

## Who can help with Right-of-Way Questions?

The TxDOT Right-of-Way Division is available to assist Local Public Agencies and other entities that acquire property for Federal-Aid transportation projects. TxDOT also has a list of approved consultants that can be hired to help entities that do not have sufficient staff to acquire properties under the Uniform Act.



## Resources

[http://onlinemanuals.txdot.gov/txdotmanuals/lpa/manual\\_notice.htm](http://onlinemanuals.txdot.gov/txdotmanuals/lpa/manual_notice.htm)

<http://www.fhwa.dot.gov/federal-aidessentials/>

[http://www.fhwa.dot.gov/real\\_estate](http://www.fhwa.dot.gov/real_estate)

For additional information, please contact the TxDOT Right of Way Division at 512-416-2901.

The Local Government Projects Office at TxDOT also provides training for local public agencies. More information is located at <http://www.txdot.gov/inside-txdot/office/local-government-projects/lgpp-training.html>



## Acquiring Land for Federal-Aid Transportation Projects

When acquiring property for a transportation project that includes Federal funds anywhere in the project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) must be followed.

### What is the Uniform Act?

The Uniform Act is a Federal law that establishes minimum standards for Federally funded programs and projects that require the acquisition of real property (real estate) or displaces persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, relocation, or demolition of real property for Federal or Federally funded projects. The regulations that explain the law are located in 49 CFR Part 24.

### Who must follow the Uniform Act?

Any government agency that receives Federal funding from the Federal Highway Administration (FHWA) must adhere to the Uniform Act. Many local public agencies receive FHWA funding for transportation projects through the Texas Department of Transportation (TxDOT).

### Why follow the Uniform Act?

The Uniform Act ensures that citizens displaced from their homes and businesses impacted by government land acquisition receive fair and equitable treatment.

# Important Elements of the Uniform Act

The Uniform Act and the Federal regulations that explain the law clearly address how to protect property owners when a transportation project requires acquisition of their land, home, or business.

The regulations explain the need for an appraisal, basic acquisition policies and relocation assistance displacees are entitled to.

## Appraisal:

- Establishment of Fair Market Value
- Appraisal must be reviewed by a qualified review appraiser
- Acquiring agency must determine “Just Compensation”

## Basic Acquisition Policies:

- Expeditious acquisition
- Notice to owner
- Prompt written offer to purchase with Summary statement



## Relocation details:

- Relocation assistance is provided whenever a person (individual, family, business, farm or non-profit organization) is required to move from real property, or move their personal property from real property being acquired for a governmental project.
- 90 day advance notice to move must be given
- Advisory services should be provided and include a personal interview with displaced persons to determine their relocation needs.

## Residential Relocations:

- Agency must ensure that housing “comparable” to the dwelling from which an individual or family is being displaced is available and within the displacees financial means.
- Replacement housing must be decent, safe and sanitary
- Agency must pay for reasonable and necessary costs associated with moving personal property (packing or crating, disconnecting and reconnecting utilities, etc.)



## Business Relocations:

- Non-residential displacees are entitled to have move costs reimbursed
- Eligible for reimbursement of certain expenses incurred while searching for a replacement site
- Eligible for re-establishment expenses at new location

## Alternative Means to Acquire Property:

- Donations - If a property owner agrees to donate property to the government, they must be informed of their right to an appraisal and just compensation. The negotiation should also be free of any attempt to coerce the property owner into donating their property.
- Donation in exchange for construction features - A property owner may donate property in exchange for construction features.
- Dedication - This is the process of reserving a parcel of land for a future public use and is usually made as part of a subdivision or zoning approval process.
- Incorporation of LPA-owned land in the project
- Condemnation

