



Policies and Procedures No. 9

Board Approval: 1/16/2025

SUBJECT:

RELOCATION ASSISTANCE PROGRAM

PURPOSE:

To provide relocation assistance to individuals, families, businesses, farm operations, and nonprofit organizations required to relocate as a result of San Diego Metropolitan Transit System (MTS) transit projects.

BACKGROUND:

Relocation assistance is a program established by federal and state law to provide help to individuals, families, businesses, farm operations, and nonprofit organizations required to relocate as a result of a public improvement project. The program's primary objective is to assist all project displacees so that they do not suffer disproportionate injury as a result of projects constructed for the benefit of the public as a whole.

POLICY:

1. Applicable Laws. Relocation assistance shall be in accordance with Sections 7260-7276 of the State Government Code (State Code) and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 et seq. (Uniform Act), as applicable. The State Code and Uniform Act are collectively referred to as Regulations. To the extent applicable, MTS shall follow generally the procedures outlined in Chapter 10 (Relocation Assistance) of the Caltrans Right of Way Manual.
2. Entitlement to Relocation Benefits. No person will be required to relocate due to a proposed MTS construction project until:
 - A. A replacement facility has been made available that meets the following standards:
 - (1) Decent, safe, and sanitary.
 - (2) Fair housing.
 - (3) In areas not generally less desirable than the property to be acquired in regard to:
 - a. Public utilities.
 - b. Public and commercial facilities.

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San Diego Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego. MTS is also the For-Hire Vehicle administrator for multiple cities in San Diego County.



- (4) Within the financial means of the displacee.
 - (5) Reasonably accessible to the displacee's place of employment, public services, and commercial facilities.
 - (6) Adequate to accommodate the displacee.
 - (7) In an equal or better neighborhood.
 - (8) Available on the market to the displacee.
- B. In lieu of a replacement facility in subparagraph 2(A) above, the eligible owner or occupant agrees to accept a cash settlement as provided in the Regulations.
- C. Moving Related Expenses. Moving and related payments will be paid as provided by the Regulations.

Individuals, businesses, and nonprofit organizations occupying the property to be acquired at the time of the first written offer to purchase and move as a result of the agency's acquisition will be eligible for reimbursement of moving expenses.

Residential occupants will receive either the actual reasonable costs involved in moving family and personal property up to a maximum of 50 miles or a payment based on a schedule relating to the size of their present dwelling based upon the Uniform Act's "Residential Moving Expense and Dislocation Allowance Payment Schedule" or other applicable law or regulation.

Businesses, farms, and nonprofit organizations will be entitled to reimbursement for: (1) actual reasonable costs involved in moving the operation and personal property up to a maximum of 50 miles; (2) actual reasonable expenses incurred in searching for a replacement property; and (3) actual direct losses of tangible property.

Payment in Lieu of Moving Expenses

Instead of accepting an actual moving expense payment, a business owner may be paid an amount equal to the average annual net earnings of the farm or business for the last two years prior to relocation subject to the limits set forth in the State Code or the Uniform Act, as applicable.

A business may qualify for an in-lieu payment if the agency determines that the business cannot be relocated without a substantial loss of the existing dollar volume of business, and it is not a part of a business having an additional establishment. A part-time individual or family occupation in the home that does not contribute materially to the income of the displaced owner is ineligible for an in-lieu payment.

- D. Relocation Assistance Services. MTS may, pursuant to Government Code Section 7261.5, contract for the provisions of relocation assistance.

- E. Appeal of MTS Determination of Relocation Eligibility and Payments.
If a displaced person (as defined in the Regulations) disagrees with MTS's decision as to their right to a relocation payment or the amount of payment, they may appeal the decision to MTS's Relocation Appeals Board that will be established by the Chief Executive Officer. The Appeals procedure will follow the appeals process set forth in the Regulations including 49 CFR Section 24.10. The displaced person shall file an appeal within sixty (60) days from the date they receive written notification of MTS's determination on their claim.
 - F. Reports to Board. All final relocation payments to owners or occupants for any purpose shall be formally reported to the Board as to amount, rationale, and applicable code or statute as part of the CEO Report.
3. Pre-Project Displacement Studies. Before any project may be undertaken that involves the displacement of people from residential housing, MTS or its agent shall complete a Replacement Housing Study to determine the needs of the relocatees and the availability of replacement housing. MTS studies shall serve to assure that orderly relocation can be accomplished and that realistic and adequate plans are developed for relocating all displaced persons. Comparable replacement dwellings shall be available or provided for each displaced person within a reasonable amount of time. Such assurance is a part of the MTS Relocation Assistance Program study process and must be specifically given on every project requiring displacement.

POLICY.9. RELOCATION ASSISTANCE PROGRAM

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