Private Property & High-Speed Rail: Your Questions Answered

My Property and High-Speed Rail

The California High-Speed Rail Authority (Authority) understands that private property owners will be affected by the proposed construction of the high-speed rail system. In light of this fact, the Authority has committed to do everything it can to educate, inform, and work collaboratively with affected property owners. This document provides an at-a-glance reference for some frequently asked questions.

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

Our state and federal constitutions recognize the need for public agencies to purchase private property for public use while providing safeguards to accomplish this purpose. The state and federal constitutions as well as various statutes, including the California Eminent Domain Law, the California Relocation Assistance Act, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, authorize the purchase of private property for public use and outline how public agencies are required to protect the rights of each citizen from whom property is being acquired.

WILL MY VOICE BE HEARD?

The Authority and the Federal Railroad Administration (FRA) have been using a tiered planning and environmental review process for the high-speed rail project under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). After a multi-year environmental review process, preferred corridors and station locations were identified for further detailed study in project-level environmental documents.

During the project-level environmental review, the Authority and FRA have been actively seeking the input of private citizens, organizations, and public agencies so that various views can be considered in the development of both the project alternative and the environmental issues to be further studied in the draft environmental documents. Property owners potentially impacted by the project are encouraged to participate and offer their views on the project, potential impacts, and the location of project alternatives.

The Authority and FRA will release a draft Environmental Impact Report/Statement (Draft EIR/EIS) for each section of the statewide high-speed rail system. A public comment period, during which written public comments will be accepted, will follow the release of the draft document. During this time, the Authority will also host additional public meetings and/or workshops, which give members of the public another opportunity to express their views on the project and the locations being considered.

WHEN WILL I KNOW IF THE AUTHORITY NEEDS TO ACQUIRE MY PROPERTY AND HOW WILL THE AUTHORITY ACQUIRE MY PROPERTY IF NECESSARY?

At the conclusion of the public comment period on the Draft EIR/EIS, the Authority will evaluate and develop responses to the public comments to be included in the Final EIR/EIS. The Authority Board will also receive a presentation designating a preferred alternative to identified in the Final EIR/EIS. The designation of a preferred alternative for each individual section will occur at a publicly noticed meeting of the Authority Board.

Once a property owner is identified as being in the path of the publicly noticed designated preferred alternative, the Authority may move forward with the appraisal process, the first step in acquiring the required property.

The Authority's appraiser is typically the first person to contact the property owner. If all or a portion of the property is required for the project, a written notice is sent to the property owner inviting him/her to accompany the appraiser on an inspection of the property. The appraisal process typically begins several months before the property is required for construction. The exact timing of the appraisal will be based on the project schedule and needs. Upon completion of the appraisal process, and after approval of the Final EIR/EIS, the Authority's Right-of-Way Agent assigned to purchase the property will contact the property owner.

Please review the booklet, "Your Property, Your High-Speed Rail Project," online for more detailed information about the appraisal and acquisition processes.

WHAT ARE THE ADVANTAGES IN SELLING MY PROPERTY TO THE AUTHORITY?

- You will be paid fair market value.
- The Authority will pay for preparation of all documents, including title and escrow fees, title insurance, recording fee and other fees that are required.
- You will not need to pay real estate commissions.
- You will not pay any seller's expenses.
- You may, depending on your circumstances, be eligible for relocation payments and benefits.

HOW LONG CAN I KEEP MY PROPERTY?

Continued use of your property depends on the date preparation for construction begins, usually with the need for utility relocations and the demolition and/or clearance of buildings. The Authority's Right-of-Way Agent assigned to purchase your property will assist you in the transaction and will be available to answer any additional questions you may have.

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

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

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

WHAT IF MY PROPERTY IS NOT ACQUIRED, BUT MY PROPERTY VALUE IS AFFECTED? IS THERE COMPENSTATION FOR THIS?

Although the Authority does not anticipate there will be a loss in value to properties not require for the project, owners who believe they have suffered a loss may file a claim with the State of California Government Claims Board. More information may be obtained online at **www.vsgcb.ca.gov/claims**

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