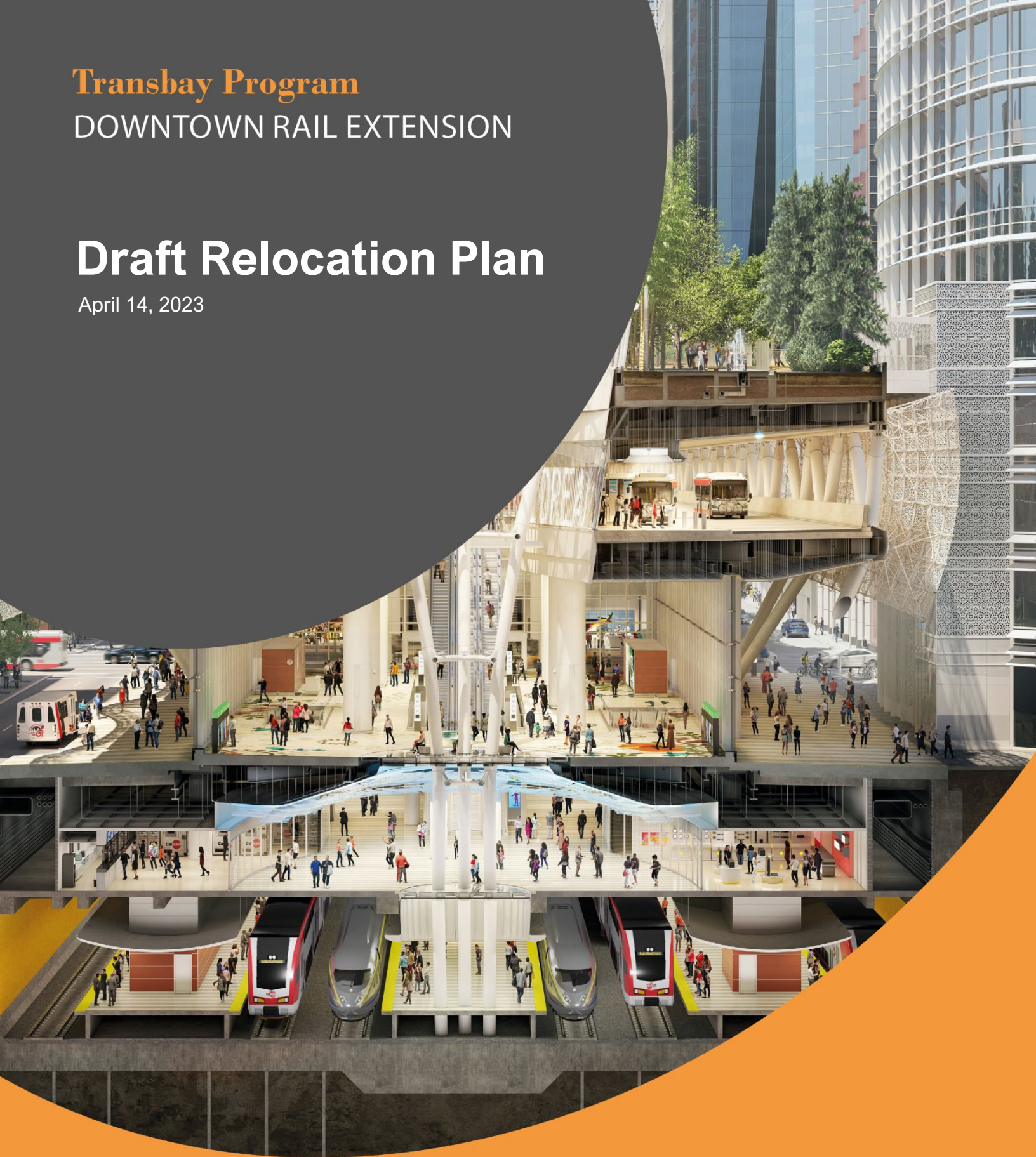


**Transbay Program**

DOWNTOWN RAIL EXTENSION

# Draft Relocation Plan

April 14, 2023



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## EXECUTIVE SUMMARY

The Transbay Program (Program) is a multibillion-dollar investment to connect the Bay Area's and the State's transportation infrastructure in coordination with local, regional, and state strategic plans. The Program will connect eight Bay Area counties and the State of California through eleven transit systems: Alameda–Contra Costa Transit, BART (Bay Area Rapid Transit), Caltrain, Golden Gate Transit, Greyhound, Muni (San Francisco municipal bus lines), SamTrans (San Mateo County Transit), WestCAT (Western Contra Costa Transit) Lynx, Amtrak, Paratransit, and high-speed rail from San Francisco to Los Angeles. The Program is being constructed in two phases.

Phase 1 replaced the former Transbay Terminal at First and Mission streets in San Francisco with a modern regional transit station, the Salesforce Transit Center. The Transit Center, which opened in August 2018, spans nearly four blocks and includes a ground level bus plaza for local and regional bus services, an elevated bus deck and dedicated ramp to the Bay Bridge for transbay bus services to the East Bay, retail space, a 5.4-acre rooftop public park, and core and shell of the two below-grade rail levels. The Program's second phase will complete the infrastructure to bring the Downtown Rail Extension, also known as The Portal, into the lower levels of the Transit Center. The project includes a tunnel, build-out of the below-grade train station at the Transit Center, and a new underground station at Fourth and Townsend streets.

The project is being developed by the Transbay Joint Powers Authority in collaboration with the Metropolitan Transportation Commission, San Francisco County Transportation Authority, Peninsula Corridor Joint Powers Board–Caltrain, California High-Speed Rail Authority, and City and County of San Francisco.

As with any major transportation project in an urbanized area, some relocations of residential and non-residential occupants will be unavoidable for the project to be completed. The TJPA and its partnering agencies, however, seek to minimize the number of potential property acquisitions and resulting occupant relocations as part of their ongoing design and planning efforts.

Federal and state law require a public agency to plan appropriately to address potential impacts to occupants of properties that may be acquired to construct a project. California law requires that program to be documented in a Relocation Plan that is formally adopted by the agency.

This Draft Relocation Plan generally provides information about the potential impact of the project, considers the availability of replacement properties for affected businesses, and provides an overview of TJPA's Relocation Assistance Program. The Draft Relocation Plan will be made available for public review and comment in accordance with California law, which requires a minimum 30-day public comment period.

The project will require the acquisition of privately owned properties with tenants that include private and public entities. TJPA will negotiate with property owners to acquire the properties needed to construct the project and will provide relocation assistance to occupants of those properties in compliance with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C.4051 et seq.) and the California Relocation Act (Gov. Code 7260 et seq.).

The following summary presents an account of potentially affected persons that may need to relocate based on the current preliminary engineering design:

**Table 1. Potentially Impacted Residential Occupants**

Potentially Impacted Residential Occupants	
0	(Live-Work units identified under Non-Residential)

**Table 2. Potentially Impacted Non-Residential Occupants**

52 Potentially Impacted Non-Residential Occupants	
12	Absentee Landlords Leasing Space to Others
10	Live-Work Units
27	Business Occupants
1	Commercial Parking Vendor
1	Outdoor Advertising Sign
1	Entity Who May Be Required to Move Personal Property Only



# 1 THE RELOCATION PLAN

## 1.1 Statutory Requirements<sup>1</sup>

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Uniform Act), and the California Relocation Act require public agencies to plan for the potential impact to persons and personal property caused by the construction of publicly funded projects. California law requires public agencies to prepare a Draft Relocation Plan and make it available for a 30-day review and comment period prior to submitting it to the agency's decision-making body for review, consideration, and adoption.

The purpose of the Relocation Plan is to:

- (a) Describe the project, its schedule and financing plan;
- (b) Identify the anticipated project impact on the occupants of property that may be acquired;
- (c) Identify the availability of potential replacement sites for impacted occupants; and
- (d) Explain the agency's Relocation Assistance Program.

The Draft Relocation Plan will be available online at:

<https://tjpa.org/tjpa/documents/items-for-public-comment>, and a hard copy will be available at TJPA's office during normal business hours:

Transbay Joint Powers Authority Office  
425 Mission Street, Suite 250  
San Francisco, CA 94105

## 1.2 Preparation of the Relocation Plan

TJPA contracted with Associated Right of Way Services, Inc. (AR/WS) to help plan how to assist property occupants who may be affected by the project and to develop a Relocation Plan. TJPA developed a list of properties that may need to be either partially or fully acquired to construct the project. TJPA sent General Information Notices to the owners and occupants of the properties. The notices introduced the project and invited property owners and occupants to meet with Relocation Advisors from AR/WS. A sample General Information Notice is included in Appendix C. As the project progresses, the Relocation Advisors will continue to meet with property owners and occupants to identify who will be affected by the project. Specific property information and occupants were not identified in this plan to maintain the privacy of occupants, including those who may not need to be relocated based on final project design and construction.

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<sup>1</sup> CCR, Title 25 §6038, §6038(b)(12), (13), (14)

AR/WS analyzed the characteristics of the projected occupants to determine replacement site needs, relocation planning needs, and the estimated cost of providing Relocation Assistance under TJPA's Relocation Assistance Program based on the meetings conducted with the property owners and occupants, and further research of the buildings being affected by the Portal.

Comments received during the 30-day review and comment period will be summarized and included in Appendix F.<sup>2</sup>

TJPA staff, negotiators, and Relocation Advisors will meet with property owners and occupants in their places of business, residences, or at TJPA office, which is conveniently located near the affected properties, or by phone or virtual meeting. Therefore, no on-site relocation office is required.<sup>3</sup> Occupants can also contact their Relocation Advisor, Ms. Emily Plurkowski of ARWS, at 925-691-2863 or via email at [eplurkowski@arws.com](mailto:eplurkowski@arws.com).<sup>4</sup>

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<sup>2</sup> CCR, Title 25 §6038(b)(12), (13), (14)

<sup>3</sup> CCR, Title 25 §6038(b)(11)

<sup>4</sup> CCR, Title 25 §6038(b)(11)

## 2 THE PORTAL

The Downtown Rail Extension, also known as The Portal, is an essential part of a long-term strategy to create seamless connections among local, regional, and statewide transportation systems and connect rail to important locations throughout the Northern California Megaregion. The approximately two-mile extension of Caltrain's existing regional rail system will be constructed principally below grade to provide a critical link for Peninsula commuters and travelers on the state's future high-speed rail system.

### 2.1 Project Description

The alignment begins in the below-grade Salesforce Transit Center rail station at First and Mission streets. At the west end of the station, the station's six tracks transition to two tracks through a cut-and-cover throat structure and continue in a mined tunnel southward under Second Street and westward under Townsend Street to a new underground station at Fourth and Townsend streets. West of the station, near Seventh and Townsend streets, the tracks ascend to grade via a u-shaped retained cut (referred to as the "U-wall"), and the alignment continues southward at-grade to Sixteenth Street, south of the existing Caltrain terminal station and railyard. A tunnel stub box extends side-by-side with the u-wall to allow for a connection to the future Pennsylvania Avenue Extension—a tunnel being developed by the San Francisco County Transportation Authority that will grade-separate the rail alignment from surface streets. Including revenue and non-revenue at-grade trackwork and stations, the total construction length of the DTX is approximately 2.2 miles.



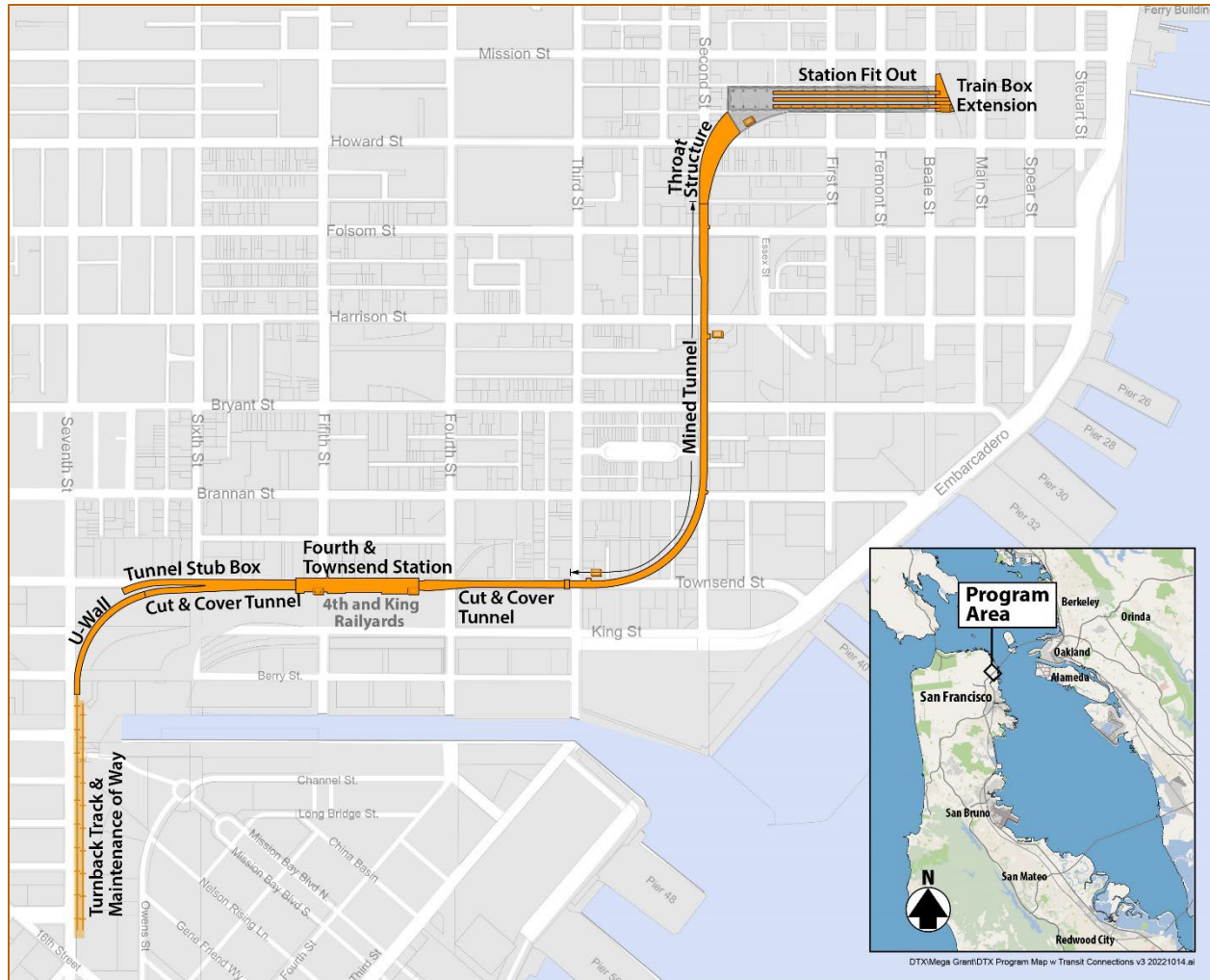


Figure 1. DTX/The Portal Alignment and Major Elements

**Salesforce Transit Center train box extension.** The train box extension will extend the existing below-grade structural box of the Salesforce Transit Center eastward from the east side of Beale Street to the TJPA's property line to extend the platform lengths and provide ventilation and emergency exiting from the east end of the train box. A standalone structure, a pedestrian entrance and exit, will be located on Beale Street on the northern side of the train box extension. The train box extension, inclusive of the pedestrian entrance/exiting structure, will be constructed under TJPA property with an open-cut method.

**Salesforce Transit Center fit-out.** The fit-out of the two-level below-grade rail station at the Salesforce Transit Center will include facilities for rail operations, customer service, and ancillary support. The lower concourse, one level below the grand hall, will house ticketing, passenger waiting, and support spaces for Caltrain and the California High-Speed Rail Authority—the primary tenants—as well as leasable retail space. On the level below, six tracks and three center platforms will serve commuter and high-speed trains. Back-of-house support spaces will also be built on this level to support rail service.

**Cut-and-cover structures.** Cut-and-cover construction will be used along Second Street, Townsend Street, and in portions of the 4th and King Railyards for the following structures:

- Throat structure located at Second and Howard streets at the northern end of the DTX alignment where the two-track alignment widens to six tracks at the west end of the Salesforce Transit Center
- Tunnel east of the Fourth and Townsend Street Station along Townsend Street
- Fourth and Townsend Street Station
- Tunnel west of the Fourth and Townsend Street Station along Townsend Street
- U-wall and tunnel stub box along Townsend Street west of Sixth Street to bring the tracks to grade and allow for a connection to the Pennsylvania Avenue Extension, a planned grade separation tunnel project being led by the San Francisco County Transportation Authority

**Mined tunnel.** Sequential excavation method mining is being considered for the tunnel along portions of Townsend Street and Second Street. The mined tunnel extends from the west side of Third and Townsend streets to Clementina and Second streets. The tunnel is primarily two tracks, but expands to three tracks as it approaches the throat structure. The length of the mined portion of the tunnel is approximately 0.65 miles.

**Fourth and Townsend Street Station.** The Fourth and Townsend Street Station will serve Caltrain and high-speed rail passengers with destinations in the South of Market area or transferring to the Muni Central Subway. The street level station entrances and exits along Townsend Street will lead to two levels below grade: a concourse and a train platform level. The concourse level will accommodate passenger amenities such as ticketing machines, maps, and schedule information. This level will also house mechanical and electrical rooms and staff areas. The platform level will have two tracks, an 875-foot center platform for Caltrain passengers, and two 800-foot side platforms for high-speed rail passengers. The underground station will be constructed using cut-and-cover techniques.

**Ventilation and emergency egress.** Ventilation and emergency egress structures will house equipment for the ventilation of the tunnels and include emergency egress to allow passengers to evacuate safely from the tunnels to grade in the event of an incident. Ventilation shafts and emergency egress will be located at either end of the Fourth and Townsend Street Station and the underground station at the Salesforce Transit Center. Two ventilation and emergency egress structures will be located along the tunnel alignment; these will be constructed on parcels next to the DTX tunnel outside of the street right-of-way, one at Third and Townsend streets and the other at Second and Harrison streets.

**Trackwork.** Trackwork includes underground tracks through the tunnel and stations and at-grade tracks within the existing Caltrain right-of-way with 0.4 miles of turnback and maintenance-of-way storage tracks and connections to the existing Caltrain terminal at 4th and King streets. Trackwork includes mainline tracks, special trackwork, such as turnouts and crossovers, and the rails, fastening systems, and other track materials comprising the track system. Trackwork design includes track alignments, which also serve as horizontal and vertical control lines for the underground structures and stations that convey them.

**Systems.** Systems include rail systems such as traction power, overhead contact, train control, signaling, radio, and network systems; mechanical, electrical, plumbing, fire-life safety, and security systems for the tunnel, stations, and ventilation and emergency egress structures; and other support systems, such as closed-circuit television, fare collection, and passenger display information systems.

**DTX 4th and King Site Work** is an enabling package for the DTX project within the 4th and King Railyards. The work entails relocation or removal of all structures, including the existing bike storage facility, along the south side of Townsend Street between Fourth and Seventh streets and along Seventh Street between Townsend Street and Mission Bay Drive. Additionally, one pocket track on the north side of the Fourth and King Street Station and the storage tracks at the corner of Townsend and Seventh streets will be removed. These modifications will reduce the number of mainline leads into the 4th and King Railyards from four to two. Utilities within the 4th and King Railyards will also be removed and relocated, as necessary.

## 2.2 Project Schedule

December 2018	TJPA Board Certification of the Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) evaluating refinements to the Downtown Rail Extension
July 2019	FTA issued the Record of Decision for the SEIS/EIR
October – November 2022	TJPA delivered General Information Notices to property owners / held meetings with property owners
March - April 2023	TJPA delivered General Information Notices to the occupants / held meetings with occupants
April 10, 2023	Draft Relocation Plan Comment Period Begins
May 10, 2023	Draft Relocation Plan Comment Period Ends
June 8, 2023	TJPA Board of Directors to consider adoption of the Final Relocation Plan

TJPA will initiate written offers to property owners as project design and property impact are determined. The preliminary project schedule is depicted in the following figure:



Figure 2. The Portal Timeline<sup>5</sup>

<sup>5</sup> CCR, Title 25 §6038(b)(2)

## 2.3 Preliminary Relocation Cost Analysis<sup>6</sup>

A preliminary relocation cost analysis was developed from information gathered in property owner and occupant interviews, research of the area real estate market, federal and California relocation laws and regulations, and the experience of TJPA's consultant. For business occupants being displaced, TJPA's consultant estimated potentially eligible moving and reestablishment costs.

The estimate of relocation payments TJPA may be required to pay residents and businesses under its Relocation Assistance Program is projected to be between \$3 million to \$6 million or more. This preliminary analysis is based upon TJPA's current understanding of the affected residents and businesses. The cost to acquire real property, improvements pertaining to realty, and costs associated with claims for potential loss of business goodwill are not included in this estimate of relocation payments.

TJPA will not proceed with displacement activities until it has secured the funds to pay relocation assistance payments to eligible occupants. Funds will be sufficient to provide full relocation assistance in accordance with TJPA's Relocation Assistance Program.

## 2.4 Funding for Relocation Assistance

Funding for the project will come from local, regional, state, and federal sources and is estimated to cost approximately \$6.7 billion with 2027 year of expenditure. The planned revenue streams include federal and state funding, bridge toll funds, local sales taxes, special taxes generated by the Transbay Transit Center Mello-Roos Community Facilities District (Transbay CFD) and partnering agency contributions.

As of December 2023, over \$70 million in Transbay CFD bonds have been issued to the TJPA for project development, providing the committed funding required for the project to enter the Federal Transit Administration's (FTA) Capital Investment Grants (CIG) program New Starts pipeline, which provides funding for large transit project investments such as new and expanded rail service. The federal Bipartisan Infrastructure Law includes \$23 billion over five-years for the CIG program.

In December of 2021, the FTA accepted the project into the Project Development phase of the CIG New Starts program. In early 2023, the TJPA requested entry into the New Starts Engineering phase and completed the requirements for the FTA's Readiness Review. Approval of a Full-Funding Grant Agreement with the FTA is expected in 2025.

TJPA will continue to secure funding to provide full Relocation Assistance in accordance with its Relocation Assistance Program. TJPA may seek partial or full reimbursement from federal sources if federal funding is secured.

## 2.5 Concurrent Displacement

Based upon discussions with local public agencies in San Francisco County, TJPA is not aware of concurrent displacement resulting from public agency-generated projects that would be expected to significantly compete for similar replacement site resources.

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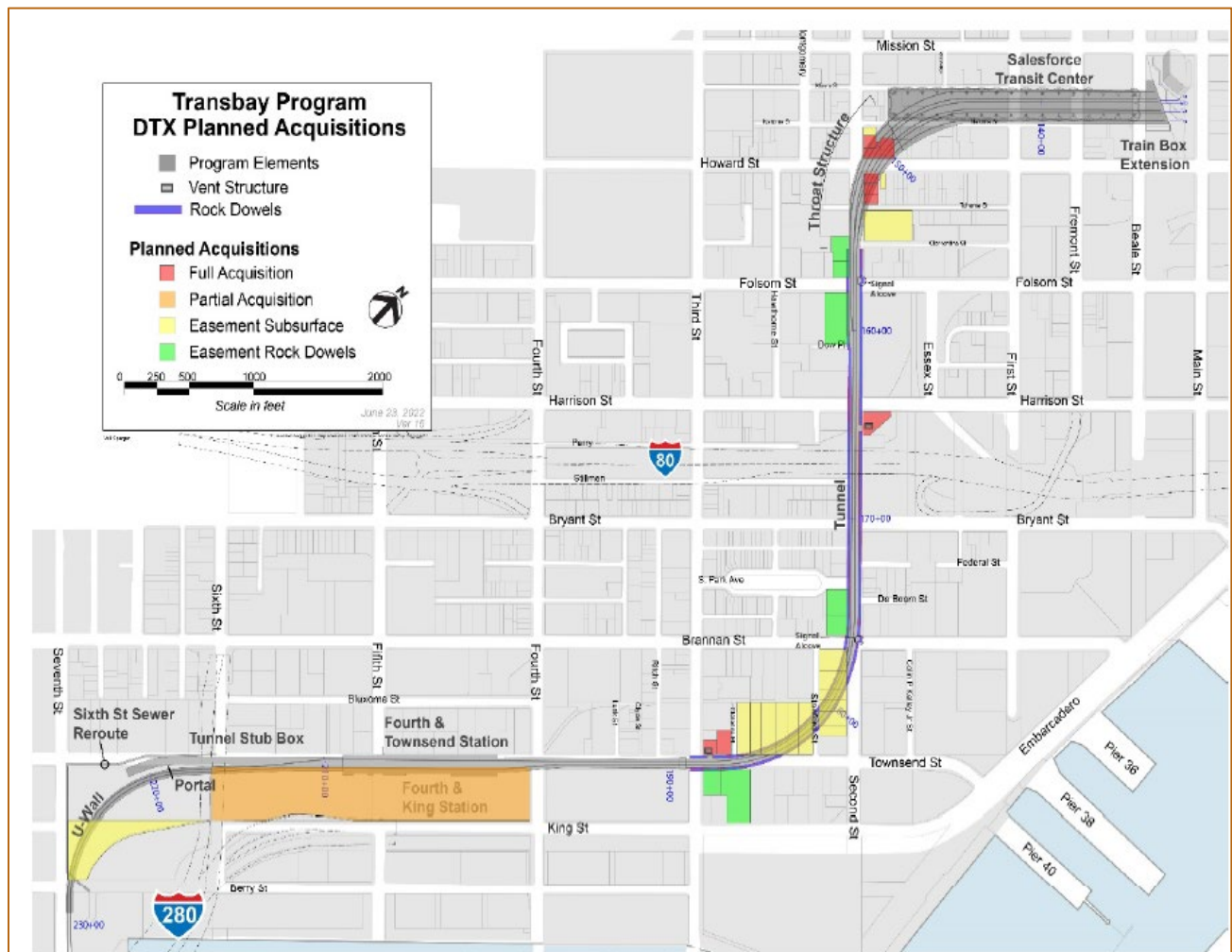
<sup>6</sup> CCR, Title 25, §6038(b)(7)

### 3 RELOCATION IMPACT<sup>7</sup>

This section of the Relocation Plan addresses the anticipated relocation impact to occupants of the properties that may be needed for the construction of the Project. The proposed Project may displace 52 non-residential entities, including ten live-work units. TJPA is attempting to work with project designers and planners to minimize impact to properties and occupants. When possible, and based on future Project design and engineering work, TJPA will acquire only those portions of properties that are necessary and will work with the owners and occupants of those properties to reconfigure the space so that displacement of occupants is minimized or avoided altogether.

The map below demonstrates the location of properties in San Francisco that were identified in the Real Estate Acquisition Management Plan (RAMP) as properties which may be considered for acquisition in full or in part to allow for Project Construction.

Locations of Potentially Impacted Properties for the Portal<sup>8</sup>



<sup>7</sup> CCR, Title 25 §6038(b)(3) and §6048

<sup>8</sup> CCR, Title 25 §6038(b)(1)



Twelve properties were identified in the RAMP that may result in relocation of occupants or personal property. Each of these properties is privately owned and it is assumed that they are occupied by non-residential tenants.

Table 3 summarizes the occupants that may be impacted by the Project.

**Table 3. Summary of Potentially Impacted Occupants**

<b>0 Potentially Impacted Residential Occupants</b>	
0	(Live-Work units identified under Non-Residential)

<b>52 Potentially Impacted Non-Residential Occupants</b>	
12	Absentee Landlords Leasing Space to Others
10	Live-Work units
27	Business Occupants
1	Commercial Parking Vendor
1	Outdoor Advertising Sign
1	Entity Who May Be Required to Move Personal Property Only

TJPA sent General Information Notices to property owners and occupants to provide general project information and to invite property owners and tenants to meet to discuss the Project and potential project impacts. TJPA and ARWS met with four property owners and their representatives to discuss the impact of the project on their respective parcels. Property owners provided some building and tenant information. TJPA and ARWS met with six non-residential occupants and will continue to meet with occupants throughout the planning phase to identify the impact on residential and non-residential tenants.<sup>9</sup>

### 3.1 Impact to Residential Occupants

No property owner reported renting space for residential use. No property occupants have indicated that they live on the impacted properties. However, one building is known for leasing out live-work units, which may include up to ten units.

TJPA is prepared to offer relocation assistance to residential tenants if they are later found to be living on the properties and they are required to move as a result of the Project. TJPA's Relocation Assistance Program provides for advisory and monetary assistance to help households secure comparable replacement housing in the area. No eligible residential occupant will be required to relocate without a minimum of 90 day's advance written notice and assistance to relocate into Decent, Safe, and Sanitary comparable replacement housing.<sup>10</sup>

#### 3.1.1 Overcrowded Conditions for Residential Occupants

If it is found that a household is required to relocate as a result of the project, TJPA will provide assistance for the household to identify and secure comparable replacement housing. That housing will provide adequate bedrooms and square footage to accommodate the size of the relocated household.<sup>11</sup>

<sup>9</sup> CCR, Title 25, §6048

<sup>10</sup> CCR, Title 25, §6008(c) and (d) and 49 CFR 24.2(a)(8)

<sup>11</sup> CCR, Title 25, §6038(b)(4), §6048 and §6052



### 3.1.2 Accessibility Needs

If it is found that a household is required to relocate and an occupant of that household reveals that a special need exists, TJPA will provide any additional advisory assistance that is required in order to identify and secure housing that is fully assessable to the occupant.

### 3.1.3 Other Special Needs

If TJPA finds that a household is required to relocate as a result of the project, TJPA will advise the household of their eligibility to receive relocation assistance when TJPA initiates negotiations with the property owner. This early engagement with the household will allow sufficient time for occupants to work with their Relocation Advisor to identify and relocate to replacement sites that accommodate any special access or housing needs.

### 3.1.4 Language

If an occupant expresses a preference for verbal and written information in a language other than English, TJPA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

### 3.1.5 Residential Occupancy and Affordability

If any households are required to relocate as a result of the Project, TJPA's Relocation Assistance Program will provide Replacement Housing Payments to help those residential occupants with the increased costs for comparable replacement housing in the area. TJPA's Relocation Assistance Program would ensure that comparable replacement housing is affordable for the residential occupants for 42 months.

### 3.1.6 Transportation

If any households are required to relocate, TJPA will work diligently to identify comparable housing in the area that will provide for similar access to public transportation.

## 3.2 Impact to Non-Residential Occupants

It is anticipated that as many as 52 non-residential entities may be required to relocate as a result of Project acquisition efforts. Non-residential entities may include landlords who lease space to others, outdoor advertising signs, businesses, live-work units, and non-profit organizations.

Twelve entities own real estate that they lease to others. TJPA will provide assistance to support them in reestablishing their investment properties in San Francisco or elsewhere.

Three additional entities own personal property that they may be required to move if the property is acquired for the Project. The personal property includes outdoor advertising signs, parking lot equipment, and other miscellaneous property.

The remaining 37 entities are businesses. Most appear to be tenants leasing space for their technology companies or financial services companies. One is a coffee shop and one is a convenience store business. One building historically leases live-work units, however those units have not been confirmed at the time of this draft plan. The businesses have been categorized in this Relocation Plan to help with the assessment of impact and replacement site options.

Table 4. Summary of Impact to Non-Residential Occupants

Summary of Impact to Non-Residential Occupants		
Category	Description of Use	Number of Impacted Businesses
1	Office/Food Service/General Retail/Live-Work	37
2	Parking Service	1
3	Billboard/Advertising	1
4	Personal Property Only	1

**Category 1: Office, Food Service, General Retail, Live-Work.** There are approximately 37 businesses that operate under the general description of office space, retail business, live-work, and food service. Most of the occupied office space appears to be leased by technology companies, venture capital firms, and various start-up businesses. Five of these businesses operate east of the 80 Freeway, near Oracle Park. The remaining businesses are located west of the 80 Freeway, between Market and Folsom Streets. One building may lease up to ten units as live-work spaces, which allow the business owner to reside in the same space as said business.

Table 4.1 Summary of Impact to Office, Food Service, Live-Work, and General Retail

Description of Use	Approximate Size of Leased Space (sf)	Special Considerations
General Office Space	1,500 to 41,000	Location, size
Live-Work	2,000 – 8,000	Comparable Live-Work Units
Food/Liquor Store	1,000 – 4,000	Liquor license
Baggage Storage	1,000 – 2,000	Location

These businesses enjoy access to public transportation, easy freeway access, and proximity to San Francisco's South of Market and Financial Districts. The retail and food service businesses are located on the ground floor for visibility and client access. Most office uses are renting space in low-rise multi-tenant office buildings with secured entrances. Several office tenants lease entire low-rise office buildings with secured entrances. Relocation Advisors will work closely with each business to understand the use of the existing space, replacement site preferences and employee access needs. There is currently an abundance of potential office and retail space in San Francisco for lease. Relocation Advisors will engage business owners early in order to identify and secure viable replacement sites, and to allow sufficient time for tenant improvements, permitting, moving, and reestablishing the business.

**Category 2: Parking Service.** The project may impact one commercial parking business that leases a paved and striped 4,500 square foot lot with approximately 22 parking spaces. The site is minimally improved with a self-pay parking kiosk. If the parking business is required to relocate, Relocation Advisors will work with the business owner and the City and County of San Francisco to identify viable alternative sites for the business.

**Category 3: Billboard/Advertising.** One business leases a 30' x 50' advertising space on the western side of one of the buildings that may be acquired for the Project. Relocation Advisors will work with the advertising agency to identify any personal property on site that can be moved and help to identify other advertising space in the area that may be available for lease.

**Category 4: Personal Property Only.** The Project may acquire a portion of three contiguous parcels. The property is privately owned and is leased to a public transportation agency. TJPA is working with the property owner and the occupant to identify what personal property and equipment might need to be

moved to allow for the Project to be constructed. Any impacted personal property and equipment will be moved onto the remainder of the three parcels.

### 3.2.1 Accessibility Needs

Relocation Advisors will work closely with each business to understand the use of the existing space and employee access needs. TJPA will provide reasonable lead time for businesses to secure accessible replacement sites or allow time for the replacement site to be modified to accommodate employee access needs.

### 3.2.2 Other Special Needs

Relocation Advisors will encourage business owners to engage early to secure replacement sites and complete tenant improvements before they are required to relocate. It is anticipated that businesses will require significant lead-time to plan for the design, permitting and actual move of personal property and equipment. Relocation Advisors will work closely with the business owners to help identify replacement sites, work through permitting and tenant improvements, and keep them apprised of the Project schedule. In addition, Relocation Advisors will provide information on available replacement sites and reimbursement for eligible expenses under TJPA's Relocation Assistance Program.

TJPA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for businesses to work with their Relocation Advisor to identify and relocate to replacement sites and file claims for assistance.

### 3.2.3 Language

No property owner or occupant requested interpretation or translation assistance during the planning phase of the Project. If a Property Owner or business owner requests assistance, TJPA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

### 3.2.4 Impact to Employees

It is anticipated that more than 200 employees may be affected if the 52 businesses are required to relocate. If businesses are able to move to sites within the city of San Francisco, and if they can maintain similar access to public transportation, then the impact to employees would be minimal.

### 3.2.5 Transportation

The impacted businesses enjoy access to public transportation, easy freeway access, and proximity to San Francisco's South of Market and Financial Districts. It is assumed that the employees of the affected businesses rely on both public and private transportation. If occupants request information regarding replacement sites close to public transportation, TJPA will work diligently to identify sites that will allow access to public transportation.

## 4 RELOCATION RESOURCES

Occupants become eligible to receive relocation assistance once TJPA initiates negotiations with the owner of a property. TJPA will engage occupants to provide assistance to successfully relocate in the community. Substantial research has been conducted to identify sites that will accommodate the 40 non-residential occupants and twelve landlord businesses who may be required to move from their present locations under the current design.

### 4.1 Residential Impact and Replacement Sites

TJPA met with Property Owners in the Fall of 2022 to present Project information and attempt to understand the Project's impact on properties and property occupants. During that early engagement, property owners described their tenants as businesses. No Property Owner identified leasing to residential occupants.

If it is established that there are any residential occupants, the Relocation Advisor will work closely with them to identify comparable replacement sites<sup>12</sup> and provide full advisory and monetary assistance under TJPA's Relocation Assistance Program. Based upon a review of the current general rental market in San Francisco, it appears that there will be sufficient replacement housing available for the households that may need to relocate.

The Relocation Assistance Program will provide the advisory and monetary assistance necessary for households to secure comparable replacement housing as provided under the Uniform Act and California law

### 4.2 Non-Residential Replacement Sites

Based on discussions with Property Owners, a review of public records, and tours of the potentially impacted properties, TJPA believes there are 52 non-residential entities that may be required to relocate to allow for the Project's construction. These entities are made up of property owners who lease space, business entities who occupy space, and occupants who store personal property.

52 Potentially Impacted Non-Residential Occupants	
12	Absentee Landlords Leasing Space to Others
27	Business Occupants
10	Live-Work Units
1	Commercial Parking Vendor
1	Outdoor Advertising Sign
1	Entity Who May Be Required to Move Personal Property Only

The information provided in Appendix B is representative of the properties that may be available at the time the businesses may be searching for replacement sites.

<sup>12</sup> CCR, Title 25, §6052

## 5 RELOCATION ASSISTANCE PROGRAM

This portion of the Relocation Plan summarizes TJPA's Relocation Assistance Program for the Project<sup>13</sup>. This summary is provided for general information purposes only. Should this summary contain any information inconsistent with the laws governing relocation assistance, the applicable laws and corresponding regulations will take precedence. TJPA's Relocation Assistance Program must follow federal regulations as cited in the Federal Law (42 U.S.C. 4061 et seq.) and its regulations (49 CFR Part 24) (the Uniform Act), and applicable State of California Relocation Law and Regulations.

TJPA's Relocation Assistance Program establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs and projects undertaken with Federal financial assistance. The primary purpose of the Relocation Assistance Program is to ensure that persons would not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

TJPA's Residential Relocation Assistance and Non-Residential Relocation Assistance brochures<sup>14</sup> are contained in Appendixes D and E, respectively.

### 5.1 Business Relocation Assistance Program

This standard information statement summarizes the Transbay Joint Powers Authority's (TJPA) Relocation Assistance Program for properties purchased and/or developed with local and federal funding. This summary of benefits has been provided for general information purposes only and should not be interpreted as law. Please speak with a Relocation Advisor who can address questions about the TJPA's Relocation Assistance Program.

#### Relocation Assistance Program Summary

Assurances	Relocation Assistance Program
<ul style="list-style-type: none"> <li>✓ Uniform Treatment</li> <li>✓ Fair Program Implementation</li> <li>✓ Equitable Assistance</li> <li>✓ Relocation Assistance Program Information and Assistance</li> <li>✓ No Displaced Person will Suffer Disproportionate Injury as a Result of a Project Designed to Benefit the Public as a Whole</li> <li>✓ Minimum 90-Day Advance Notice of Required Move</li> <li>✓ Right to Appeal</li> </ul>	<p><b>Relocation Advisory Assistance</b> Relocation Advisors will work closely with each eligible entity to help them through the Relocation process. Each eligible entity will receive written notification about their eligibility to receive assistance under the TJPA's Relocation Assistance Program.</p> <p><b>Moving Cost Payment</b> Each eligible entity will receive assistance with the cost to disconnect, move, and reconnect their personal property.</p> <p><b>Reestablishment Payment</b> Eligible small businesses can receive up to \$25,000 to help with the cost to reestablish their small business.</p> <p><b>Alternative In-Lieu Payment</b> Eligible small businesses can receive a payment of up to \$40,000 in lieu of other Moving and Reestablishment costs.</p>

<sup>13</sup> CCR, Title 25, §6038(b)(5)

<sup>14</sup> CCR, Title 25, §6046

## 5.2 Relocation Advisory Assistance<sup>15</sup>

The TJPA contracts with experienced Relocation Advisors who will work with each displaced person to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Assistance Program and to learn more about the occupant's current operation and replacement site needs. The Relocation Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

The TJPA's goal is for each occupant to successfully relocate back into the community. It is important that an occupant actively participate in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

### ***Who is an eligible displaced person?***

*A person who is required to move themselves or their personal property for a public or publicly funded project **MAY** qualify as an eligible displaced person. Many conditions apply. A Relocation Advisor can provide additional information.*

All displaced persons shall receive appropriate noticing that helps them understand the available benefits and the project schedule. A Relocation Advisor will provide information about available replacement sites. Transportation will be offered to inspect referrals, if needed. An eligible displaced person cannot be required to move unless the occupant has been given at least 90 days' advance written notice of the date by which they would be required to move. A Relocation Advisor will also help to file claims for reimbursement of eligible expenses under the Relocation Assistance Program.

Eligible displaced persons will be provided advisory assistance which may include assistance in the referral of complaints of discrimination to the appropriate federal, state, or local fair housing enforcement agency. Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

TJPA has contracted with Associated Right of Way Services, Inc. (ARWS) to provide Relocation Advisory Services. Ms. Emily Plurkowski of ARWS can be reached by emailing [eplurkowski@arws.com](mailto:eplurkowski@arws.com) or at 925-691-2863.

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<sup>15</sup> CCR, Title 25, §6038(b)(5), §6040, and §6046



### 5.3 Moving Cost Payment

Eligible displaced persons are entitled to receive a moving payment to cover the cost to move personal property.

Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if an occupant moves themselves. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

Each occupant will need to provide an inventory of the personal property to be moved and advance notice of the approximate date of the move. A Relocation Advisor must be allowed to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess eligibility for certain moving payments.

An occupant may file a claim for whatever costs it would like to submit. Claims are filed through the Relocation Advisor who will assist the occupant to document the claim. The Relocation Advisor will then package the claim and submit the claim to the TJPA for review. If all or part of a claim is approved, payment will be processed, and a check will be delivered to the occupant within approximately 30 days. If all or a part of the claim is denied, the occupant will be paid for the portion of the claim that was approved and will receive a letter detailing the reasons for the denial. The occupant will also receive additional information related to the TJPA's Relocation Appeal Process.

The TJPA weighs all claims against the standards set forth in the law and regulations which require that payment be made to reimburse occupants for eligible actual, reasonable, and necessary costs.

<b>Actual:</b>	The cost must actually be incurred and must be related to moving the personal property from the property TJPA would like to acquire or be an actual cost to reestablish the occupant at a replacement site.
<b>Reasonable:</b>	The cost must be reasonable. TJPA measures reasonableness by a number of factors, including, but not limited to getting multiple detailed estimates for each cost.
<b>Necessary:</b>	The cost must be necessary and related to the moving or personal property from the property the TJPA would like to acquire or be necessary to reestablish the occupant at a replacement site.

Eligible displaced persons may elect one or a combination of the following options for cost reimbursement:

<p><b>Commercial Move</b></p> <p><b><i>Payment Limit:</i></b></p> <p><i>Actual/Reasonable/Necessary</i></p>	<p><b>Self-Move</b></p> <p><b><i>Payment Limit:</i></b></p> <p><i>Based on Detailed Bids or Receipts</i></p>
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#### 5.3.1 Commercial Move

Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property for a distance up to 50 miles.

### 5.3.2 Self-Move Payment

A displaced business, farm, or non-profit organization may choose to move their own personal property. There are two choices for reimbursement under this option:

- A. Occupant secures two reasonable, detailed bids for the cost to move items of personal property. Occupant enters into a Self-Move Agreement with the TJPA to accept the lower of the two bids as compensation. Occupant performs a self-move of the personal property and demonstrates to the TJPA that the move has been completed.
- B. Occupant performs the move and keeps detailed receipts for labor, materials and equipment and submits the documentation to the TJPA for payment once the move is completed.

Payment is based upon receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover. The TJPA will participate in costs related to moving the entity up to 50 miles.

### 5.3.3 Description of Move Costs<sup>16</sup>

The word “move” is used to capture the various facets of the costs related to preparing for the move of personal property and various costs to reconnect the personal property. A more detailed itemization of eligible costs is listed below.

- A. Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business or non-profit organization was displaced, except where relocation beyond 50 miles is justified;
- B. Packing, crating, unpacking and uncrating personal property;
- C. The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building; it also includes modification to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it to the replacement structure, replacement site or the utilities at the replacement site and modification necessary to adapt the utilities at the replacement site to the personal property;
- D. Storage of personal property for a period generally not to exceed 12 months, as determined by the TJPA to be necessary in connection with relocation. These expenses must be pre-approved;
- E. Insurance of personal property while in storage or transit;
- F. The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not available;
- G. The cost of any license, permit, fee, or certification that is required to the extent such cost is necessary to the reestablishment of the operation at a new location. However, payment shall be based on the remaining useful life of the existing license, permit or certification;

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<sup>16</sup> CCR, Title 25, §6096

- H. The reasonable cost of any professional service (including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges) necessary for the planning of the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site. These expenses must be preapproved by the TJPA;
- I. Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing and marketing studies. A business owner may elect to work with a move planner. the TJPA will reimburse a business owner for these costs under the following conditions:
  - 1) Business works with Relocation Advisors and professional move planners to develop an approved Scope of Services;
  - 2) Business provides the TJPA with two detailed Scope of Services and Fees (including hourly rates) from two professional mover planning companies;
  - 3) The Scope, Fee and Hourly Rate is pre-approved in writing by the TJPA;
  - 4) The professional move planner submits deliverables as directed by the TJPA;
  - 5) No fees other than those specifically related to the moving of personal property will be approved for payment;
  - 6) No fees related to developing claim forms will be approved for payment
- J. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move;
- K. Impact fees or one-time assessment for anticipated heavy utility usage;
- L. Reimbursement of up to \$2,500 for time spent searching<sup>17</sup> for a replacement property. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search. Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, related time obtaining permits and attending zoning hearing, and time spent negotiating for a replacement site. Commission and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed and
- M. Other moving and related expenses not listed as ineligible as the TJPA determines to be reasonable and necessary.

Again, all costs must be actual, reasonable, and necessary. Only those costs that could not have been avoided or substantially reduced at an alternate available site will be considered eligible. This is not an inclusive list of moving related expenses. A Relocation Advisor will provide a complete explanation of reimbursable expenses specific to the occupant's needs.

#### 5.3.4 Storage Costs

A displaced person may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. Only property that is currently located at the affected site would be eligible for storage cost reimbursement.

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<sup>17</sup> CCR, Title 25, §6094

### 5.3.5 Alternative Options for Items Not Moved

At times, occupants find that it is not ideal for them to relocate a piece of personal property. There are several options to be reimbursed for items that are not actually moved. They are briefly described below. A Relocation Advisor can provide clearer direction on these options based on the personal property being addressed.

#### 5.3.5.1 Direct Loss of Tangible Personal Property<sup>18</sup>

When an occupant chooses not to move an item of personal property and chooses not to replace it at the new location, the occupant may be eligible for a payment for the actual direct loss of tangible personal property. This payment is based on the lesser of:

- (a) the value of the item for continued use at the site less the proceeds from its sale, or
- (b) the estimated reasonable cost of moving the item.

#### 5.3.5.2 Substitute Personal Property

When an occupant chooses not to move an item of personal property but instead chooses to substitute it with a comparable item at the new location, an occupant may request reimbursement in an amount not to exceed the lesser of:

- (a) the replacement cost, minus any net proceeds from its sale, or
- (b) the estimated cost of moving the original item.

#### 5.3.5.3 Low Value High Bulk Property

If the TJPA considers an item of personal property to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new location.

### 5.4 Costs Not Eligible for Reimbursement Under Actual Moving Costs

Certain items that are not eligible for reimbursement under the Relocation Program. There is no assistance with the costs:

- A. Moving structures or any other item of real property improvement.
- B. Interest on a loan.
- C. Loss of goodwill, loss of profits, or loss of trained employees.
- D. Additional operating expenses at the new location (except as provided for under Reestablishment).
- E. Personal injury.
- F. Preparing claims for a relocation payment (legal or professional services fees).
- G. Searching for a replacement dwelling.
- H. Physical changes to the real property at the replacement site that are not specifically related to reconnecting moved personal property or under Reestablishment.
- I. Storage costs on real property owned or leased by occupant.
- J. Refundable security deposits and utility deposits.

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<sup>18</sup> CCR, Title 25, §6092

## 5.5 Reestablishment Expenses

A small business or non-profit organization may be eligible for a payment, not to exceed \$25,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business or non-profit organization must have not more than 500 employees working at the site the TJPA is attempting to acquire.

Reestablishment expenses may include, but are not limited to:

- A. Repairs or improvements to the replacement real property required by federal, state, and local laws, codes, or ordinances.
- B. Modifications to the replacement real property to accommodate the business operation or to make the replacement structures suitable for the operation.
- C. Construction and installation costs of exterior signs to advertise the business.
- D. Redecoration or replacement of soiled or worn surfaces at the replacement site such as painting, wallpapering, paneling, or carpeting.
- E. Advertising the replacement location.
- F. Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- G. Other items that the TJPA considers essential for reestablishment.

## 5.6 Costs Not Eligible for Reimbursement Under Reestablishment Expenses

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise eligible:

- A. Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- B. Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the business operation.
- C. Interior or exterior refurbishments at the replacement site which are for aesthetic purposes.
- D. Interest on money borrowed to make the move or purchase the replacement property.
- E. Payment to a part-time business in the home which does not contribute materially to the household income.

## 5.7 Fixed Payment In-Lieu Actual Moving Costs<sup>19</sup>

A displaced business, non-profit organization, or farm operation 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 \$40,000.

For an occupant to be eligible for a fixed payment, the TJPA must determine the following:

- A. Occupant owns or rents personal property that must be moved due to the displacement.
- B. Occupant cannot be relocated without a substantial loss of its existing patronage.
- C. Occupant 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 TJPA's project.
- D. Occupant contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for non-profit organizations are slightly different than business requirements. The computation for non-profit 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. Occupants who are interested in claiming a fixed payment, should consult a Relocation Advisor for additional information.

### 5.7.1 Computation of the Fixed Payment

The fixed payment for a displaced business is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by the TJPA. An occupant must provide proof of net earnings to support the claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the TJPA.

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<sup>19</sup> CCR, Title 25, §6100



## 6 RESIDENTIAL RELOCATION ASSISTANCE

This summary of benefits has been provided for general information purposes only and should not be interpreted as law. TJPA's Relocation Advisor can address questions about the Relocation Assistance Program.

### Relocation Assistance Program Summary

Assurances	Relocation Assistance Program
<ul style="list-style-type: none"> <li>✓ Uniform Treatment</li> <li>✓ Fair Program Implementation</li> <li>✓ Equitable Assistance</li> <li>✓ Relocation Assistance Program Information and Assistance</li> <li>✓ No Displaced Person will Suffer Disproportionate Injury as a Result of a Project Designed to Benefit the Public as a Whole</li> <li>✓ Minimum 90-Day Advance Notice of Required Move</li> <li>✓ Right to Appeal</li> </ul>	<p><b>Relocation Advisory Assistance</b> Relocation Advisors will work closely with each eligible household to help them locate and secure comparable replacement housing.</p> <p>Each eligible household will receive written notification about their eligibility to receive assistance under the TJPA's Relocation Assistance Program.</p> <p><b>Moving Cost Payment</b> Each household will receive assistance with the cost to move their personal property from their current residence to their replacement housing.</p> <p><b>Replacement Housing Payment</b> Eligible households can receive 42 months of rental assistance to help with the cost to rent (or purchase) comparable replacement housing within their financial means.</p>

### 6.1 Relocation Advisory Assistance<sup>20</sup>

The TJPA contracts with experienced Relocation Advisors who will work with each displaced person to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Assistance Program and to learn more about the occupant's current housing and replacement site needs. The Relocation Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

The TJPA's goal is for each occupant to successfully relocate back into the community. It is important that an occupant actively participate in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

#### **Who is an eligible displaced person?**

*A person who is required to move themselves or their personal property for a public or publicly funded project **MAY** qualify as an eligible displaced person. Many conditions apply. A Relocation Advisor can provide additional information.*

<sup>20</sup>CCR, Title 25, §6038(b)(5), §6040, and §6046

All displaced persons shall receive appropriate noticing that helps them understand the available benefits and the project schedule. A Relocation Advisor will assist in the search for comparable, decent, safe, and sanitary replacement housing that is available to the occupant and is within the household's financial means. Transportation will be offered to inspect housing referrals, if needed. An eligible displaced person cannot be required to move unless at least one comparable replacement dwelling has been made available and the occupant has been given at least 90 days' advance written notice of the date by which they would be required to move. A Relocation Advisor will also help to file claims for reimbursement of moving and replacement housing expenses under the Relocation Assistance Program.

Eligible displaced persons will be provided advisory assistance which may include assistance in the referral of complaints of discrimination to the appropriate federal, state, or local fair housing enforcement agency. Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

TJPA has contracted with Associated Right of Way Services, Inc. (ARWS) to provide Relocation Advisory Services. Ms. Emily Plurkowski of ARWS can be reached by emailing [eplurkowski@arws.com](mailto:eplurkowski@arws.com) or at 925-691-2863.

## 6.2 Moving Cost Payment<sup>21</sup>

Eligible displaced persons are entitled to receive a moving payment to cover the cost to move personal property to a replacement home. Each household may elect one or a combination of the following three options for cost reimbursement:

*One or a combination of the following*

<b>Commercial Move</b> <i>Payment Limit:</i> <i>Actual/Reasonable/Necessary</i>	<b>Fixed Moving Payment</b> <i>Payment Limit</i> FHWA Move Schedule	<b>Actual Cost Move</b> <i>Payment Limit</i> Invoices and Receipts
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### 6.2.1 Commercial Move

Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property for a distance up to 50 miles. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

<sup>21</sup> CCR, Title 25, §6038(b)(5), §6090, and §6098

### 6.2.2 Fixed Move Payment

A household may choose to move their own personal property to the replacement site and to submit a claim based on the following schedule from the Federal Highway Administration (FHWA). There is no reimbursement for one-time utility reconnection fees under the Fixed Move Payment option.

Fixed Moving Payment If Occupant Owns the Furniture in the Unit							
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms
\$780	\$1,000	\$1,250	\$1,475	\$1,790	\$2,065	\$2,380	\$2,690

Fixed Moving Payment If Occupant Does Not Own the Furniture in the Unit	
1 room	2 rooms
\$780	\$1,000

### 6.2.3 Actual Cost Move

Payment is based upon receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover. This option allows the household to be reimbursed for any one-time utility reconnection fees, such as phone, gas, electric, and cable. The TJPB will participate in costs related to moving the household up to 50 miles.

### 6.2.4 Storage Costs

A displaced person may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. Only property that is currently located at the affected site would be eligible for storage cost reimbursement.

### 6.3 Replacement Housing Payments for Residential Tenants<sup>22</sup>

TJPA's project is both federally and locally funded. As a result, eligible residential displaced persons may receive Replacement Housing Payments under either federal or State of California laws and regulations. The assistance available under each is summarized below. A Relocation Advisor is available to help displaced persons understand the assistance that is available under each program.

#### Federal Replacement Housing Payment Regulations: (42 USC 4624)

- ✓ Only available for eligible residential displaced persons
- ✓ Each eligible displaced person must certify legal residency in the United States to qualify
- ✓ Replacement Housing Payments can help with increased rent and utilities for 42 months
- ✓ If the household is low-income, additional Replacement Housing Payments may be available to ensure that replacement housing costs are within the household's financial means
- ✓ A household can choose to use the maximum Replacement Housing Payment to purchase replacement housing rather than rent replacement housing
- ✓ The Maximum Replacement Housing Payment is \$7,200 unless the household qualifies for Housing of Last Resort under 42 USC 4626

#### State Replacement Housing Payment Regulations: (Gov Code 7264)

- ✓ Only available for eligible residential displaced persons
- ✓ Replacement Housing Payments can help with increased rent and utilities for 42 months
- ✓ Additional Replacement Housing Payments may be available to ensure that replacement housing costs are within the household's financial means
- ✓ Certain income adjustments may apply when determining household income
- ✓ A Household can choose to use the maximum Replacement Housing Payment to purchase replacement housing rather than rent replacement housing
- ✓ The Maximum Replacement Housing Payment is \$5,250 unless household qualifies for Housing of Last Resort under Gov Code 7264.5

### 6.4 Replacement Housing of Last Resort<sup>23</sup>

**Replacement Housing Payments are intended to assist displaced persons with securing comparable, decent, safe, and sanitary replacement housing within their financial means.**

Replacement Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable, decent, safe, and sanitary replacement housing is within the financial means of the displaced person – even if the Replacement Housing Payment exceeds the statutory monetary limits of \$5,250 or \$7,200.

<sup>22</sup> CCR, Title 25, §6038(b)(6), §6104, and Article 3

<sup>23</sup> CCR, Title 25, §6038(b)(8), §6054 and Article 4

The TJPA has considered several methods to provide Replacement Housing of Last Resort to qualified displaced persons:

- ✓ Provide supplemental funds in excess of the statutory monetary limit to allow occupants to relocate into comparable replacement housing within their financial means. All payments are based on the TJPA's approved Housing Valuation Study and the actual replacement dwelling the displaced person moves to. As with all other replacement housing payments, displaced occupants must meet requirements in order to claim payments.
- ✓ New replacement housing could be constructed, existing housing could be rehabilitated, or funds could be provided for private parties to rehabilitate existing units for occupancy by displaced households.
- ✓ Provision of a Housing Voucher or other subsidized housing option.

The TJPA will consider each household's eligibility for additional assistance under Replacement Housing of Last Resort. Households who are eligible to receive assistance under Replacement Housing of Last Resort, will be notified in writing. Typically, this information is included in the Conditional Entitlement Letter.

## 6.5 Relocation Payments<sup>24</sup>

Payments will be reimbursed to eligible displaced persons once the need for payments has been incurred and documented to show the costs are actual, reasonable, and necessary. All claims must be filed by the household within 18 months of the date the household vacates the project property. (Note that the household must occupy decent, safe, and sanitary replacement housing and incur all expenses within 12 months of the date the household vacates the project property.) The TJPA typically pays approved claims within 30 days of the date it receives a fully documented claim. Any claim that is not approved in full or in part will result in a written denial of the claim with direction to the household on how to provide additional documentation and/or proceed with the TJPA's appeal process.

When a household requests an advance payment, the household will be asked to document how a reimbursed payment would create a hardship for them. The TJPA will consider the request and will respond in writing and will provide the advance payment it determines to be necessary to facilitate the relocation and to avoid hardship to the household.

## 6.6 Relocation Appeals Process

Displaced persons have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or the TJPA. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information and visit the City and County of San Francisco's website for its Relocation Appeals Board at [Relocation Appeals Board | Mayor's Office of Housing and Community Development \(sfmohcd.org\)](https://sfmohcd.org).

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<sup>24</sup> CCR, Title 25, §6038(b)(6), §6082, §6090(c) and Article 3

## 7 ADDITIONAL PROGRAM INFORMATION

### 7.1 Title VI – TJPA's Non-Discrimination Policy

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with the TJPA. Federal and state law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident. To request additional information on the TJPA's non-discrimination obligations or to file a Title VI Complaint, please call the TJPA's Customer Service Department.

Should language assistance be required, it will be provided at no cost. A Relocation Advisor can arrange assistance for language assistance upon request.

### 7.2 Claim Processing and Distribution of Payments

All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the occupant in completing claim forms, will notify occupants of the documentation needed in order to file the claim, and will inspect the displacement and replacement properties as needed. Each claim will be submitted to the TJPA along with documentation for review and processing. All claims filed with the TJPA shall be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the real property or, (2) the date on which the property is vacated. Once a fully documented and complete claim is submitted to the TJPA, if approved, a check should be available within 60 days. Checks will be delivered to the claimant or claimant's designee. Advance payments may be provided, on a case-by-case basis, when a later payment would result in financial hardship to the business.

### 7.3 Appeal and Grievance Process<sup>25</sup>

Displaced persons will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or the TJPA and/or the TJPA's property management practices. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information and visit the City and County of San Francisco's website for its Relocation Appeals Board at [Relocation Appeals Board | Mayor's Office of Housing and Community Development \(sfmohcd.org\)](https://www.sfmohcd.org/relocation-appeals-board).

### 7.4 Eviction Policy

Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits.

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<sup>25</sup> CCR, Title 25, Article 5



## 7.5 Relocation Payments are Not Considered Income

49 CFR 24 states that no relocation payment received by a displaced person shall be considered as income for the purpose of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or any other federal law, except for any federal law providing low-income housing assistance. Occupants should always consult their tax advisor for current tax information.

## 7.6 This is Not a Notice to Vacate

No eligible occupant in legal occupancy will be required to move without at least 90-days advance written notice of the date by which they must vacate.

## 7.7 Current Rental Agreement

It is important that each tenant continues to pay rent to their current landlord. If the TJPA takes possession of the property, the tenant will be required to pay rent. Failure to pay rent can result in a deduction from payments owed to the occupant and/or eviction. If an occupant receives a Notice to Vacate and the TJPA is required to take legal action to move the entity from the property, they will seek rent and damages.

## 7.8 Loss of Business Goodwill Information

A business, farm or non-profit organization may be eligible to claim a loss of business goodwill. California law provides that under the circumstances detailed below, a business owner may be compensated for a loss of goodwill. Section 1263.510 of the California Civil Code of Procedure states:

- A. The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
  - 1. The loss is caused by the taking of the property or the injury to the remainder.
  - 2. The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
  - 3. Compensation for the loss will not be included in payments under Section 7262 of the Government Code.\*

\*Section 7262 of the Government Code refers to compensation to displaced persons for moving and related expenses as a part of the cost of the acquisition of real property for a public use. Compensation for the loss of goodwill under Section 1263.510 of the California Civil Code of Procedure will only be made to the extent such loss is not compensated for under Section 7262.

- 4. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

- (B) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old or acquisition of new patronage.

Any entitlement is contingent upon the business owner's ability to prove such loss in accordance with the provisions of the California Code of Civil Procedure.

### 7.8.1 General Information

This summary of TJPA's Relocation Assistance Program has been provided as a courtesy by TJPA. It is intended to provide general information concerning TJPA's Relocation Assistance Program and to assist Displaced Persons in understanding their rights and benefits. Questions regarding TJPA's Relocation Assistance Program should be directed to a Relocation Advisor once an advisor has been assigned. If questions arise prior to the assigning of a Relocation Advisor, questions should be directed to Associated Right of Way Services, Inc. at 925-691-8500.

Further details regarding federal and State relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act 42 U.S.C. Sections 4601 et. seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.

### 7.8.2 Project Assurances<sup>26</sup>

TJPA is committed to providing relocation assistance to all eligible occupants who are required to relocate as a result of the Project. TJPA is committed to following applicable federal and State laws. TJPA will not proceed with any phase of the Project or other activity that will result in the displacement of any person, business, or farm until it provides the following assurances:

- A. Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and State laws and guidelines.
- B. TJPA has established a Relocation Assistance Program offering the services described in applicable federal and State law and guidelines.
- C. Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- D. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- E. If the Final Relocation Plan is approved by the TJPA Board of Directors, TJPA attests to its commitment to have funds available to provide relocation assistance in accordance with TJPA's Relocation Assistance Program identified herein prior to proceeding with the relocation of an occupant.
- F. This Relocation Plan meets the requirements of the California Code of Regulations, Title 25, Chapter 6.

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<sup>26</sup> CCR, Title 25, §6044(b)

G. TJPA will contract with qualified Relocation Advisors for the following services:

- 1) Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.
- 2) Assist each eligible Displaced Person to complete applications for payments and benefits.
- 3) Assist each eligible Displaced Person in obtaining and becoming established in a suitable replacement location.
- 4) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by State or federal anti-discrimination laws, or any other arbitrary circumstances.
- 5) Supply to such eligible person's information concerning programs administered by the Federal Small Business Administration, and other federal or State programs, offering assistance to Displaced Persons.
- 6) Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
- 7) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.



425 MISSION STREET, SUITE 250  
SAN FRANCISCO, CA 94105

