

Memorandum

To: Chair and Commissioners

Date: May 2, 2005

From: Diane C. Eidam

File No:

Ref: Establishment of a Real Estate Advisory Panel

ISSUE: Should the California Transportation Commission (Commission) establish an advisory panel to provide expertise and guidance regarding land use and real estate issues and legislation and the resulting effect on transportation?

RECOMMENDATION: Staff recommends that:

- The Commission establishes a Real Estate Advisory Panel.
- The Commission Chair appoints a Commissioner as the Real Estate Advisory Panel Liaison at the next Commission meeting.
- Commissioners provide nominations to the chair for appointment to the Real Estate Advisory Panel. Nominations from the Commissioners should include a resume of the nominee.
- The Commission Chair appoints members to the Panel at the next Commission meeting.

BACKGROUND:

Given the increasingly complex and interwoven transportation, land use, and real estate issues facing California, a panel of experts in land use and real estate could provide the Commission with critical experience and insight regarding these issues. Individual members of the panel could offer expertise from a wide range of disciplines and experience including finance, economics, real estate, property development, property management, redevelopment, land use, and transportation planning and programming. The role of the individual panel members would be to share their expertise with the Commission and Commission staff. The members of the panel could review and evaluate complicated and/or controversial land use and development proposals, including negotiated transactions and non-competitive selections. Individual members of the panel could also comment on the Department of Transportation's (Department) Airspace Program, wireless telecommunications program, excess lands management, and potential discrimination zoning. Each member of the panel could also review and comment on legislation regarding land use and transportation and share their perspective with the Commission.

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Ref: Adoption of Mission Statement and Charter for Real Estate Advisory Panel

ISSUE: Should the California Transportation Commission (Commission) adopt the proposed Mission Statement and Charter for the Real Estate Advisory Panel?

RECOMMENDATION: Staff recommends that:

- The Commission adopts the proposed Mission Statement and Charter for the Real Estate Advisory Panel.

BACKGROUND:

The Commission has established a Real Estate Advisory Panel to provide expertise and guidance regarding land use and real estate issues and legislation and the resulting effects on transportation. The following Mission Statement and Charter were developed for discussion and action.

MISSION STATEMENT:

The Real Estate Advisory Panel will:

- Advise the Commission on real estate and land use issues, policies, and legislation and the resulting effect on transportation.
- Advise Commission staff and Department of Transportation staff, within the framework of existing statutes and pertinent Commission policies, on maximizing State income from leasing and managing properties owned by the State of California.

CHARTER:

The Real Estate Advisory Panel (Panel) is comprised of nine members appointed by the Chair of the California Transportation Commission (Commission), one of whom is a Commissioner who will act as the Liaison. The Panel will advise the Commission on real estate and land use issues, policies, and legislation and the resulting effect on transportation. The Panel will also assist the Commission and the California Department of Transportation (Department) in developing strategic policies to maximize income from

leasing and managing properties owned by the State of California, within the framework of existing statutes and Commission policies.

Panel members are volunteers from the private sector who serve without compensation other than allowable reimbursement for meals, hotel, and travel expenses. Individual members of the Panel are to offer expertise from a wide range of disciplines and experience including finance, economics, real estate, property development, property management, redevelopment, land use, and transportation planning and programming. The Panel will meet quarterly and at least two meetings will be in person. The meetings are publicly noticed and open to the public. Meetings are tentatively scheduled in advance and may be cancelled if there is a lack of issues to consider.

Role:

The role of the individual panel members is to share their expertise with the Commission and Commission staff. The members of the Panel will review and evaluate complicated and/or controversial land use and real estate proposals, including negotiated transactions and non-competitive selections. Individual members of the Panel may also comment on the Department's Airspace Program, wireless telecommunications program, excess lands management, and potential discrimination zoning. Each member of the Panel will also review and comment on legislation regarding land use and transportation and share their perspective with the Commission.

Panel Responsibilities:

The individual members of the Panel will evaluate and provide guidance on the following:

- Requests by the Department to the Commission seeking permission for the Department to negotiate directly with private parties interested in leasing airspace sites, as the Department contends that a competitive bid situation is not in the best interest of the state.
- Terms and conditions of airspace leases negotiated directly with private parties.
- The Department's annual Airspace and Excess Land Plan, and other Department plans as requested by the Commission.
- Directly negotiated and publicly bid excess land sales of properties with a value of \$1 million or more.
- Proposed changes to the Telecommunications Licensing component of the Department's Airspace Program.
- Proposed asset management projects with a value of \$2 million or more.
- Proposed legislation regarding land use and real estate issues, including land transfers and access across state-owned limited access roadways.
- Proposed policies regarding land use and real estate issues, including land transfers and access across state-owned limited access roadways.

- Review and suggest best practices to assist the Department in developing strategies and policies which maximize the public benefit of excess land sales, airspace leases, and wireless leases.
- Other land use and real estate issues that the Commission or its staff may direct to the panel.

Panel Operations:

The Panel will be managed by Commission staff. A Commission staff member shall be present at all meetings of the Panel. There is no quorum requirement. However, if in the opinion of the staff member, there are not enough panel members present to provide a sufficient range of views on some or all of the scheduled items, consideration of those items can be postponed to a later meeting of the Panel.

The Panel shall not, as a collective body, make recommendations concerning items brought before the members of the Panel or approve or disapprove those matters. During consideration of each item brought before the Panel, members of the Panel will express their views. Members of the public who attend the meeting will be offered an opportunity to comment on each item. Staff will render an initial recommendation at the Panel meeting.

Staff will prepare a report to the Commission that includes a summary of the views expressed at the meeting by the members of the Panel and the public. The report shall refer to all views expressed at the meeting without reference to whether a particular view reflects the majority or minority of the members of the Panel. A separate report shall include the staff member's recommendation regarding how the Commission should act with regard to each item. The Commission staff member's recommendation shall not be based on the majority view of the Panel, but on the staff member's independent analysis of the item, based upon the views expressed by the members of the Panel, the public, and information provided by the Department.