

THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 7.3
FOR THE MEETING OF: April 9, 2009

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorize payment of current and future eligible and approved relocation assistance claims over \$100,000 in the aggregate for Resource and Design, Inc. in accordance with the TJPA Relocation Assistance Program and TJPA Board Policy No. 013 – Real Estate.

EXPLANATION:

Under federal and state law, and the regulations of the Federal Transit Administration, Federal Highway Administration, and California Department of Transportation, the TJPA is required to provide relocation assistance services to individuals and businesses displaced by the Transbay Transit Center Program. Such services include assistance in searching for a replacement site and payment of actual, reasonable costs to relocate the occupant.

The kinds of expenses that may be eligible for reimbursement under the Relocation Assistance Program include transportation of personal property (including packing and unpacking); dismantling, disconnecting, and reassembly/reinstallation of items; utility and service line reconnections; licenses, permits and fees for business operation; professional move planning services (if pre-approved); reprinting of stationery stock; and re-establishment expenses including advertisement of the replacement location. Only actual expenses are reimbursable under the program.

All claims from eligible occupants are submitted to Associated Right of Way Services, Inc. (ARWS), TJPA's relocation assistance consultants. Claims are reviewed by ARWS for eligibility under the Uniform Relocation Assistance and Real Property Acquisition (Uniform Act) law (49 CFR Part 24) and to ensure appropriate documentation. Approved claims are then submitted to the Real Estate Coordinator on the TJPA Program Management Team and ultimately to TJPA staff for review and final approval. Claims are paid with Proposition K funds from the San Francisco County Transportation Authority. TJPA has thus far processed relocation claims for ten occupants, totaling \$229,085. Although the TJPA cannot know with certainty in advance of relocation an eligible occupant's actual relocation expenses, TJPA staff and the relocation assistance consultant have developed estimates of expected eligible expenses and budgeted accordingly.

On March 20, 2008, the TJPA Board adopted Board Policy No. 013 – Real Estate, which authorized the Executive Director to exercise certain authorities relating to real property without further Board approval, unless directed otherwise by formal action of the Board. The Executive Director's authorities under this policy include the authority to pay relocation assistance claims of up to \$100,000 aggregate per occupant, based on recommendation by the TJPA's relocation assistance consultant and TJPA staff. If any occupant submits claims that exceed \$100,000 in the aggregate, payment of the claims above the threshold requires prior authorization by the Board.

Resource and Design, Inc., formerly located at 272 Main Street—a property that the TJPA acquired for the Temporary Terminal—has submitted previous claims totaling \$43,081.04, and these claims have been approved and paid. A subsequent claim in the amount of \$143,839.27 has been reviewed and approved by TJPA relocation assistance consultants and TJPA staff. These claims are within the relocation estimate prepared by ARWS for this occupant.

Payment of the subsequent claim, however, will put the claimant over the \$100,000 aggregate threshold under the TJPA Board Policy No. 013. Further claims may be received as well from this relocated occupant. Thus, Board approval is required before TJPA pays the approved claim, and any future approved claims from Resources and Design, Inc.

RECOMMENDATION:

Staff recommends that the Board authorize payment of current and future eligible and approved relocation assistance claims over \$100,000 in the aggregate for Resource and Design, Inc.

ENCLOSURES:

1. Resolution

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, To qualify for federal financial assistance, the Transbay Transit Center Program must comply with federal and state laws and regulations for acquisition of real property; and

WHEREAS, Under federal and state law and the regulations of the Federal Transit Administration, Federal Highway Administration and California Department of Transportation, the Transbay Joint Powers Authority (TJPA) is required to provide relocation assistance services to certain individuals and businesses displaced by the Transbay Transit Center Program; and

WHEREAS, On March 20, 2008, the TJPA Board approved Board Policy No. 013 – Real Estate, authorizing the Executive Director to exercise certain administrative authorities relating to real property to facilitate the efficient operation of the Program and relieve the Board of responsibility for administrative tasks relating to real property, including the authority to pay relocation assistance claims up to \$100,000 in the aggregate without further Board action; and

WHEREAS, Resource and Design, Inc. has submitted eligible relocation assistance claims that exceed \$100,000 in the aggregate and these claims have been reviewed and approved by TJPA relocation assistance consultants and TJPA staff; now, therefore, be it

RESOLVED, That the Board authorizes payment of current and future eligible and approved relocation assistance claims over \$100,000 in the aggregate for Resource and Design, Inc.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of April 9, 2009.

Secretary, Transbay Joint Powers Authority