

Memorandum

To: Chair and Commissioners

Date: November 1, 2005

From: Diane C. Eidam,
Executive Director

**Reference Number 4.6
Action**

Ref: Potential Revisions to Procedures Concerning Conveyances of Excess Highway Property

Issue: Should the Commission revise its procedures concerning conveyances of excess highway property?

Recommendation: Staff recommends that the Commission direct staff to establish a procedure which will be designed to make available to the Commission and its staff all pertinent information necessary for the Commission and its staff to make better informed decisions concerning proposed conveyances of excess highway property and to correct a perceived deficiency in the process.

Background: Until now, in seeking approval of proposed conveyances, the actual right-of-way contracts which detailed Caltrans' agreements to convey property were never presented to the Commission, only Caltrans' descriptions of the conveyances which took the form of briefing book items. If there were any discrepancies between the actual proposed transactions and what was represented to the Commission, the Commission was not aware of it.

However, as the result of recent litigation, the Commission has become aware of the fact that, at least in some instances, Caltrans has not accurately described proposed conveyances of excess highway property.

Thus the Commission should adopt significantly revised procedures with respect to proposed conveyances of excess highway property. A form which would require specific, detailed information from Caltrans with regard to all proposed conveyances of excess highway property should be developed. This type of form would insure that Caltrans' right-of-way staff will provide full information regarding proposed conveyances and thus provide the type of transparency whose apparent absence was revealed in the course of recent litigation.