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Remarks and Instructions

The complete manual, revision packages, and individual chapters can be accessed at www.wsdot.wa.gov/publications/manuals/m26-01.htm.

Please contact Matthew Cronk at 360-705-6958 or cronkma@wsdot.wa.gov with comments, questions, or suggestions for improvement to the manual.

Instructions for Printed Manuals

Page numbers indicating portions of the manual that are to be removed and inserted are shown below.

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Title Page	i-ii	i-ii
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**Washington State
Department of Transportation**

TECHNICAL MANUAL

Right of Way Manual

M 26-01.04

October 2010

Environmental and Engineering Programs

Real Estate Services

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appropriate calculations should be performed and required notices provided. Disposal costs are not paid in addition to the move costs. The specialist should not encourage items to be left on the property and should advise the displaced person that they will be financially responsible for the removal of the items. In the rare instance personal property is left at the displacement property, the Relocation Specialist will need to obtain region manager's approval prior to obtaining a signed abandonment letter from the displaced person stating the displaced person is abandoning the personal property to the state and cannot claim payment for moving said abandoned property. Once approval is obtained, the moving expense attributable to the abandoned property will be deducted from the displaced person's final move payment. (Refer to Chapter 13 for the RES form.) The Relocation Specialist should make the necessary arrangements through the Relocation Assistance Program to hire a mover to clear the property or check with Property Management to get the items removed from the property according to procedures set forth in [Chapter 11](#). If the property is clear upon vacate inspection, the specialist does not need to obtain a signature from the displaced person on the abandonment notice.

12-6.6.3 Residential Payment Claims

As a general rule, moving cost payments and replacement housing payments are not made prior to completion of the move, and/or occupancy of the replacement dwelling. However, exceptions arise where, due to extenuating circumstances, the case merits special consideration. When these special cases arise, the RAPM may authorize advance payment of relocation claims.

A. Advance Replacement Housing Payments

1. Advance payment may be necessary in cases where a displaced person is entitled to a replacement housing payment for a replacement dwelling but does not have sufficient funds with which to gain the right of occupancy prior to receiving relocation payments.
2. It is a good idea to make advance replacement housing payment for an owner occupant to an escrow agent. However, there may be certain situations where a displaced owner may elect to purchase a replacement dwelling on contract or pay the purchase price in full and may choose not to have the transaction closed in escrow.
3. Any displaced occupant must be in agreement with making payments directly to a 3rd party on their behalf. This is accomplished by having the displaced person sign the relocation voucher. The Relocation Specialist must also clearly document in the diary that the payment is being made at the request of the displaced person. The Relocation Specialist should obtain a W-9 form from the payee listed on the voucher in accordance with the procedures set forth in Chapter 10.

49 CFR 24.207(c)
RCW 8.26.085(1)(b)
WAC 468-100-207(3)

4. Requests for down payment and rent supplement advances are authorized where payment of the down payment or a rental deposit is a prerequisite to occupancy.
5. Requests for advanced replacement housing payments to owners are considered necessary when the funds made available directly to the displaced person from the department's acquisition of the property are insufficient to secure occupancy of a replacement dwelling.
6. The burden of proving the reasonableness and necessity of advance payments rests upon the displaced person requesting the advance payment.

49 CFR 24.207(c)
RCW 8.26.085(1)(b)
WAC 468-100-207(3)

- B. Advance Moving Payment** – When a displaced person is financially unable to pay the expenses involved in a move, a payment in advance of the move may be authorized. Payments reasonably necessary to cover the costs incidental to moving may be approved by the Regional RES Manager and paid in advance of the move. This advance payment may cover such incidental expenses as transportation, equipment and materials. Advance payment must be authorized by the RAPM, acting upon a written request from the displaced person or region Relocation Specialist. The amount of any proposed advance payment should not exceed 25 percent of the approved move amount as shown on the Moving Expense Agreement (RES-540), unless there are unusual and extraordinary circumstances. The amount previously paid is deducted from any reimbursement for moving expenses which is due the displaced person upon completion of the move.

12-6.6.3.1 Processing and Payment of Claims

- A. When the displaced person is ready to make claims for any or all of their relocation entitlements, including moving costs, price differential payments and associated incidental costs, rent supplement or down payment, the Relocation Specialist provides the displaced person with appropriate forms for making the claim and secures necessary documentation from the displaced person, which includes a W-9 form.
- B. Once these forms are signed by the displaced person, the claim (voucher), completed W-9 form, and associated documentation are transmitted to Headquarters for final approval.
- C. Upon final approval by Headquarters, the RAPM authorizes payment and the voucher is forwarded to the accounting section for processing and generation of the payment (warrant).
- D. Both the region and Headquarters should monitor partial and advanced payments to assure that the displaced person does not receive payment in excess of their maximum entitlements.

prior to obtaining a signed abandonment letter from the displaced business stating the displaced person is abandoning the personal property to the state and cannot claim additional relocation payments for the abandoned property. The approval should be documented in the specialist's diary. The abandoned personal property will become the property of WSDOT through the transfer of ownership provision discussed in WAC 468-100-301(10) or through a Bill of Sale to WSDOT. In either case, the personal property will be managed by our Property Management Department. Once the region RESM approval is obtained, the moving expense attributable to the abandoned property must be deducted from the displaced business' final move payment. The Relocation Specialist should make the necessary arrangements through the Relocation Assistance Program to hire a mover to clear the property or check with Property Management to get the items removed from the property according to procedures set forth in [Chapter 11](#). If the property is clear upon the vacate inspection, there is no need for the specialist to obtain a signature from the displaced business on the abandonment notice.

12-8 Mobile Homes

Mobile homes as defined in Chapter 49 of the Code of Federal Regulations (49 CFR), may be determined to be either real property or personal property during the appraisal process. As detailed in Chapter 4, the department may acquire mobile homes as real or personal property. The acquisition of the mobile home is accomplished as outlined in Chapter 6. A Mobile Home Work Sheet (RES-220) is available to assist the RESM with determining whether or not to acquire a mobile home. A mobile home determined to be personal property cannot be acquired under eminent domain or the imminent threat of the State's exercise of its rights of eminent domain.

The relocation section in each region should obtain move costs from mobile home movers and subcontractors within their area to establish typical costs to tear down, move, set up, and reconnect utilities for a single wide, double wide, and triple wide mobile home. These typical costs and research information should be recorded on the Mobile Home Move Cost Work Sheet (RES-546) and given to the appraisal department on an annual or as needed basis. These typical costs established can be used by the appraisal section each time a mobile home is within the acquisition area and considered personal property.

12-8.1 Eligibility

- A. Owners and/or occupants of mobile homes, as defined in WAC 468-100-002, that are displaced by a public project may be eligible for different types of relocation replacement housing payments depending on different situations in relation to ownership and occupancy.

49 CFR 24.501
WAC 468-100-501

49 CFR 24.502(a)
49 CFR 24.503
WAC 468-100-502(1)
WAC 468-100-503

- B. There are different combinations of ownership and occupancy when dealing with mobile homes, as follows:
1. A displaced person owns both the mobile home and the site on which the mobile home is located.
 2. A displaced person owns the mobile home but rents the site on which the mobile home is located.
 3. A displaced person rents the mobile home. The lot rent may or may not be included in the rent of the mobile home. This situation will be handled as a typical residential relocation of a 90-day tenant.
 4. A displaced person rents the mobile home and owns the site on which the mobile home is located.
- C. All occupants of mobile homes being displaced are eligible for the costs to move their personal property located inside the mobile home and outside on the site of the mobile home and for advisory services.

12-8.2 Mobile Home Relocation Situations

The entitlement relating to personal property is the payment of the cost to move such personal property when it is economically feasible. However, this can vary when dealing with mobile homes depending on the following situations:

- A. Mobile home is considered personal property and can be moved to a replacement location:
1. The mobile home will not be acquired by the department.
 2. A replacement housing payment (price differential payment) for the mobile home will not be calculated for an owner-occupant. However, a replacement housing payment (rent supplement or price differential payment) for the site will be computed.
 3. The owner of the mobile home may be reimbursed for the actual and reasonable costs which includes cost of moving the mobile home from the displacement site to an acceptable replacement location, for making that mobile home meet decent, safe, and sanitary standards, and per diem costs while the mobile home is being moved and reconnected. Reasonable per diem rates should be established prior to the move as follows:
 - a. The Relocation Specialist secures three estimates, if possible, to move the mobile home from the displacement site to the replacement site. The estimates should include all disconnect, tear