

Rights-of-Way Preservation Guidelines

Summary of Policy

The purpose of the Rights-of-Way Preservation Guidelines is to help staff make decisions about preserving rights-of-way for future transportation projects. They supplement the Real Estate Department's Policies and Procedures, which guide property management operations, including short-term commercial leases, but do not offer direction on issues related to rights-of-way.

The Guidelines assist staff when considering requests received from neighborhood associations, cities and nearby residents and landowners regarding landscaping, removing rail tracks, or converting agency property into linear parks, equestrian trails, or public community areas. They permit us to grant those requests that are compatible with our mission and continue to preserve the land as a transportation corridor. The goal is to balance the community's desire to beautify and improve agency owned property with the need to preserve corridors for future transportation uses. The Guidelines provide direction in six areas.

- Rail Removal – The Guidelines prohibit the removal of tracks, except where it is necessary for a transportation project. However, tracks may be covered with paving, dirt or mulch.
- Landscaping – Planting trees and landscaping are permitted only along the perimeters of the right-of-way. Trees may be planted within the outer five feet of our property line to create a strong visual image, but they are prohibited from the right-of-way's center. Ground cover and low shrubbery are allowed within ten feet of the edge of the right-of-way. Planting should comply with local ordinances for street and sidewalk visibility and should not compromise overhead clearance for buses and trucks when fully matured. Landscape plans must be submitted for review and approval.
- Bicycle and Pedestrian Paths – Construction of a bikeway and/or pedestrian path is prohibited unless the bikeway or pedestrian path is designed so that the sponsor can demonstrate that it will not have to be relocated or removed to allow for construction or operation of a future transportation project. This will have the effect of limiting bikeways to wider right-of-ways and will require that the bike path and associated pedestrian path and landscaping be contained within a limited area along the outer edge of the right of way.
- Billboard Removal – The Guidelines allow billboards to be removed, if it is in our best economic interests and if the party requesting their removal pays the entire cost incurred, including relocation expenses and lost revenue, for a period of not less than ten years. The Board may approve exceptions to this case-by-case.
- Use Restrictions – Only temporary structures and convenience parking—not permanent—are permitted on rights-of-way, but structures that support community activities, such as temporary churches and school buildings, public parks, recreational facilities, equestrian trails, farmers' markets, primary parking and municipal parking lots, are not.
- Grade Crossings – The guidelines allow for a crossing at a right-of-way to an adjacent private property, if it is

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used as a secondary access to the lessee's property, and it is designed and operated in coordination with local city traffic engineering requirements. Crossings will not be allowed if the termination of the crossing right would make all or a portion of the adjacent property unusable. Permission will be granted for grade crossing only through short-term license agreements.

Also, the CEO may approve minor deviations, but only if they are consistent with the intent of the Guidelines.

Historical Perspective

In recent years staff has received numerous requests from various communities to landscape its rights-of-way, build structures or provide parking along the perimeters. It has also granted funding to several cities to construct bikeway segments on several rights-of-way. The existing Real Estate Department Policies and Procedures provide help for property management of non-operating rights-of-way and other properties owned by the agency. They require staff to preserve rights-of-way for future transportation projects, and, where possible, to lease land while protecting it for future transportation purposes. These policies address such issues as lease terms, established rental rates, protection and maintenance of the properties, and leasing and record keeping procedures. These new Guidelines provide help where none existed before; they are seen as a supplement to the existing Real Estate Department Policies and Procedures.

Last Board Action

March 23, 2000 – Rights-of-Way Preservation Guidelines

The Board adopted the Rights-of-Way

Preservation Guidelines for use by the agency as guidance in the review and approval of requests for interim uses of rights-of-way and other vacant properties.

Attachment

Rights-of-Way Preservation Guidelines

See Related

Disposition of Surplus Real Property

Grade Crossing for Light Rail

Joint Development of Real Property

Real Estate Department Policies and Procedures

Use of Property for Commercial Activities

Track and other track material removal for beautification purposes only is not allowed. Tracks and other track material may be covered with paving, dirt or mulch.

LANDSCAPING

Trees are permitted only within five (5) feet of each edge of MTA's right-of-way to the property line; other landscaping, i.e., low shrubbery or ground cover is permitted within an area of ten (10) feet along the outer edges of MTA's right-of-way to the property line. Lease boundary fences may be covered with screening vines. No significant grading or mounding of soil is permitted.

Planting should comply with local ordinances for street and sidewalk visibility and should not compromise overhead clearance for buses and trucks when fully matured. Plantings should be selected which are drought tolerant, preferably native species. Landscape plans are to be submitted to MTA for review and approval.

Perimeter landscaping must be maintained by the project sponsor or lease holder. The project sponsor or lease holder must enter into a License or Lease Agreement with the MTA Real Estate Department that satisfies the Facilities Maintenance Department. The Facilities Maintenance Department may require that the project sponsor provide maintenance for the entire width of the right-of-way, possibly subject to reimbursement from MTA, where appropriate.

If allowed, imported soil must meet MTA's specifications for clean backfill material guidelines, and the lessee shall be required to follow MTA's specified environmental protocol governing hazardous materials for such soil movement.

BICYCLE AND PEDESTRIAN PATHS

Construction of a bikeway and/or pedestrian path is prohibited unless the bikeway or pedestrian path is designed so that the sponsor can demonstrate that it will not have to be relocated or removed to allow for construction or operation of a future transportation project. The additional width of the right-of-way that is not being used for the bikeway/pedestrian facility may not be converted to a landscaped linear park.

An exception to the above requirement is made for the City of Burbank's bikeway project on the Burbank Branch right-of-way west of the Burbank Metrolink Station to the City of Los Angeles city limits. The project has already been fully funded and designed for this segment; the right-of-way is only 36 feet in width; and this segment of the right-of-way has never been included in MTA's Long Range Transportation Plan for a transit project. Because of the narrow width of this right-of-way segment, a bicycle path and adjacent pedestrian path will be allowed in the center of the right-of-way with adjacent perimeter landscaping, subject to approval by the MTA's CEO or his designee.

Similarly, the final one mile segment of this funded bikeway project is in the City of Los Angeles just east of the North Hollywood Red Line station in the area not proposed for any immediate transit use. The right-of-way in this segment, however, is 60 feet wide. The most appropriate placement of the bikeway and landscaping in this segment shall be subject to approval by MTA's CEO or his designee.

Exceptions to the bikeway guideline for other MTA right-of-way segments may be made only at the discretion of the MTA Board.

BILLBOARD REMOVAL

Requests for removal of licensed billboards shall be considered only if, in MTA's sole opinion, it is in the best economic interests of MTA to do so. In the event billboard removals are allowed, the requesting party shall be required to assume all legal and financial responsibility which may arise as a result of the removals, including, but not limited to, relocation or removal expenses to which the billboard owners would be entitled under the law, and reimbursement to MTA of its anticipated lost revenue stream, for a period of not less than ten (10) years, as determined by MTA in its sole discretion.

USE RESTRICTIONS

Temporary structures - Leases may allow temporary structures only, such as construction trailers, portable offices or other portable structures, on concrete slabs or temporary pier footings, if any, and that can be easily relocated at minimal cost. No permanent structures will be allowed.

Supplemental parking - Leases for parking on the rights-of-way shall be for supplemental parking only, for the convenience of employees or customers, and not parking to fulfill zoning or occupancy code requirements or otherwise serve as primary parking for a permanent use.

Public community use - Leases should not be made for a public community use, such as temporary church, school classroom or other community building, parks and recreational uses, equestrian trails, farmers' market, municipal parking lots to serve public civic areas, community gardens and pet parks.

Outdoor storage areas - Leases for outdoor storage uses in or near residential areas shall require that the stored materials be screened by normal height fences.

Compatibility with surrounding areas - Local elected officials and/or city staff may be contacted for input regarding compatibility with local land uses prior to issuing a lease. Uses should not be allowed that could cause community complaints or erode community goodwill towards the MTA and/or future support for any transit project.

GRADE CROSSINGS

Grade crossings of an MTA-owned right-of-way to an adjacent private property will be allowed only if the crossing is to be used as secondary access to the lessee's property, is not for primary access, and is designed and operated in coordination with local city traffic engineering requirements. Crossings will not be allowed if termination of a crossing right by MTA would make all or a portion of the adjacent property unusable. Exceptions may be made if the private property has the potential for another access which could be readily used if the MTA grade crossing was removed in the future. Permission will be granted only by a short term license agreement.

DEVIATIONS FROM THE GUIDELINES

Minor deviations consistent with the overall intent of the guidelines may be made with the approval of MTA's CEO.