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August 27, 2015

Mr. Ron Kosinski
Deputy District Director
California Department of Transportation, District 7
Division of Environmental Planning
100 S Main Street MS 16A
Los Angeles, CA 90012

RE: Draft Environmental Impact Report: SR-710 Surplus Property Sales

Dear Mr. Kosinski,

The California Transportation Commission (Commission), as a Responsible Agency, received on August 6, 2015, the California Department of Transportation (Department) prepared Los Angeles SR-710 Surplus Property Sales Draft Environmental Impact Report (DEIR). The Department prepared the DEIR to environmentally clear the sale of surplus highway properties that are no longer needed for the construction of the surface freeway proposal, commonly referred to as the SR-710 Gap Closure Project.

Streets and Highways Code (S&HC) Section 118.6 requires the Department to adopt rules and regulations to determine which real property (land and improvements) outside of calculated right-of-way lines is no longer needed for highway purposes. Further, Section 118.6 requires the Department to the greatest extent possible to sell real property within one year from the date the Department determines the property to be excess. S&HC Section 118(a) allows the Department to sell real property or interest therein in the manner and upon terms, standards, and conditions established by the Commission. S&HC Section 118(b) requires that any conveyance of highway property shall be approved by the Commission. In addition, Government Code Section 54235 – 54238.7 (Roberti Law) allows for sale of surplus residential SR-710 properties at less than fair market value to persons and families of low or moderate income to mitigate the environmental effects, within the meaning of Article XIX, of the California Constitution, caused by highway activities.

In 2007, the Los Angeles County Superior Court in Case No BC 331628 (City of South Pasadena v. The California Department of Transportation) determined that legal title to SR-710 real residential property parcels shall remain vested in the Department until appropriate regulation for the disposal of the parcels under the Administrative Procedure Act pursuant to the Roberti Law are adopted. The Department is in the process of adopting the said appropriate disposal regulation.

The Commission has no comments with respect to the DEIR's purpose and need, the alternatives studied, and the evaluation methods used. Please be aware that if actions under the purview of the Commission are anticipated, notification should be provided to the Commission. Fund allocations, new public road connections, route adoptions and surplus property conveyances require Commission action.

If you have any questions, please contact the Commission's Deputy Director/Chief Engineer Stephen Maller at (916) 653-2070.

Sincerely,

WILL KEMPTON
Executive Director

c: Katrina Pierce, Chief, Caltrans Division of Environmental Analysis

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