

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

June 22, 2016

2. Department

High-Speed Rail Authority

3. Organizational Placement (Division/Branch/Office Name)

Program Delivery Office/ROW Branch

4. CEA Position Title

Deputy Director of Real Property- Right of Way Policy and Delivery

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The California High-Speed Rail Authority's (Authority) Deputy Director of Real Property, manages and directs all statewide activities associated with acquiring all parcels of land needed for construction on a timely basis, including fee acquisitions, easements, airspace rights and other property rights necessary to support the planning and construction of the high-speed rail project. The Deputy Director of Real Property, ROW Branch will develop, implement and administer policies, goals, standards and direction for accomplishing property acquisitions in a consistent manner and in coordination with other agencies, consultants and stakeholder entities.

6. Reports to: (Class Title/Level)

Director of Real Property (Exempt)

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): Has frequent communication with Executive Management Team on the status of right of way parcel delivery and policy development to meet the programs needs.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Deputy Director of Real Property is at the fourth organizational level of the CA High-Speed Rail Authority (Authority) and has the lead role in the administration of the ROW components for acquiring property rights necessary to support the high-speed rail project, which will span over 800 miles at a cost of over \$64 billion dollars over the next several years. The Deputy Director of Real Property is responsible for ensuring the timely delivery of ROW parcels and rights needed for construction; exercising significant policy influence over the development of the high-speed rail system and developing methods that minimizes risk and/or exposure to the Authority and its resources.

Specifically, the Deputy Director of Real Property is responsible for the following tasks and policy development:

- Organizes and directs staff and consultants to ensure the following functions are properly implemented and compliant with applicable laws and regulations: consultant contract budget development and execution, consultant scope of work development, surveys, utilities, permits to enter property, cost estimates, appraisals, fair market determinations, offers of just compensation, negotiations, acquisition, relocation assistance, title and escrow functions, demolition, property management, government agency coordination, airspace leasing, excess lands disposition, and condemnation coordination.
- Plans, organizes, and directs all of the ROW delivery activities. Develops program direction and exercises problem solving methods in the best interest of the Authority and in conformance with real estate and land title laws.
- Organizes and leads settlement teams to work with property owners to identify what issues remain that prevent them from settling and then working with the owners and other Authority units to resolve them to achieve delivery of those parcels.
- Develops policies that implement and deliver parcels as identified in the Real Property Acquisition Plans for each design build contract that outlines parcel groups and contractual delivery dates and key assumptions for the delivery of said parcel groups. Responsible for management and monitoring of said delivery and development of action plans to accelerate delivery as needed or contingency plans to mitigate delays.
- Oversees the delivery function and provides timely and advance input to the Director of Real Property on adjustments to policy direction or resources that may be needed to meet the delivery schedule. It's essential that this input is timely and ensures necessary adjustments can be implemented to preserve the delivery schedule.
- Ensures that property appraisal, acquisition and eminent domain policies and procedures are in place and that all associated staff are trained such that risk to the Authority is minimized.
- Reports project progress status to the Director of Real Property on a routine basis identifying at a minimum the following: actual and planned progress of significant ROW activities, planned major events in the next reporting period, significant risks and issues along with current and planned actions, pending litigation, and recommendations for executive action. Acts as the Authority's property representative at public and private meetings and hearings.
- Coordinates with other departments, agencies and consultants to obtain necessary support services for ROW delivery including accounting and disbursement, legal service, procurement, real estate, administration and other necessary services.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: Delivery of the ROW parcels is mission critical to advance the design-build contracts and deliver the nation's first high-speed rail system. Phase 1 is estimated to cost \$64 billion and will provide travel from San Francisco to Los Angeles in less than 3 hours. There will be approximately 5000 parcels needed at a cost of more than \$2 billion to construct the entire Phase 1. The initial 120 miles of the first construction segments, Construction Package 1-4 (CP 1-4) requires delivery of more than 1500 parcels. The success of the high-speed rail system deployment hinges directly on the Authority's ability to deliver the needed parcels for construction.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The high-speed rail project has transitioned from the planning phase to the implementation phase and as the program evolves and the workload increases, it is essential to have the correct positions in place to ensure timely and successful delivery of the parcels needed to implement construction. Initially, the first construction segment had identified 533 parcels to be acquired. Currently, with the execution of the CP2-3 and CP4 design-build contracts, there are more than 1500 parcels currently needed and the number continues to grow as designs evolve toward construction. The northern extension to San Jose (another 120 miles) will add more than 1000 additional parcels to the current workload. With the increased workload, the organizational demands have required adding more positions (mostly done through consultant contracts) and additional managers. This proposed CEA position is needed to provide key management oversight and policy development related to this essential delivery function.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The California high-speed rail system is the largest public works project in the nation and receives significant interest from the Governor, the Legislature, the federal government and the media. This interest has intensified and will continue to intensify over the years as the cost and size of the project continue to be defined and implemented. Given the project's size, scope and sensitive constituency concern, the entire program, including the ROW function, will continue to be scrutinized by every level of government, both locally and nationally.

The incumbent is responsible for directing the Authority's acquisition of property rights over the 800 mile high-speed rail system route, involving thousands of complex industrial, residential, agricultural, commercial and railroad properties. Acquisition must be done in a manner compliant with many laws and regulations while working in an emotional and politically charged environment.

The incumbent is responsible for developing and implementing the following key policy and procedural areas:

1. Property Appraisals - Policy and procedures must be developed and maintained to meet State and Federal laws regarding the appraisal process of property to be acquired that ensures fair, consistent and equitable treatment of effected owners; and provides appraisals that are defensible and do not unnecessarily subject the State to additional liabilities in condemnation cases nor paying beyond fair market values for said acquisitions.
2. Acquisition of Property - Policy and procedures must be developed and maintained to meet State and Federal laws regarding the acquisition process of property to be acquired that ensures fair, consistent and equitable treatment of affected owners; determines when condemnation is initiated; and when administrative settlements should be approved. The incumbent must manage a delicate balance between what the State pays for property in administrative settlements versus the State's exposure to delay claims from the contractor for not delivering needed parcels for construction. These business decisions have huge ramifications to the successful delivery of the State's high-speed rail system, both in terms of cost and timing of completion.
3. Relocation of Residences and Businesses - Policy and procedures must be developed and maintained to meet State and Federal laws regarding the relocation of residents, businesses and tenants that occupy property to be acquired that ensures fair, consistent and equitable treatment of all. Policies must ensure that elements considered for reimbursement are eligible under State and Federal law; are appropriately classified and are not duplicative under the acquisition transaction. Decisions under these policies will be heavily audited by the Federal government to verify the validity of Federal funds expended on the project.
4. Management of Consultants - Policy and procedures must be developed and maintained to procure, manage, train and develop the consultants that are assigned to ROW delivery to ensure that they represent the State appropriately in all transactions and have a uniform approach to delivery, to ensure fair and equitable treatment of all and that meets the State and Federal property acquisition laws. The success of the program hinges on maintaining good quality, high performing consultants to meet the strenuous demands of this program.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Deputy Director of Real Property is directly responsible to the Director of Real Property and is a key management member of the Authority. This position advises the Executive Management Team on ROW activities to ensure that the following functions and related policies are developed and implemented appropriately and in the best interest of the Authority:

Budget execution, consultant scope and contract management, permits to enter, costs estimates, appraisals, fair market determinations, offers of just compensation, negotiations, acquisition, relocation assistance, title and escrow functions, property management, third party coordination, government agency coordination, airspace leasing, excess lands disposition, condemnation coordination and quality control.

In conjunction with other Authority managers and other State agencies, the Deputy Director of Real Property monitors and evaluates the performance of all consultant activities that are engaged in delivery of ROW. The incumbent will also ensure, through policy development, implementation of the Real Property Acquisition Plans, preservation of fiscal integrity, mitigation of potential lawsuits, measurement and evaluation of performance, guidance in decision making and standardization of project reporting.

Errors in judgment, inappropriate decisions, poor leadership or the establishment of ineffective ROW policies could result in extensive or unnecessary project delays, escalated project costs, loss of funding, extensive litigation against the state and serious loss of good will and credibility with the public. These actions may also have a significant impact on the internal and external operations of the Authority and compromise project performance.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The incumbent must to be well versed in the State and federal property acquisition laws. The position will need to develop new policies and interpret existing policies as the project evolves. Through working with State and federal counterparts, the incumbent will develop sound policies that adapt to the high-speed rail project and be aware of tried and tested approaches used on significant transportation corridor projects throughout the State and the nation.