

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

2016-10-06

2. Department

Department of Transportation

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

District 11/Right of Way Division

4. CEA Position Title

Deputy District Director, Right of Way

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

Under the general direction of the District 11 Director, the Deputy District Director (DDD), Right of Way develops and implements policies for the Right of Way program within the District. This position is responsible for one of the most critical and essential divisions in the District, which includes planning, coordination, direction, guidance and supervision of the activities in the following functional areas: acquisitions, appraisals, excess lands, airspace, relocation, utility relocation, planning and management, property management, demolition and clearance, and local programs.

6. Reports to: (Class Title/Level)

District Director, CEA B

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): Member of the District's Executive Management Team and Right of Way Management Board provides input on the status of right of way parcel delivery and policy development to meet the program 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 District Director (DDD), Right of Way of District 11 (San Diego) has the lead role in the administration of the Right of Way components for acquiring property rights necessary to complete projects throughout the District. The DDD, Right of Way consults with the District Director on work priorities, allocated resources, management priorities, goals and objectives, and new programs and legal matters pertaining to the Right of Way program. The DDD is responsible for ensuring the timely delivery of Right of Way parcels and rights needed for construction projects.

Specifically, the DDD, Right of Way is responsible for the following tasks and policy development:

Develops and implements policies for all District Right of Way functions. Provides functional direction for the District Right of Way program in areas of project delivery, capital and support budgeting, public hearings, community involvement, and route studies and estimates. Provides policy direction for Right of Way functions including estimating, corridor preservation, hardship and protection, appraisals, acquisition, railroad acquisitions condemnation, relocation assistance, property management, utility relocation, Right of Way project certification, airspace, excess land, local program, and outdoor advertising inspection and control.

Develops and establishes the strategic direction of the Division. Provides policy direction on operating procedures, implementation of programs, and management techniques impacting the goals and objectives of the Division's strategic plan. Participates in policy development to guide Right of Way information plans, programs, and projects.

Oversees the development and implementation of Program Legal Plans that include the Department's goals, strategic objectives, strategies, and performance measures applicable to the Program.

Participates in project delivery, programming and budgetary activities including review, approval and monitoring of project schedules, and Capital Outlay and Support budgets. Monitors Right of Way performance for compliance with the annual operations plan and performance measures.

Acts as Right of Way advisor to the District Director in all matters relating to Right of Way including new programs, legal issues, public and legislative inquiries. Attends and participates in project development meetings, public hearings, and other public meetings on behalf of the District's Right of Way. Coordinates and consults with Legal Division on Right of Way activities involving inverse condemnation, condemnation, and other issues requiring legal assistance.

Consults with Headquarters staff and District Division Chiefs on difficult technical, budget or administrative matters, and is responsible for directing resolution of highly technical and/or politically sensitive issues impacting assigned transportation projects.

Advises the District Director on the full range of complex issues related to Right of Way Programs. Actively participates as a member of the District's Executive Management Team and contributes toward the strategic planning and leadership of the District's overall program. Oversees the development and implementation of Program Legal Plans that include the Department's goals, strategic objectives, strategies, and performance measures applicable to the Program.

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: Caltrans' District 11 Right of Way Division is committed to delivering projects using innovative, alternative delivery methods such as Design Build, Design Sequencing and now Construction Management General Contractor (CMGC). District 11 Right of Way plays a vital role in delivery and certification of these innovative projects.

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 prior civil service classification of the Supervising Right of Way Agent is no longer appropriate for the role of the Deputy District Director (DDD). The Right of Way DDD is responsible for one of the most critical and essential divisions in the District. This position establishes policy and provides administrative direction that has cross functional, regional and statewide impacts. Caltrans' District 11 covers a large area with a wide range of project needs throughout 2 counties and includes coverage of the border between the State of California and Mexico. The level of service, complexity, public scrutiny, and political climate, along with the dollar amount of projects has increased tremendously in the past few years. Although District 11 incorporates only 2 counties, they cover large and diverse areas where the political sensitivity and climate is dynamic. Caltrans' District 11 shares a unique partnership with the local Metropolitan Planning Organization (MPO) and the San Diego Association of Governments (SANDAG). Management for both partners work collaboratively to leverage each other's strengths in delivering transportation projects and maximize the effectiveness of each agencies' resources. SANDAG and Caltrans Management, including Right of Way, meets monthly to discuss program issues, funding opportunities, budgets, and complex regional project issues. Right of Way is a vital partner in the oversight and delivery of these regional projects.

Right of Way is currently in the process of coordinating multiple complex utility relocations and appraising and acquiring approximately 80 parcels of 345 total parcels for the I-5 North Coast Corridor Construction Management General Contractor (CMGC) project. The Right of Way Certification process for CMGC is somewhat new to the Department and requires flexibility, persistence and continual monitoring. The CMGC project corridor contains 345 parcels and is phased into the year 2030 which requires the same level of leadership for the years ahead.

Caltrans' District 11 Right of Way Management is committed to building and maintaining strong partnerships with the local utility companies and working to build strong relationships at staff and management levels.

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 Deputy District Director (DDD) 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 DDD 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, Businesses and Utilities - 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 Right of Way delivery to ensure that they represent the State appropriately in all transactions and have a uniform approach to delivery. The DDD ensures fair and equitable treatment of all and 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 District Director (DDD), Right of Way of District 11 (San Diego) is directly responsible to the District Director and is a key management member of the District. This position is a member of, and advises the Executive Management Team on Right of Way activities to ensure that the following functions and related policies are developed and implemented appropriately and in the best interest of the Department:

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.

The DDD, Right of Way ensures, 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 Right of Way 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 Department and compromise project performance.

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

The position will need to develop new policies and interpret existing policies as the project evolves. Through working with State and federal counterparts, the DDD will develop sound policies that adapt to the new delivery methods such as Construction Management General Contractor (CMGC) and Design Build projects; and be aware of tried and tested approaches used on significant transportation corridor projects throughout the State and the nation. The DDD must be well versed in the State and federal property acquisition laws.