

Summary of Policy

Donations of any bus, material, equipment or non-revenue vehicle to a public agency, private, or “non-profit” organization must meet one of the following conditions:

- a. if the asset has value, it must be determined that the asset will be used for some public transit related purpose within our jurisdiction; or
- b. it must be determined that the asset has no market/salvage value; or
- c. it must be determined that the cost to remove or dispose of the asset will exceed the estimated revenue or return from the sale.

Historical Perspective

Before this policy was adopted, we had a long-standing practice of not donating assets because the donation may have been construed as a “gift of public funds,” which is prohibited under the California Constitution. However, the donation is permitted if the item is for a public transit related purpose and will be used in our jurisdiction.

The practice had been to sell surplus or obsolete assets to the general public through competitive bidding or dispose of them. This policy made this practice a formality.

Last Board Action

October 25, 1995 – Donation of Property

The Board adopted a policy covering the transfer and donation of Property.

See Related

California Constitution Article XVI § 6

Public Utilities Code § 130051.20

Public Utilities Code § 30600