de dominio público.

Condenación

El proceso legal por el cual el procedimiento para dominio público es llevado a cabo.

Consejero legal

Un abogado o abogados

Departamento

El Estado de California actuando a través del Departamento de Transporte.

Dominio Público

El derecho del gobierno de comprar propiedad privada para uso público

Valor Justo de Mercado

El valor justo de mercado de la propiedad es el precio más alto a la fecha de la valuación que sería acordada por un vendedor, con buena voluntad de vender, pero sin necesidad urgente u obligación particular por hacerlo; y un comprador que esté listo, disponible y capaz de comprar, pero sin una necesidad particular por hacerlo, cada uno tratando el otro con conocimiento total de todos los usos y propósitos por los cuales la propiedad es razonablemente adaptable y disponible.

Orden Final de Condenación

El instrumento por el cual, cuando es registrado, transfiere el título al dominio público.

Sentencia

La decisión formal de la corte basada en las leyes aplicables y el veredicto.

Compensación Justa

La Compensación Justa es el Valor Justo de Mercado.

Pérdida de la Clientela del Negocio

Es la pérdida de valor de un negocio causado por la adquisición de la propiedad por el Departamento que no puede ser prevenido razonablemente por la localización del negocio, o el dueño adoptando las medidas prudentes y razonables para preservar el valor de la clientela del negocio.

Parcela

Usualmente significa la propiedad que está siendo adquirida.

Demandante

La agencia pública que desea comprar la propiedad.

Posesión

Control legal; tener el derecho de uso.

Propiedad

El derecho o interés que un individuo tiene en un terreno, incluyendo los derechos de usar o poseer. Propiedad también es considerada como el derecho exclusivo de usar, poseer o disponer de algo.

Derecho de Entrada

Un acuerdo entre un dueño y el Departamento que confiere derechos al Departamento a utilizar la propiedad mientras continúan las negociaciones de los términos de resolución. El interés, calculado en la tarifa legal corriente, es incluido en la resolución a la conclusión de la transacción.

Citatorio

Notificación que una demanda legal se ha archivado en un caso de dominio público y la necesidad de archivar una respuesta u otra declaración de respuesta.

Título

Documento legal de propiedad.

Juicio

La revisión de los hechos de los demandantes y defensores ante un tribunal, ya sea con o sin jurado.

Veredicto

La cantidad de compensación justa que será pagada por la propiedad y los daños al remanente, si es aplicable.

NOTAS:

**ESTADO DE CALIFORNIA
AGENCIA DE NEGOCIOS, TRANSPORTE Y VIVIENDA
DEPARTAMENTO DE TRANSPORTE
DIVISION DE DERECHO DE VIAS
Y
AGRIMENSURA**

July 2008

Este es solamente un folleto de información. Su objetivo no es ofrecer una declaración completa de todas las leyes estatales o federales ó las regulaciones relacionadas con la compra de su propiedad para uso público, el Programa de Asistencia para Relocalización, las definiciones técnicas legales, o ninguna otra forma de consejo legal.

Notificación ADA

Para individuos con desabilidades, este documento está disponible en formato alternativo. Para información contacte:

*División de Derecho de Vías y Agrimensura
(916) 654-5896
CRS: (800) 735-2929
ó escriba a:
1120 N Street, MS 37
Sacramento, CA 95814*

Appendix G

Air Quality Conformity

Roadway Projects

Solano County

(all dollars are in thousands)

State Highway Projects

TIP ID: SOL090003 County: Solano System: STATE HWY RTP ID: 230322 CTIPS ID: 20600004416

Sponsor: Solano Transportation Authority Implementing Agency: Solano Transportation Authority

Project Name: EB I-80 Cordelia Truck Scales Relocation Project

Description: Solano County: rebuild and relocate the Eastbound Truck Scales Facility, build a 4-lane bridge across Suisun Creek, and construct braided ramps from the new truck scales facility to EB I-80 and EB SR 12 ramps.

Air Quality Exempt Code: Non-Exempt Project

Route: 80 Post Mile From: 14.3 Post Mile To: 14.4

Toll Credits:

Phase	Fund Source	Prior Years	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Future Years	Total Programmed
PE	BT	\$ 4,500							\$ 4,500
PE	TCRP	\$ 1,300							\$ 1,300
PSE	BT	\$ 17,700							\$ 17,700
ROW-CT	BT		\$ 3,000						\$ 3,000
CON	AC			\$ 49,800					\$ 49,800
CON	BT			\$ 24,600					\$ 24,600
Total Programmed Funding:		\$ 23,500	\$ 3,000	\$ 74,400					\$ 100,900

TIP ID: SOL090015 County: Solano System: STATE HWY RTP ID: 230708 CTIPS ID: 20600004556

Sponsor: Solano County Implementing Agency: Solano Transportation Authority

Project Name: Redwood-Fairgrounds Dr Interchange Imps (Study)

Description: Near Vallejo: Btw SR 37 & Carquinez Bridge; Conduct study to determine the feasibility of constructing expanded I-80 Redwood St./Fairgrounds Dr. Interchange and parkway improvements. PSE, PE and Env. Phase only.

Air Quality Exempt Code: 4.03 - Planning activities conducted pursuant to titles 23 and 49 U.S.C.

Route: 80 Post Mile From: Post Mile To:

Toll Credits:

Phase	Fund Source	Prior Years	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Future Years	Total Programmed
PE	EARMARK	\$ 1,200							\$ 1,200
PE	OTHER LOCAL	\$ 300							\$ 300
Total Programmed Funding:		\$ 1,500							\$ 1,500

TIP ID: SOL110001 County: Solano System: STATE HWY RTP ID: 230659 CTIPS ID: 20600004647

Sponsor: Metropolitan Transportation Commission Implementing Agency: Solano Transportation Authority

Project Name: I-80 Express Lanes (Vacaville)

Description: I-80 in Solano County from I-505 to Air Base Parkway (new lanes); widen to add an express lane in each direction from I-505 to Air Base Parkway.

Air Quality Exempt Code: Non-Exempt Project

Route: 80 Post Mile From: Post Mile To:

Toll Credits:

Phase	Fund Source	Prior Years	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Future Years	Total Programmed
PE	AB1171-AB144	\$ 600							\$ 600
ROW	OTHER LOCAL						\$ 10,000		\$ 10,000
CON	OTHER LOCAL							\$ 180,600	\$ 180,600
Total Programmed Funding:		\$ 600					\$ 10,000	\$ 180,600	\$ 191,200



FMS	Log in	Version 2.7.1					
Project Manager	Help						
VIEW PROJECT: Redwood-Fairgrounds Dr Interchange Imps (Study)							
Project Detail Funding Contacts Location Lineage Comments Screening Criteria Project Documents Air Quality << Back to project search results							
TIP ID	SOL090015	Status	ACTIVE	Project name	Redwood-Fairgrounds Dr Interchange Imps (Study)		
FMS ID	4582.00	Version	2	Sponsor	Solano County		
County	Solano	Last updated	07/23/2010	Implementing Agency	STA		
Regional Conformity							
Air Quality Code	Air Quality Description						
4.03	EXEMPT (40 CFR 93.126) - Planning activities conducted pursuant to titles 23 and 49 U.S.C.						
Air Basin			Air District				
TCM	TCM Number	VOC	NOX	CO	PM10	PM2.5	CO2
		0.0	0.0	0.0	0.0	0.0	0.0

Project Conformity

Overview: The San Francisco Bay Area has been designated as non-attainment for the 24-hour PM2.5 standard. Beginning December 14, 2010, certain projects are required to complete a PM2.5 hot-spot analysis as part of the project-level conformity determination process. Project sponsors must engage in interagency consultation on the PM2.5 hot-spot analysis through MTC's Air Quality Conformity Task Force. The Conformity Task Force will (1) determine if a project meets the definition of a project of air quality concern and if the project requires undergoing a project-level PM2.5 hot-spot analysis, and (2) review the methods, assumptions and analysis of the PM2.5 hot-spot analysis. The EPA and either FHWA or FTA must concur with the recommendations from the Conformity Task Force. Upon completion of the interagency consultation, project sponsors must seek approval from FHWA or FTA on the PM2.5 hot-spot analysis.

Project Conformity Analysis Summary			
Milestone	Status	Details	
Step 1 - Project Identified Exempt From PM2.5 Project Level Conformity	No	Step 1 - Project Identification completed, proceed with requirements for the next step for Interagency Consultation. Project is not exempt from PM 2.5 project level conformity and therefore requires interagency consultation.	
Step 2 - Project Requires Interagency Consultation	Yes	Pending requirements for Step 2 - Interagency Consultatation. Project Assessment Form: PM25_ProjectAssessmentForm.pdf	
Task Force Determination of POAQC	Not POAQC	Date of Consultation: 9/22/2011 Date of Action: 10/06/2011	
Step 3 - Project Requires PM 2.5 Hot Spot Anaylsis Consultation	No	Hot Spot analysis is not required.	



U.S. Department
of Transportation
**Federal Highway
Administration**

**Federal Highway Administration
California Division**

May 21, 2015

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA

Mr. Bijan Sartipi
District Director
California Department of Transportation, District 4
P.O. Box 23660,
Oakland, CA 94623-0660

Attention: Ray Boyer

SUBJECT: Project Level Conformity Determination for the Redwood Pkwy- Fairgrounds Dr. Improvements Project (SOL090015)

Dear Mr. Sartipi:

On May 12, 2015, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a complete request for a project level conformity determination for the Redwood Pkwy- Fairgrounds Dr. Improvements Project (SOL090015). The project is in an area that is designated Non-Attainment or Maintenance for Carbon Monoxide (CO), Ozone and Particulate Matter (PM 2.5).

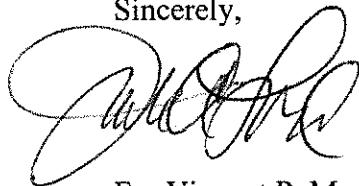
The project level conformity analysis submitted by Caltrans indicates that the project-level transportation conformity requirements of 40 CFR Part 93 have been met. The project is included in the Metropolitan Transportation Commission's (MTC) current Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), as amended. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 CFR 93.116 and 93.123, the localized PM analyses are included in the documentation. The analyses demonstrate that the project will not create any new violations of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the Redwood Pkwy- Fairgrounds Dr. Improvements Project (SOL090015) conforms with the State Implementation Plan (SIP) in accordance with 40 CFR Part 93.

If you have any questions pertaining to this conformity finding, please contact Joseph Vaughn at (916) 498-5346 or by email at Joseph.Vaughn@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Mammano".

For Vincent P. Mammano
Division Administrator

Appendix H

Environmental Commitment Record

SUMMARY OF REQUIRED PERMITS AND ENVIRONMENTAL COMMITMENT -PS&E PHASE

TO: _____
 ATTN.: _____
 DESIGN OFFICE

PROJECT MANAGER:
 PROJECT ENGINEER:

Date: June 2013
 CO. RTE. PM: Sol-80 PM 4.0/4.9
 04-Sol-37 PM 10.6/11.2
 EA No.: 4A4410
 Project No.: 0400020584

Below is a summary of the required permits, and environmental commitments that must be incorporated into the PS&E, for this project. Please contact _____ @ _____ for further information.

PERMITS AND AGREEMENTS	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
USACE - Section 404: Nationwide	ED		Department	Final Design		
USACE - Compensate for the filling of wetlands and waters of the U. S.	ED		Department	Final Design		
CDF&G - Section 1602	ED		Department	Final Design		
RWQCB - Section 401 Certification	ED		Department	Final Design		
RWQCB Compensate for impacts to state, non-jurisdictional waters and drainages	ED		Department	Final Design		
General Measures						
2010 Standard Specifications						
Bidding and Bid Documents: 2-1.06B Supplemental Project Information						
Legal Relations & Responsibility to the Public:						
7-1.02A Laws—comply with laws, regulations, orders, decrees;	N	Department	Design/ Pre-const./ Const./ Post- const.			
7-1.03 Public Convenience—schedule & conduct work to avoid inconvenience to public or abutting property owners; maintain access to driveways, houses, buildings	N	Department	Pre-const.			
7-1.04 Public Safety—provide for public safety	N	Department/ Contractor	Pre-const./ Const.			
Environmental (General)						
14-1.02 Environmentally Sensitive Areas	N	Contractor	Final Design/Const.			
14-1.03 ESA Temporary Fence	N	Contractor	Final Design/Const.			
Standard Special Provisions						
Make permits and other information available to the construction contractor	N	Department	Final Design	Include SSP Section 2-1.06B pertaining to Supplemental Project Information		
Community Impacts						
The Department's Relocation Assistance Program would help eligible displaced individuals or businesses move with as little inconvenience as possible. All rights and services provided under Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, would be strictly adhered to. The rights of non-tenured occupants of displaced properties would be preserved.	ED	N	Department	Pre-Const.		

	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
Traffic and Transportation/ Pedestrian and Bicycle Facilities						
Transportation Management Plan: The objective of the TMP would be to minimize the impacts that construction activities would have on the traveling public. The plan would include press releases to notify and inform motorists, business community groups, local entities, emergency services, and elected officials of upcoming road closures and detours. Traffic management strategies that require action by the construction contractor would be presented in detail in the Build Alternative's technical specifications of the bid contract, and are considered part of the project.	ED	Y	Department/ Contractor	Final Design		
Visual/Aesthetics						
Aesthetic treatments for retaining walls will help integrate roadway elements into the urban design of adjacent local streets. Aesthetic treatments will include adding texture and architectural detailing to retaining walls. The final decision of the types of aesthetic treatments to retaining walls will be made during the final design process, through coordination with local communities. The project applicant shall implement the following mitigation measures to increase visual quality of the project site during construction and operation: <input type="checkbox"/> The design of the roadways outside of the State right-of-way shall adhere to the City of Vallejo Standard Specifications. <input type="checkbox"/> As directed by the Department, appropriate light and glare screening measures shall be used at the Construction Staging Areas including the use of downward cast lighting and motion-sensored lighting. <input type="checkbox"/> As directed by the Department, all landscaping removed by the project shall be replaced along Fairgrounds Drive, I-80, Redwood Parkway, and Redwood Street within the project limits. Landscape plans shall be developed and approved by the Department during the final design phases. Landscape plans for areas outside of the State right-of-way shall also adhere to the City of Vallejo Standard Specifications.	ED	Y	Contractor	Final Design		
Cultural Resources						
If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact District 4 Environmental Branch so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable. In addition, an Archaeological Monitoring and Discovery Plan has been prepared that specifies the appropriate construction monitoring locations and protocols recommended for an area near the known redeposit of archaeological materials outside of the APE. During the construction of the Build Alternative, a professional archaeologist will be assigned to monitor construction work in the vicinity of the known archaeological site for the purpose of identifying and evaluating any newly discovered materials. Implementation of the provisions outlined in the Archaeological Monitoring and Discovery Plan would ensure that no adverse effects to the nearby archaeological materials occur as a result of the Build Alternative.	ED	N	Contractor/ Archaeologist	Const.		

	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
2010 Standard Specifications						
14-2.02 Archaeological Resources Discovery		N	Contractor/ Archaeologist	Const.		
14-2.03 Archaeological Monitoring Area		N	Contractor/ Archaeologist	Const.		
Geology/Soil/Seismic/Topography						
The Department's standard design and construction guidelines incorporate engineering standards that address seismic risks. Proposed structures including, retaining walls, soundwalls, and embankments constructed within the geologic study area would consider seismically-induced liquefaction and settlement during the final design phase. The final design phase would also include the evaluation of the Design Response Spectrum, which measures the ground motion or acceleration caused by the input of a vibration from an earthquake at a specific location and can help understand how structures would respond to earthquakes in a given place.	ED	N	Department/ Project Engineer	Final Design		
With respect to worker safety during construction, the Occupational Safety and Health Act (OSHA) requires employers to comply with hazard-specific safety and health standards. Pursuant to Section 5(a)(1) of the OSHA, employers must provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. Potential seismic-related hazards to workers during construction are expected to be less than substantial with compliance with the OSHA and compliance with the Department's standard design and construction guidelines.	ED	N	Department/ Contractor	Const.		
Erosion control measures would be implemented during construction activities in accordance with the best management practices outlined in the SWPPP. Protective measures would reduce soil erosion and minimize impacts to water quality, including groundwater.	ED	Y	Department/ Contractor	Pre-const./ Const.		
Paleontology						
Mitigation Measure PAL-1: Monitoring and Mitigation Program A qualified paleontologist, with Caltrans approval, shall design a monitoring and mitigation program and implement the program during project-related excavation and earth disturbance activities prior to construction. The paleontological resource monitoring and mitigation program shall include preconstruction coordination, construction monitoring, emergency discovery procedures, and sampling and data recovery. Prior to the start of construction, the paleontologist shall conduct a field survey of exposures of sensitive stratigraphic units within the study area that would be disturbed. Finally, construction personnel would be informed that fossils could be discovered during excavation, that these fossils are protected by laws, on the appearance of common fossils, and on proper notification procedures. Both the Great Valley Sequence and Holocene alluvial deposits have a low sensitivity for paleontological resources. However, Holocene alluvial deposits typically occur as thin layer overlying Pleistocene alluvial deposits, which have a high potential for paleontological resources. Excavation in areas covered by Holocene alluvial deposits would likely encounter Pleistocene alluvial deposits in the shallow subsurface. As such, construction activities within Pleistocene alluvial deposit areas covered by Holocene alluvial deposits would need to be monitored where excavations are expected to reach three to ten feet below ground surface.	ED	Y	Department/ Paleontologist	Pre-const./ Const.		
2010 Standard Specifications						
14-7.02 Paleontological Resource Discovery		N	Department/ Paleontologist	Pre-const./ Const.		
Hazardous Waste & Contamination						
2010 Standard Specifications						

	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
14-11.01 General		N	Department/Contractor	Pre-const./Const.		
14-11.02A Unanticipated Discoveries—Asbestos, Hazardous Substances		N	Department/Contractor	Pre-const./Const.		
Because of the potential for exposure to hazardous materials and aerially deposited lead, the following measures would be taken to avoid any potential adverse effects : <input type="checkbox"/> If acquisition of the Stop N Save Gasoline Station and Liquor site (501 Fairgrounds Drive) is necessary, a limited subsurface sampling for potential soil and groundwater contamination would be conducted prior to purchase. Implementation of the limited surface sampling in this area is expected to cost approximately \$15,000. <input type="checkbox"/> In the event that excavation occurs in the former UST pit on the Tell Rentals property, and petroleum impacts on the 223 Fairgrounds Drive property remain within soil and groundwater, a Soil Management Plan (SMP) would be developed to manage excavation of soil from these areas. The SMP would specifically address worker protection during excavation and removal activities. The SMP would also address the transport and disposal of petroleum-impacted soil to the appropriate Class II Landfill facility. Implementation of the SMP in this area is expected to cost approximately \$16,000. <input type="checkbox"/> The Department's Variance would be used to manage soil excavated in the area of the ADL sample location with hazardous concentration levels. Excavated soil would be placed in other roadway right-of-way areas and covered with one foot of clean soil. The management of ADL-contaminated soils during the construction of the Build Alternative is expected to cost approximately \$26,000.	ED	Y	Department/Contractor	Pre-const./Const.		
14-11.02B Management Practices		N	Department/Contractor	Pre-const./Const.		
14-11.02C Dust Control		N	Department/Contractor	Pre-const./Const.		
14-11.02D Stockpiling		N	Department/Contractor	Pre-const./Const.		
14-11.02F(2) HW Storage		N	Department/Contractor	Pre-const./Const.		
14-11.02F(3) HW Transport & Disposal		N	Department/Contractor	Pre-const./Const.		
Standard Special Provisions						
Handle and manage excavated material with lead concentration above regulatory thresholds			Department/Contractor	Pre-const./Const.	Include SSP Sections 7-1.02K(6)(j)(iii) and 14-11.03 and its subsections	
Prepare Lead Compliance Plan, and Excavation and Transportation Plan			Department/Contractor	Pre-const./Const.	Include SSP Sections 14-11.03A(4)(a), 14-11.03A(4)(b)	
Remove yellow traffic stripe and pavement marking with hazardous waste residue			Department/Contractor	Pre-const./Const.	Include SSP Sections 14-11.03A(4)(a), 14-11.03A(4)(b)	
Air Quality						
2010 Standard Specifications						
14-9.01 Air Pollution Control		N	Department/Contractor	Pre-const./Const.		
14-9.03 Dust Control—prevent and alleviate with water and palliatives	ED	N	Department/Contractor	Pre-const./Const.		

	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
<p><input type="checkbox"/> "Legal Relations and Responsibility," addresses the contractor's responsibility on many items of concern, such as: air pollution; protection of lakes, streams, reservoirs, and other water bodies; use of pesticides; safety; sanitation; and convenience of the public; and damage or injury to any person or property as a result of any construction operation. Section 14-9.01 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.</p> <p><input type="checkbox"/> Section 10 is directed at controlling dust. If dust palliative materials other than water are to be used, material specifications are contained in Section 18.</p> <p><input type="checkbox"/> Apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions, at least two times per day.</p> <p><input type="checkbox"/> Spread soil binder on any unpaved roads used for construction purposes, and all project construction parking areas.</p> <p><input type="checkbox"/> Wash off trucks as they leave the right-of-way as necessary to control fugitive dust emissions.</p> <p><input type="checkbox"/> Properly tune and maintain construction equipment and vehicles. Use low-sulfur fuel in all construction equipment as provided in California Code of Regulations Title 17, Section 93114. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p><input type="checkbox"/> Develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts to existing communities.</p> <p><input type="checkbox"/> Locate equipment and materials storage sites as far away from residential and park uses as practical. Keep construction areas clean and orderly.</p> <p><input type="checkbox"/> Establish ESAs for sensitive air receivers within which construction activities involving extended idling of diesel equipment would be prohibited, to the extent that is feasible.</p> <p><input type="checkbox"/> Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.</p> <p><input type="checkbox"/> Cover all transported loads of soils, sand, loose material and wet materials prior to transport, or provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.</p> <p><input type="checkbox"/> Remove dust and mud that are deposited on paved, public roads due to construction activity and traffic to decrease particulate matter. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p><input type="checkbox"/> Route and schedule construction traffic to avoid peak travel times as much as possible, to reduce congestion and related air quality impacts caused by idling vehicles along local roads.</p> <p><input type="checkbox"/> Install mulch or plant vegetation as soon as practical after grading to reduce windblown particulate in the area.</p> <p><input type="checkbox"/> All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</p> <p><input type="checkbox"/> Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p><input type="checkbox"/> Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>						
Noise and Vibration						
2010 Standard Specifications						
14-8.02 Noise Control		N	Department	Pre-const./Const.		

	Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
Standard Special Provisions						
To reduce potential noise effects resulting from construction, the following measures would be implemented during construction:						
<input type="checkbox"/> Noise-generating construction activity shall be restricted to between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No construction activities should occur on weekends or holidays. If work is necessary outside of these hours, the Department shall require the contractor to implement a construction noise monitoring program and, if feasible, provide additional mitigation as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receivers. <input type="checkbox"/> Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. <input type="checkbox"/> Locate stationary noise generating equipment as far as possible from sensitive receivers when sensitive receivers adjoin or are near a construction project area. <input type="checkbox"/> Utilize "quiet" air compressors and other "quiet" equipment where such technology exists. <input type="checkbox"/> Prohibit unnecessary idling of internal combustion engines within 100 feet of residences. <input type="checkbox"/> Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment, such as air compressors, portable power generators, or self-powered lighting systems as far practical from noise sensitive receivers. <input type="checkbox"/> Require all construction equipment to conform to Section 14-8.02, Noise Control, of the latest Standard Specifications. Section 14-8.02 states that construction noise shall not exceed an Lmax of 86 dBA at 50 feet from job site activities between the hours of 9 PM to 6 AM. <input type="checkbox"/> The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and distribute this plan to adjacent noise-sensitive receivers. The construction plan should also list the construction noise reduction measures identified in this study.	ED	N	Department/Contractor	Final Design/ Pre-const./ Const.	Include SSP Section 14-8.02	
Biological Resources						
2010 Standard Specifications						
14-6.03 Bird Protection		N	Department	Pre-const./ Const.		
14-6.04 Fish Protection		N	Department	Pre-const./ Const.		
Standard Special Provisions						
Conduct Environmental Awareness Training Program		N	Department/Contractor	Pre-const/ Const.	Include SSP Section 14-6.08 Biological Resource Information Program	
Work in drainages will be restricted to the dry season (April 15 to October 15)		N	Department/Contractor	Pre-const/ Const.	List as a protection measure in SSP Section 14-6.02C(5)	
Vegetation removal will be limited to between September 1 and January 31 (non-nesting season)		N	Department/Contractor	Pre-const/ Const.	List as a protection measure in SSP Section 14-6.02C(5)	
Delineate Environmentally Sensitive Areas		N	Department/Contractor	Pre-const/ Const.	Include in project plans	
Construct retaining wall to protect sensitive biological resources		N	Department/Contractor	Pre-const/ Const.	Include in project plans	

		Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
Mitigation Measure BIO-1: Compensatory Mitigation for Jurisdictional Water Features Any impacts jurisdictional water features that cannot be recreated on-site as part of the relocation of Rindler Creek shall be subject to formalized mitigation requirements of the regulatory agencies. A conceptual restoration and mitigation plan shall be prepared prior to permit applications to regulatory agencies. The on-site restoration of Waters of the U.S. combined with the implementation of other components of the conceptual restoration and mitigation plan will ensure no net loss of functions and values of Waters of the U.S. The off-site mitigation ratio proposed for Waters of the U.S., including wetlands, under jurisdiction of the ACOE, is 3:1 acres of mitigation per acre of permanent impact. Temporary impacts are proposed for mitigation at 1:1 acres of mitigation to impact. Compensatory mitigation requirements among agencies are not cumulative. Mitigation acreage can be used to satisfy the requirements of multiple agencies, just as a single acre of impact to an existing resource may result in multiple requirements by agencies with varying jurisdictions. In summary, a single acre of wetland mitigation may satisfy both State and Federal agency mitigation requirements, if the characteristics of the wetland meet the definitions of each agency. An estimate of the mitigation requirement is presented in Table 2.3.2-3.		ED	Y	Department	Pre-const./Const./Post-const.		
The limits of the construction zones would be delineated with high visibility temporary fencing at least 4 feet in height, flagging, or other barrier to prevent encroachment of construction personnel and equipment outside the construction footprint. The fencing would be removed only when all construction equipment is removed from the site. No project activities would occur outside the delineated Build Alternative construction area.		ED	Y	Contractor	Final Design/Pre-const./Const.		
Except when necessary for construction, driver or pedestrian safety, lighting of the construction areas by artificial lighting during night-time hours would be minimized to the maximum extent practicable.		ED	Y	Contractor	Final Design/Pre-const./Const.		
To eliminate an attraction to wildlife, all food-related trash items such as wrappers, cans, bottles, and food scraps would be disposed of in closed containers and removed daily from the construction areas.		ED	Y	Contractor	Const.		
To avoid injury or death of wildlife, no firearms would be allowed in the construction areas except for those carried by authorized security personnel, or local, State, or Federal law enforcement officials.		ED	Y	Contractor	Final Design/Pre-const./Const.		
To prevent harassment, injury or mortality of wildlife, no pets will be permitted in the construction areas.		ED	Y	Contractor	Final Design/Pre-const./Const.		
Nesting bird surveys would be conducted prior to clearing and grubbing activities that occur during the bird nesting season, which shall be specified as February 1 to August 31. When active bird nests are recorded, a buffer area would be established in which no project-related activities that may result in disturbance will be allowed. A qualified biologist would be consulted in order to establish a suitable buffer that is considered adequate to protect the nest from disturbance of project-related activities.		ED	Y	Biologist	Pre-const./Const.		

		Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
	In conjunction with nesting bird surveys, which will be conducted prior to tree removal or clearing and grubbing activities that occur between February 1 to August 31, biologists will record observations of roosting monarch butterflies. It is highly unlikely that roosts would occur in the area, but in the event that a roost is located, qualified biologist would be consulted in order to establish a suitable buffer that is considered adequate to protect the nest from disturbance of project-related activities.	ED	Y	Biologist	Pre-const./Const.		
	A biological monitor would be present during dewatering and backfill of Rindler Creek to capture and relocate western pond turtles. Western pond turtles that are captured shall be released outside the BSA in the lower segment of Rindler Creek. The capture and relocation of turtles would reduce the potential mortality of individuals that may be present. Relocation within the same creek is unlikely to result in mortality, because the turtles are typically mobile within the channel, and are generally robust.	ED	Y	Biologist	Pre-const./Const.		
	In compliance with the Executive Order on Invasive Species, EO 13112, and subsequent guidance from the Federal Highway Administration, the landscaping and erosion control included in the Build Alternative will not use species listed as noxious weeds.	ED	Y	Department	Final Design/ Pre-const./ Const.		
Solid Waste Disposal and Recycling Measures							
2010 Standard Specifications							
14-10.01 General—no littering; furnishing of dumpsters		N	Department/ Contractor	Pre-const./ Cont./ Post- const.			
14-10.02 Solid Waste Disposal & Recycling Report		N	Department/ Contractor	Pre-const./ Cont./ Post- const.			
Water Quality							
2010 Standard Specifications							
Water Pollution Control			Department/ Contractor	Pre-const./ Cont./ Post- const.			
Water Pollution Control Program (WPCP)			Department/ Contractor	Pre-const./ Cont./ Post- const.			
City of Vallejo's Hydromodification Management Plan			Department/ Contractor	Pre-const./ Cont./ Post- const.			
Storm Water Pollution Prevention Plan (SWPPP)							
13-2.01A WPCP—Development & Implementation		N	Department/ Contractor	Pre-const.			
13-3.01B SWPPP Submittals		N	Department/ Project Engineer	Final Design			
13-3.01B(2)(c) Health and Safety Plan		N	Department/ Contractor	Pre-const.			
Construction							
13-4.03B Spill Prevention & Control		N	Department/ Contractor	Const.			
13-4.03E Non-stormwater Management		N	Department/ Contractor	Pre-const./ Const.			
Temporary Soil Stabilization							
13-5.02B Erosion Control Blankets		N	Contractor	Const./ Post- Const.			
13-5.02F Temporary Covers		N	Contractor	Const./ Post- Const.			

		Ref.	NSSP Y/N	Responsible Staff	Timing	Action Taken	Date
13-5.02G	Gravel-Filled Bags		N	Contractor	Const./ Post-Const.		
13-5.03C	Temporary Mulch		N	Contractor	Const./ Post-Const.		
13-5.03I	Temporary Hydroseed		N	Contractor	Const./ Post-Const.		
Temporary Sediment Control							
13-6.02C	Sediment Filter Bags		N	Contractor	Const./ Post-Const.		
13-6.03C	Temporary Drainage Inlet Protection		N	Department/ Contractor	Const./ Post-Const.		
Temporary Linear Sediment Barriers							
13-10.02B	Fiber Roll		N	Department/ Contractor	Const./ Post-Const.		
13-10.03F	Temporary Silt Fences		N	Department/ Contractor	Const./ Post-Const.		

A copy of the project PS&E must be sent to Environmental for review before finalization.

Attachments

cc: Design, Senior Envir. Plan., File

OFFICE CHIEF OF ENVIRONMENTAL PLANNING

Apr-04

Key: ED: Environmental Document

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