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Policies and Procedures

No. 49

SUBJECT:

Board Approval: 5/13/04

DEDICATION OF RIGHT-OF-WAY FOR TRANSIT

PURPOSE:

It is the intention of MTS to obtain right-of-way for transit purposes as part of the land development process, to facilitate transit development and implementation, improve the cost-effectiveness of transit projects and services, and integrate transit into the urban environment to make it more convenient and encourage transit use.

BACKGROUND:

In the past, MTS has been able to obtain dedications of right-of-way for transit purposes along the Blue and Orange Line trolley routes and for transit centers (typically at no cost to the agency). These dedications have occurred as part of the development review process in coordination with the local land-use jurisdictions. The dedication of land for transit right-of-way has improved the cost-effectiveness of the system and facilitated the provision of transit to newly developing or redeveloping areas. Without the dedication of right-of-way, costly acquisition of land may be required, limiting the ability of MTS to provide service. The extent of dedication has depended on legal and policy issues affecting each individual parcel.

POLICY:

MTS will request the dedication of right-of-way from property owners through the development review process in accordance with the following criteria:

1. The development site includes property along the alignment of a planned rail, bus rapid transit, bus, or other transit route as identified in the Regional Transportation Plan (RTP), Transit First Plan, Short-Range Transit Plan (SRTP), MTS Board-adopted alignment, or alternative alignment under study.
2. The development site includes property generally identified for a planned transit right-of-way transit center, transit station, or stop as identified in the RTP, Transit First Plan, SRTP, MTS Board-adopted project, or alternative transit project under study.



3. The right-of-way requested for transit centers, stations, or stops should provide a positive link with the proposed development project and surrounding land uses.
4. The right-of-way will be requested through the local land-use jurisdiction's permit review process. If the jurisdiction agrees, then the right-of-way dedication would be made a condition of the development permit granted by the jurisdiction.
5. Additional conditions and/or modifications will be considered on a case-by-case basis with the intent of providing MTS with adequate right-of-way at reduced cost while protecting private property rights. The extent of the requested dedication should reasonably relate to the value of transit to the proposed project and recognize the scope of the project and other conditions of development.
6. Interim uses of the right-of-way may be permitted if the transit improvement is not imminent. Reasonable time limits should be set for commencement of the transit project which, if not met, would allow for reversion to the property owner. The right-of-way may also revert to the property owner earlier if it is determined by MTS that the property is not needed for the transit project for which the dedication was obtained. On a biannual basis, MTS will review the list of properties on which dedication has been obtained to determine whether the property is still needed.

DDarro/SChamp/JGarde
POLICY.49.DEDICATION OF ROW FOR TRANSIT
7/21/06

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