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For printed manuals, page numbers indicating portions of the manual that are to be removed and inserted are shown below.

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Please contact Danny Johnson at 360-705-7317 or johnsoda@wsdot.wa.gov with comments, questions, or suggestions for improvement to the manual.

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Approved By	Signature
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Washington State
Department of Transportation

Right of Way Manual

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Project Development Division

Real Estate Services

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Foreword

This manual provides guidance on statewide policies and standards for real estate transactions to both internal and external customers.

The Washington State Department of Transportation (WSDOT) follows the federal regulations found in the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, and is guided by Chapters 8.04, 8.25, 8.26, and 47.12 RCW which are the state laws that control the appraisal, acquisition, condemnation, relocation, and property management processes. The intent of these laws is to assure fair and equitable treatment of displaced persons, to encourage and expedite acquisitions by negotiations, and provide direction on properly managing properties once acquired by the department.

Chapters 468-30 and 468-100 WAC contain the administrative regulations pertaining to the appraisal, acquisition, condemnation, relocation, and property management processes. WSDOT publicizes the regulations to assure implementation of state and federal laws.

Updating the *Right of Way Manual* M 26-01 is an ongoing process and revisions are issued on an annual basis. This is an ***electronic only*** manual and no printed copies will be provided. The manual can be accessed through the Publications Services Web page at www.wsdot.wa.gov/publications/manuals/index.htm or the Real Estate Services Web page at www.wsdot.wa.gov/realestate/.

Comments, questions, and improvement ideas are welcome and should be submitted via email to Dianna Nausley, Headquarters Real Estate Services, at nausled@wsdot.wa.gov.

/s/

Terry Meara
Headquarters Real Estate Services
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Chapter 2 Organization

2-1 Department Organization
2-2 Headquarters Real Estate Services Office Table of Organization
2-3 Region Organization
2-4 Organization of the Attorney General Office

This chapter contains a description of the organizational structure that exists in the Washington State Department of Transportation (WSDOT), promulgated in some cases by other authority. Statements regarding areas of authority and responsibility outside of Engineering and Regional Operations Division are included only to provide continuity of the concepts discussed. In those cases, such statements do not constitute an assignment of authority or responsibility.

2-1 Department Organization

Refer to www.wsdot.wa.gov/about/execorgchart.htm to see the Agency Organization Chart.

2-1.2 Responsibility and Authority

2-1.2.1 Washington State Transportation Commission

Refer to www.wstc.wa.gov/ for information about the Washington State Transportation Commission.

2-1.2.2 Executive Officers

The Secretary of Transportation is the chief executive officer for WSDOT and is appointed by the Governor of the state of Washington. The Secretary carries out the Governor's orders, policies, and direction in a manner sensitive to the needs of all Washington State citizens.

The Deputy Secretary is the Chief Operating Officer for WSDOT and assists the Secretary with high-level legislative, legal, policy, and human resources issues, along with high-level engineering, environmental, construction, and planning issues.

2-2 Headquarters Real Estate Services Office Table of Organization

2-2.1 Headquarters Real Estate Services Program Administrator (HQ RESPA)

A. Administers statewide the operation of Real Estate Services; manages the Headquarters Real Estate Services Office which is the repository of the official records of all real property functions; is the chief branch policy-maker and coordinator of functions of the seven Region Real Estate Services Managers (RESM) in their relationship with the Federal Highway Administration

(FHWA), Attorney General Office, Public Transportation and Construction Divisions' employees bargaining units, Headquarters offices, and other offices of state government and railroad corporations on all agency real estate matters.

B. Has principal duties consisting of:

1. Maintaining a policy and procedural manual current with state law and federal regulations for compliance by all RES personnel.
2. Advising WSDOT personnel at all levels in RES matters.
3. Monitoring employee performance, recommending training, and/or needed corrective action.
4. Coordinating with the WSDOT Human Resources Director in personnel management and in collective bargaining negotiations.
5. Responding to state and federal audits of RES performance.
6. Providing assurances to FHWA and other offices of government at all levels, of availability of replacement housing for persons displaced by highway construction projects.
7. Obtaining advance approvals of project replacement or individual "housing of last resort" plans, or proposed policy deviation needed from FHWA or other offices of government in relocation assistance, right of way appraisal, acquisition, or property management.
8. Reviewing, deciding on acceptance, oversight, and/or compliance of all acquisition transactions.
9. Reviewing and deciding on the acceptance of surplus property rentals, as recommended by region offices, or sales of surplus property.
10. Deciding on concurrence by the department or making recommendations in pretrial or stipulated settlements proposed by Assistant AG.
11. Administering the functions of the acquisition; Title Condemnation and Records; Property Management; Relocation; and the Local Agency Projects/Special Acquisitions/Certifications Sections.
12. Carrying out other assignments made by the Headquarters Design Office.

2-2.2 Property Management Program Manager

The Property Management Program Manager:

A. Manages the statewide Property Management Program by assuring compliance with departmental operating regulations. The position reports to HQ RESPA.

1. Directing the review and inventory control of all excess property and sundry site (capital plant and materials sites) parcels.

2. Directing the review of property disposition transactions to assure compliance with regulations and the validity of judgmental factors.
3. Providing technical advice on property management matters to others.
4. Directing the statewide promotion and sale of surplus properties including land and improvements by both auction and direct sale.
5. Directing the statewide promotion and operation of rentals, leases, airspace agreements, and joint use.
6. Inspecting and maintaining WSDOT-owned properties other than infrastructure.
7. Developing and implementing discipline-specific training.
8. Other functions as required by the HQ RESPA.

B. Providing coordination with and advice to the Regional Administrators, other Headquarters offices, the Attorney General Office, and FHWA on property management functions.

C. Coordinating with the Regional Administrators on the investigation of citations regarding compliance with operating regulations governing the property management functions.

D. Formulating operating regulations governing the property management functions for approval by higher authority.

2-2.3 Relocation Assistance, Program Support, and Local Agency/ Certification Program Manager

The Relocation Assistance, Program Support, Local Agency/Certification Program Manager reports to the HQ RESPA:

A. Manages the statewide Relocation Assistance Program.

1. Managing the Headquarters Relocation Assistance Section.
2. Reviewing and approving all incoming claims.
3. Maintaining official relocation files.
4. Coordinating and scheduling reconsideration/appeal of determinations and benefits, when necessary.
5. Providing technical advice and guidance on relocation matters to others.
6. Assuring statewide compliance of relocation matters under the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

B. Manages the statewide Program Support Program:

1. Managing the Program Support Section.
2. Developing and implementing discipline specific training.
3. Records retention of all Real Estate office official records.
4. Coordinating annual revisions of the *Right of Way Manual*, Real Estate brochures, and forms.
5. Coordinating Public Disclosure Requests (PDR) for the Headquarters Real Estate office.

C. Manages the statewide Local Agency/Certification Program:

1. Managing the Local Agency/Certification Section.
2. Assuring statewide local agency compliance under the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.
3. Training and monitoring the region local agency coordinators responsible for the acquisition of right of way by local agencies on federally funded projects.
4. Working through Highways and Local Programs to approve and monitor local agency's acquisition procedures and train the agencies in proper use of the procedures. Monitoring and updating Chapter 25 of the *Local Agency Guidelines* M 36-63.
5. Executing WSDOT Right of way Certificate Concurrence Letters for all acquisitions on federally funded projects prior to construction project advertisement. Monitoring and recertifying any projects certified with exceptions (#3 certification).
6. Maintaining permanent files on local agencies to include approved procedures, local agency agreements, and project certifications, etc.

D. Advising the HQ RESPA and regional offices in program matters.

E. Promulgating operating procedures that implement current state law and federal regulations.

F. Other functions as required by the HQ RESPA.

2-2.4 Appraisal and Appraisal Review Program Manager

The Appraisal and Appraisal Review Program Manager:

A. Manages the statewide Appraisal and Appraisal Review Program. The position reports to the HQ RESPA. The principal duties of this position are:

1. Managing the Headquarters appraisal office. All review appraisers report to this position. Headquarters staff appraisers report to this position.
2. Assuring that appraisals and reviews are prepared in consistency with current acceptable appraisal standards for eminent domain.
3. Issuing operating procedures that implement current state law and federal regulations.
4. Managing the Approved Fee Appraiser and Review Appraiser List.
5. Developing and implementing discipline specific training.

B. Performs other functions as required by the HQ RESPA.

2-2.5 Acquisition and Title, Special Acquisition, and State Project Certification Program Manager

The Acquisition and Title, Special Acquisition, and State Project Certification Section Manager reports to the RESPA:

A. Manages the statewide Acquisition and Title Review functions and the records within Headquarters. The principal duties of this position are:

1. Directing the review, final processing, oversight, and compliance of all real property acquisition and damage claim files. Assures legal sufficiency and compliance with state laws and departmental regulations.
2. Directing the preparation of legal descriptions and exhibit maps and determinations of interested parties for use by the Attorney General Office in eminent domain proceedings.
3. Making recommendations for procedures concerning real property title and document processing functions for approval by higher authority.
4. Preparing affidavits and/or testifying in court as the department's expert witness in real estate matters involving titles and legal descriptions.
5. Performing final review and mapping of surplus property conveyance documents.

B. Manages the statewide Special Acquisition section.

C. Manages the statewide Right of Way Certification section.

1. Reviewing construction project PS&Es to ensure that all necessary rights have been acquired and monitoring and reporting to the region and Headquarters on current status.
2. Executing WSDOT Right of Way Certificate Concurrence Letters for all acquisition on federally funded projects prior to construction project advertisement. Monitoring and recertifying any projects certified with exceptions (#3 certification).

D. Supervises the Real Estate Services administrative activities which include:

1. Maintaining, indexing, and storage of the departments official real property acquisition transaction files.

2. Maintaining, indexing, and storage of the official Real Estate Services ownership maps (transportation project right of way and sundry site plans) depicting property and/or property rights acquired or conveyed by the department.

E. Develops and implements discipline specific training.

F. Performs other functions as required by HQ RESPA.

2-3 Region Organization

2-3.1 General

A. The principal satellite offices of WSDOT are known as "region offices."

B. The relationship of the Region Real Estate Services (RRES) offices within WSDOT is shown under Engineering and Regional Operations on the Organization Chart at www.wsdot.wa.gov/about/execorgchart.htm.

C. The geographic boundaries of each region are provided on the WSDOT internet website at www.wsdot.wa.gov. If the limits of a particular highway project extend across the boundaries of a region, the responsibilities are assigned to either of the two regions by working agreement based on a case evaluation.

2-3.2 Responsibility and Authority

2-3.2.1 Regional Administrator

A. The Regional Administrator is responsible to the Assistant Secretary of Engineering and Regional Operations (Chief Engineer).

B. The Regional Administrator has final authority in the region for decisions on highway matters within the framework established by departmental operating regulations in the form of Secretary Executive Orders, Directives, Policy Statements, Instructional Letters, and department manuals.

C. The Regional Administrator exercises administrative and management supervision over the Region RES Office as follows:

1. Furnishes the facilities and supplies, and provides for the staffing required for the effective accomplishment of the Right of Way Program and its related activities.

2. Within the scope of departmental operating regulations, may review and approve transactions or may make recommendations for further actions. ***Note:*** This activity may be subdelegated to the RESM but may not be further subdelegated.

2-3.2.2 Region RESM

The RESM:

A. Is responsible to the Regional Administrator for managing the Region RES Office.

B. Is responsible to the Regional Administrator for the following:

1. Supervising and directing the Region RES Office to assure compliance with departmental operating regulations by:

   a. Managing all Region Real Estate Services functions.

   b. Providing technical supervision and in service training in all Region RES program disciplines.

   c. Identifying opportunities for functional replacement of publicly-owned real property. Assures compliance with special requirements for functional replacement.

   d. Providing reports and systematic records on the anticipated costs of proposed right of way acquisitions and related costs.

   e. Assuring the receipt of an appropriate right of way plan and an appropriate Work Order Accounting Plan prior to obligating funds on a project.

   f. Monitoring proposed expenditures to assure their necessity and to assure accurate account coding.

   g. Reporting on the causes for fund adjustments and the amounts of fund adjustments relative to a Work Order Accounting Plan.

   h. Providing for appraisal evidence of the amount of the legally compensable fair market value lost to each separate fee and/or tenant ownership due to acquisition or highway project factors.

   i. Performing the "Project Inspection and Parcel Assignment," and ensuring that all property and/or property rights required for a project are either acquired or are referred for condemnation.

   j. Directing the operation of the Relocation Assistance Program for project displaced persons.

   k. Directing the management of property and/or property rights acquired.

   l. Directing, reviewing, processing, and approving real property acquisition (excluding condemnation files) and damage claim files that pertain to their specific region. Assuring legal sufficiency and compliance with state laws and departmental regulations.

m. Advising and assisting local public agencies (LAs) in completing their right of way acquisition programs when requested. Reviewing LA acquisitions as needed to assure compliance with state and federal requirements.

n. Ensuring the accuracy of records, and the systematic input of project/parcel status information into the computer concurrent with parcel acquisition progress.

2. Coordinating with other staff officers in the region by:

   a. Assuring adequate time allocations for right of way activities in the planning for lead time and scheduling.

   b. Providing for real estate services participation in the interdisciplinary team efforts and project field inspections in location and design as required by the Regional Administrator.

   c. Providing data and/or personnel required to explain the acquisition, relocation assistance, and other related programs at public hearings.

   d. Assisting in the preparation of right of way plans as required.

   e. Taking actions as required in Chapter 6 for the authorization of advance acquisition of projects.

   f. Taking actions as required in Chapter 6 for the authorization of hardship acquisition of parcels.

   g. Recommending appropriate funding for, and directs the operation of, the regions's ongoing property management inventory.

3. Obtaining technical advice from the HQ RESPA (or his designee) on the following:

   a. Technical problems relating to any of Real Estate Services' disciplines.

   b. Training of personnel.

   c. Compliance with guidelines on right of way matters.

2-4 Organization of the Attorney General's Office

2-4.1 General

The Washington State Office of the Attorney General provides legal services to state agencies.

2-4.2 Responsibility and Authority

2-4.2.1 Attorney General

A. The chief legal officer for the state of Washington holds the title of Attorney General. Since this is an elective position, the Attorney General is responsible to the voters of the state of Washington for all legal matters concerning the state.

B. WSDOT has a staff of attorneys assigned on a permanent basis to advise and represent the department at the Attorney General's Office. WSDOT reimburses the Office of the Attorney General for salaries, benefits, and case related expenses.

2-4.2.2 Chief Counsel

A. The principal Assistant Attorney General in the office of the Attorney General Office holds the title of Chief Counsel.

B. The Chief Counsel is responsible to the Attorney General for all activities of his staff and operates in close coordination with the Secretary of Transportation.

C. The Chief Counsel assures the close coordination of his staff with the Real Estate Services staffs in the regions and Headquarters.

D. An Assistant Attorney General may be assigned to handle land acquisition matters for each region. If the case load in a particular region necessitates it, additional Assistant Attorneys General may be assigned to that region.

E. Only in rare instances (e.g., excessive workloads on regular staff) are the services of a private attorney employed. In these instances, the Chief Counsel contracts with an attorney who has competence, interest, and familiarity with applicable procedures. If federal aid participation in the cost of his services is desired by the state, advance FHWA approval must be obtained to employ special counsel.

4-1 Policy
4-2 Project Funding Estimates
4-3 Appraisals
4-4 Special Appraisal Situations
4-5 Responsibilities

This chapter outlines typical appraisal tasks and responsibilities. The Washington State Department of Transportation (WSDOT) Appraisal Guide, Appendix 4-1, provides detailed technical requirements for appraisals.

4-1 Policy

The Headquarters Real Estate Services Program Administrator (HQ RESPA) establishes WSDOT appraisal policy. This policy assures compliance with state and federal laws and regulations governing real property acquisition under eminent domain.

4-2 Project Funding Estimates

A Project Funding Estimate (PFE) is a detailed parcel-by-parcel estimate of total expected right of way acquisition costs. Ideally, it is completed by an appraiser, an appraisal reviewer, and a relocation expert. The PFE is entered into the Integrated Real Estate Information System (IRIS) which produces a summary report. Through IRIS, the region can update the PFE as needed. The PFE is used to obtain authorization and funding for the project.

4-2.1 Rules

A. A PFE is prepared for every WSDOT project in which right of way will be acquired. For local agency projects, the local agency has the option of completing a PFE or a True Cost Estimate following the procedures outlined in Chapter 25 of the *LAG Manual* M 36-63.

B. As a minimum, the PFE contains the following information:

1. A parcel-by-parcel list of right of way costs.
2. A notation on every parcel with a listing on the Washington State Department of Ecology's Facility Site HazMat Database (www.ecy.wa.gov/fs). This information is to be included in the appraisal and the Determination of Value.
3. A total project right of way cost summary.

4. A project data package including sales, sales map, neighborhood and project description, scope of sales search and, if applicable, damage studies, cost-to-cure documentation, Assumptions and Limiting Conditions, and Acquisition Appraisal Salient Information. The PFE Parcel Work Sheet is included in the data package.

C. The PFE is transmitted by a cover memorandum containing a brief explanation of the material and a request for funding action.

D. Subsequent to funding action (assignment of a right of way number), any supplemental requests for significant fund changes or additions/deletions of parcels are submitted as separate PFEs per Section 4-2.1.A.

E. At a minimum, four complete copies, including data package, shall be distributed as follows:

RESM, Region	(1)
Appraisal, Region	(1)
Negotiation, Region	(1)
Headquarters Appraisal	(1)

F. One (1) copy each of the PFE without the data package shall be transmitted to Headquarters Relocation Assistance and Region Program Management.

G. Exceptions to the PFE procedures may be made with the written concurrence of the Section Manager, Appraisal and Appraisal Review Program.

4-2.2 Procedures

The agent assigned to do the PFE completes the estimate as follows:

A. Inspects the project and becomes familiar with the engineering features of the plan.

B. Views individual parcels to determine the effects of acquisition.

C. Prepares a neighborhood and project description which defines existing uses, zoning, trends, transportation and utilities, economic influences, a synopsis of the project and its effect on parcels, and any changes in the aforementioned likely to be caused by the project.

D. Gathers sufficient comparable land sales, listings, and/or assessment information for the various types of parcels and remainders within the project.

E. Prepares project vicinity map.

F. Prepares PFE Parcel Work Sheet (RES-215) for each parcel on the project.

G. Includes any applicable damage studies.

H. Includes cost-to-cure documentation for estimates and/or bids.

4-3 Appraisals

This section outlines typical appraisal administration and responsibilities.

4-3.1 Appraisals, Authorization

WSDOT may authorize acquisition appraisals after the following:

A. **Normal Approval**

1. The corridor hearing has been held.
2. The final environmental approval has been obtained.
3. The right of way plan showing the parcels to be appraised has been submitted.

B. **Special Approval** – Early appraisals may be completed on a parcel-by-parcel basis if "Hardship Acquisition" or "Protective Buying" has been authorized.

Appraisals may be completed prior to final plan and/or environmental approval if the circumstances warrant this action. Discretion is advised as this may have an impact on federal funding, if any.

4-3.2 Number of Appraisals

A. **Acquisition Appraisals**

1. Each parcel to be acquired by negotiation must have at least one appraisal except as provided under Section 4-3.3. Additional appraisals may be required due to the complexity of the appraisal problem. It is the responsibility of the Review Appraiser to determine if more than one appraisal will be required. This should be done early in the acquisition process, preferably during the PFE.
2. Each parcel to be acquired by donation need not have an appraisal if the donor waives it.
3. Regardless of estimated just compensation amount, each parcel submitted to Headquarters for condemnation will be appraised. A Determination of Value (DV) prepared by a review appraiser must be transmitted with the parcel.

B. **Surplus Property Appraisals**

1. All surplus real property and/or real property rights with an estimated value in excess of $10,000 must have at least one appraisal prior to disposal by sale or trade. The Review Appraiser may require additional appraisals due to the complexity of the appraisal problem.
2. All surplus real property and/or real property rights with an estimated value of $10,000 or less can be reported as such using a memorandum form. Requirements are found in Chapter 11.

3. WSDOT-owned real property and/or real property rights to be rented or leased may have fair market rent supported by memorandum with supporting data attached as necessary. It is the responsibility of the Section Manager, Appraisal and Appraisal Review Program, or the Region Appraisal Supervisor to determine whether the appraisal problem complexity requires a formal appraisal in such instances.

4-3.3 Waiver of Appraisal

A. **Rules**

1. The department, at the discretion of the RESM, may elect to waive the requirement for an appraisal if the valuation problem is uncomplicated and the compensation estimate indicated on the PFE is $25,000 or less, inclusive of cost-to-cure items.

2. Special care should be taken in the preparation of this form. Because no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

B. **Rules**

1. Just Compensation must be less than $25,000.

2. Definition of "Uncomplicated" is as follows:

   - No change of Highest and Best Use.
   - No Damages other than "Cost to Cure."
   - Cost or Income approach to value not required to estimate value.

C. **Procedures**

1. An Administrative Offer Summary (AOS) (RES-216) is prepared using data from the project data file or other appraisals of comparable properties.

2. The AOS is submitted to the RESM or the Region Appraisal Supervisor for approval.

3. The RESM or Region Appraisal Supervisor signs the AOS authorizing a first offer to the property owner(s).

4. The original AOS is forwarded to the Section Manager, Appraisal and Appraisal Review Program. A copy is sent to the Region Negotiation Supervisor for preparation of the offer.

4-3.4 Appraisal Assignment

The Region assigns/contracts for appraisal and specialist reports. Staff appraiser assignments are made using the Staff Appraiser Assignment (RES-203). Fee appraisers and specialists are contracted using the personal services contract. For personal service contracting procedures and administration, see Chapter 300, of the *Consultant Services Manual* M 27-50.

A. The assigned appraisal form must match the complexity of the appraisal problem.

B. Appraisal assignment/contract data is entered into IRIS.

C. Qualified state staff, when available, must be utilized before private consultants can be contracted.

4-3.5 Distribution of Appraisal Reports

A. WSDOT may share the appraisal reports with the property owners.

When this occurs, the appraiser submits one original report, which is given to the Review Appraiser.

B. After the report is reviewed and found acceptable, an original and three copies of the appraisal reports are submitted to the Senior Appraiser with a fourth copy retained by the appraiser. The Region Appraisal Supervisor:

1. Stamps each appraisal with the date it was received in region.
2. Updates IRIS as necessary.
3. Distributes the reports as follows:
   a. Original to the Acquisition Supervisor, for inclusion in the Headquarters parcel file.
   b. One copy to the region parcel file.
   c. One copy to the review appraiser.
   d. One copy for the negotiator.

4-4 Special Appraisal Situations

4-4.1 Plan Revisions

When a right of way plan revision occurs, a new appraisal and/or new DV may be required.

A. If the parcel has not been acquired, the Appraisal Supervisor contacts the Review Appraiser to determine if a new or revised parcel appraisal is required.

   1. If a new or revised appraisal is not required, the Review Appraiser will write a new DV based on the new map and the previous appraisal. (See Chapter 5, Review.)

   2. If a new or revised appraisal is required by the Review Appraiser, the Appraisal Supervisor assigns and/or contracts accordingly.

B. If a plan change requires the acquisition of additional rights from a parcel that the department has already completed an acquisition on, then a new parcel number, PFE, and appraisal are required.

4-4.2 Damage Claims

The Region Appraisal Supervisor assigns or contracts the appraisal of damage claims (e.g., inverse condemnations) upon authorization by the HQ RESPA.

4-4.3 Advertising Signs

A. Tenant-owned signs (realty) in the acquisition are appraised as tenant-owned improvements. The appraisal shall report the following:

   1. The contribution value of the sign.

   2. The orderly liquidation (salvage) value of the sign.

   3. The cost to move the sign onto the remainder (if a partial taking).

B. Fee-owner signs (realty) located in the acquisition are evaluated as fixtures. The appraisal shall report the contribution value of the sign and the cost to move the sign onto the remainder (if a partial taking).

C. Signs that are located outside the right of way are appraised only as authorized by the HQ RESPA or the Section Manager, Appraisal and Appraisal Review Program.

4-4.4 Other Types of Appraisal Problems

A. The following are examples of when the HQ RESPA should be consulted for direction:

1. Railroad properties.
2. Properties owned by a public agency.
3. Aquatic lands or wetlands.
4. City street rights of way.

B. **Private Access Easement for Transfer** – When a R/W plan shows an "Access Easement for Transfer" across a private owner (A), the servient tenement, to serve another single private owner (B), the dominant tenement, we cannot condemn for the easement. We cannot condemn to provide private access to a third party because this situation is not a public use, as defined in RCW 8.04.070.

1. The appraiser prepares a two-premise report for each property. The "before" description and valuation is the same for both premises. The "after" description and valuation is different.

   a. For Owner A, the first premise in the "after" situation is without the easement. The second premise in the "after" is with the easement.

   b. For Owner B, the first premise in the "after" situation is without the easement from Owner A. The second premise in the "after" is with the easement from Owner A.

C. **Well and Septic System Agreements** – When a portion of a well, well radius, or septic system falls within the proposed R/W acquisition, it may be appropriate for the RESM to allow the use of an agreement to replace the private utility rather than obtain a cost to cure.

The appraiser who prepares the appraisal, should first determine the feasibility of the replacement. An investigation should be made for adequate areas, setback requirements, soil conditions, etc.

If the system is not feasible, then other avenues of solution must be taken.

If there are public or community utilities within the area, the cost of the hookup to that utility should be investigated as a possible alternative.

D. **Asbestos** – When buildings to be totally or partially acquired are suspected to contain asbestos, the Region Appraisal Supervisor:

1. Requests that the region project engineer contract for asbestos sampling and testing of such buildings per these priorities:

   a. **High Priority** – All buildings designed/constructed for human occupancy/use, except single-family dwellings. Asbestos sampling/testing reports on these buildings are provided to the parcel appraiser for consideration during the appraisal process (see Section 4-4.4.D.2).

   b. **Low Priority** – All single-family residences. Asbestos sampling/testing reports on these need not be considered by the parcel appraiser during the appraisal process unless the typical market would do so.

2. Positive asbestos sampling/testing reports on high priority buildings require the services of a specialist (Industrial Hygienist) for an estimate of the cost of mitigation. The mitigation estimates needed are:

   a. For affected buildings lying totally within the right of way or likely to be totally acquired, the costs needed are:

      (l) Removal of the asbestos from the entire building.

      (2) Encapsulation of the asbestos for the entire building.

   b. For affected buildings lying partially within the right of way and which will likely be rehabilitated in place, the costs needed are:

      (l) Removal of asbestos that will be disturbed during rehabilitation.

      (2) Encapsulation of asbestos that will be disturbed during rehabilitation.

3. Positive asbestos sampling/testing reports on low priority buildings do not require mitigation cost estimates. However, such positive reports are to be provided to the Region Negotiation Section and Property Management Section prior to the occurrence of any of the following:

   a. Offering owner the option to retain the building for salvage.

   b. Rental of the building to the owner, occupant, or any tenant after acquisition.

   c. Any sale that includes ownership of the building.

   d. Demolition of the building.

4. The Region Appraisal Supervisor assures that copies of all positive asbestos sampling/testing reports are available to the project engineer.

E. **Toxic/Hazardous Waste Situations** – The Region Appraisal Supervisor consults the project environmental impact statement and/or the project design report for information. If toxic/hazardous waste is present in the project alignment, it should be tested and mitigation costs estimated prior to the PFE. The Region Appraisal Supervisor assures that any positive testing and mitigation cost estimates are forwarded to the parcel appraisers for consideration during the project funding and/or appraisal processes.

1. Lacking definite information on hazardous/toxic waste contamination from the project design report or the EIS, the appraiser is vigilant during field inspection of parcels or owner contacts for indications of possible contamination such as:

   a. Evidence of spillage.

   b. Odd odors or soil colors.

   c. Evidence of burial.

   d. Discolored, missing, or dead vegetation.

   e. Dead animals or birds.

   f. Suspicious drums, tanks, or containers.

   g. Any above or underground storage tanks.

2. If the appraiser suspects the presence of hazardous/toxic waste on a parcel, the following actions are taken:

   a. The appraiser reports suspicions in writing through the Region Appraisal Supervisor to the Region Environmental Unit.

   b. The Section Manager, Appraisal and Appraisal Review Program, is consulted on how to proceed with the appraisal.

   c. If waste is found, the cleanup costs reported by the environmental unit are considered by the appraiser during the appraisal process.

F. **Mobile Homes** – As described in Title 49, Code of Federal Regulations, Mobile Homes may be determined to be either real property or personal property. The appraisal procedures will be different depending on this determination.

It is recognized that personal services contracting expertise lies with the Region Appraisal Supervisor. The Region Appraisal Supervisor will contract with a mobile home specialist to explore whether each mobile home is real estate or personal property. As part of the contract, the mobile home specialist will also determine the salvage value of the mobile home (if real estate) and the depreciated value and cost to move the mobile home (if personal property), as described below.

The final decision as to whether the mobile home is real estate or personal property will be made by the Region Real Estate Services Manager, or designee, and will be based on the following criteria:

Real Property – Not licensed by Department of Licensing, Motor Vehicle division.

Personal Property – Title is licensed by Department of Licensing, Motor Vehicle division.

1. If the mobile home is determined to be real estate, then it is appraised at its contribution value as real estate in the appraisal report, and a salvage value will be provided. The mobile home specialist will provide the salvage value as part of the contract referenced above.

2. If the mobile home is determined to be personal property, then these procedures are followed:

   a. The Region Appraisal Supervisor will set up a contract with a mobile home specialist to provide the following information:

      (1) Cost to move, including code modifications and necessary upgrades.

      (2) Current depreciated value.

   b. The appraiser includes these costs in the appraisal report, but does not add them to the value of the real property:

      (1) A statement will be inserted in the appraisal acknowledging that the mobile home is personal property and what the conclusions of the specialist report are.

      (2) A copy of the specialist's report will be attached to the appraisal.

   c. The Review Appraiser includes a statement in the Determination of Value.

      (1) The statement will acknowledge that the mobile home is personal property and will state the conclusions of the specialist report. This information is not added to the value of the real property.

3. If the mobile home is determined to be personal property, but cannot be moved as described in Chapter 12, Relocation Assistance, then the RESM may authorize the purchase of the mobile home.

4. When acquired, the clearing of the title to the mobile home will be handled through escrow as described in Chapter 6, Acquisition.

4-5 Responsibilities

4-5.1 Region Appraisal Supervisor

The Region Appraisal Supervisor's responsibilities include the following:

A. Obtain estimates, specialist's reports, and appraisals in advance of negotiations by making staff assignments or contracting private consultants.

B. Provide the appraiser with: identification of real property and fixtures to be appraised; engineering data; specialist reports; information from the environmental impact statement (EIS); and/or project design report regarding hazardous/toxic waste and/or asbestos.

C. Update projects, parcels, Project Funding Estimates, appraisal assignments, and appraisal completions in the IRIS computer system.

D. Supervise appraisal staff.

E. Negotiate contracts with fee appraisers and specialists and oversee their completion.

F. Act as liaison between Review Appraiser and appraiser regarding review and/or rejection of appraisal reports.

G. Act as liaison between the Attorney General's Office and staff appraisers.

4-5.2 Appraiser

The appraiser's responsibilities include the following:

A. Appraising items of property that have been identified as real estate fixtures. The appraiser itemizes and considers the fixtures in the report. The appraiser identifies the ownership of real property improvements and personal property. This should be done taking in to consideration the definitions of "Real Estate" and "Personal Property" available in the appendix. Consideration must be given to the method of attachment for each item as well as market customs and the intent of the parties. Items meeting the definition of real estate under these conditions shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his or her term. (See RCW 8.26.190)

B. Performing and reporting in conformance with:

1. Either the Staff Appraiser Assignment Form (RES-203) or the personal services contract.

2. The Certificate of Appraiser (RES-205).

3. Instructions peculiar to the specific assignment.

C. Providing acceptable written appraisals or estimates in accordance with the Appraisal Guide (Appendix 4-1).

D. Providing appraisal revision and corrective action as requested by the Review Appraiser.

E. Coordinating appraisal matters with legal staff at pretrial conferences.

F. Appearing as an expert witness for WSDOT.

G. May act as negotiator as well as appraiser on parcels with $10,000 or less just compensation.

Chapter 5 Appraisal Review

5-1 General
5-2 Responsibilities
5-3 Preliminary Procedures
5-4 Analysis of Appraisal Reports
5-5 Determination of Value (DV) – Preparation/Distribution
5-6 Appraisal Review for Other Public Agencies

5-1 General

Appraisal review is performed by designated Review Appraisers. The Washington State Department of Transportation (WSDOT) may employ Review Appraisers in either Headquarters, the region, or by personal services contracts. For personal service contracting procedures and administration, see Chapter 1, Section 22.

When available qualified state staff must be utilized before private consultants can be contracted.

A qualified Review Appraiser reviews all appraisals of real property and property rights to be acquired for or sold by WSDOT before negotiations are started.

5-2 Responsibilities

5-2.1 Section Manager, Appraisal and Appraisal Review Program

The Section Manager, Appraisal and Appraisal Review Program, responsibilities include:

A. Assignment of appraisal reviews to designated HQ Review Appraisers.

B. Resolving controversial appraisal review problems. Exception: The manager may not intercede in, or alter a Determination of Value (DV) (RES-214) made by a Review Appraiser.

C. Monitoring designated Review Appraisers to ensure the uniformity and quality of appraisal reviews. This is done through spot check field and procedural reviews; also, by obtaining corrected, missing, and/or additional data and requesting corrective action on DVs.

D. Interpreting the intent and meaning of the appraisal review requirements when questions arise.

E. Determining and approving “just compensation” for those parcels on which the manager acts as Review Appraiser.

5-2.2 Region Real Estate Services Manager

The Region Real Estate Services Manager responsibilities include:

A. Assignment of appraisal reviews to designated Region Review Appraisers.

B. Setting just compensation when the Review Appraiser is a fee consultant.

C. Declaring and authorizing the purchase of uneconomic remnants when the Review Appraiser is a fee consultant.

5-2.3 Review Appraiser

The Review Appraiser regards an acceptable appraisal as an important consideration in the completion of the DV and the appraiser as a consultant and market analyst. The review process establishes the approved "just compensation" (see Section 5-5.1.C.11).

A. All appraisals are reviewed to:

   1. Ensure that appraisal reports contain or reference sufficient information (e.g., studies or other previously submitted appraisals) to support the conclusions of the report; also, that appraisal reports conform to established appraisal practices and WSDOT requirements as described in the Appraisal Report Guide (Appendix 4-1).

   2. Ensure that the appraisal is equitable and that the property owner will be receiving "fair and just" compensation in accordance with the Real Property Acquisition Act (Chapter 8.26 RCW), the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, and current eminent domain law.

B. The Review Appraiser may use a method of review that takes into consideration valuations of other properties on the project.

C. The WSDOT staff Review Appraiser establishes the "just compensation" (usually fair market value) of the property and/or property rights and reports the compensation on a DV. The DV may be revised anytime prior to final settlement to reflect later evaluation evidence, a property owner's appraisal, or highway plan revisions. All DVs are documented with the original retained in Headquarters and a copy retained in region.

D. A fee Review Appraiser may not establish "just compensation" for WSDOT.

5-3 Preliminary Procedures

5-3.1 Preliminary Review

It is recommended that all projects consisting of significant numbers of parcels and/or complexity be inspected and reviewed prior to submitting project funding estimates for authorization and funding. This is done to save time and effort in the appraisal and negotiation stages. An inspection team consisting of a region appraisal representative (supervisor, senior appraiser, or staff journeyman appraiser), a review appraiser, and a relocation agent (when applicable) identifies the following:

A. Special types of appraisals and the need for specialists or consultants.

B. Environmental and shoreline management problems.

C. Public or semipublic agency parcels and railroads.

D. A need for legal opinions.

E. A need for plan modifications and revisions to avoid or mitigate damages.

F. "Uneconomic remnants" and possible trade or exchanges for surplus properties or excess right of way.

G. A need for copies of leases for appraisal and acquisition purposes that would establish the ownership of buildings, structures, and other improvements as real property.

H. Items that will be appraised and acquired as realty fixtures.

I. Items that are determined to be personalty for relocation assistance purposes.

5-3.2 Joint Inspection With Owner

For all properties where improvements will be acquired, the review appraiser and a relocation agent are required to attend the appraisers joint inspection with the property owner and tenant, if any. This is for purposes of clarifying and identifying realty vs. personalty items as well as to ascertain ownership rights.

5-3.3 Desk Review

The Review Appraiser "desk reviews" all appraisals of each parcel to assure proper project and parcel identification, adequate response to the assignment, application of proper technique, completeness, and mathematical accuracy. The Review Appraiser is provided with their own copy of the appraisal report.

5-3.4 Field Review

The Review Appraiser examines the subject property in the field and the market facts on which conclusions of value depend. Appropriate sources (buyers, seller, brokers, public records) may be contacted to verify statements of fact, the adequacy of the market search, and the appraiser's understanding of the impact of the WSDOT plan on the subject property. The Review Appraiser may contact other sources of information to establish parameters of value or to determine whether additional expertise is required to assist the appraiser in completing an acceptable report.

5-4 Analysis of Appraisal Reports

5-4.1 Requirements

The Review Appraiser analyzes the appraisal report to assure that the report:

A. Conforms to the requirements of:

   1. The Appraisal Report Guide (Chapter 4, Appendix 4-1).

   2. The appraisal contract or the Staff Appraiser Assignment form (RES-203).

   3. Any special instructions.

B. Clearly states the appraisal problem as influenced by WSDOT's project.

C. Incorporates specialists' opinions (e.g., value of timber, fixtures) as they contribute to the value of the whole property, rather than as arbitrary additions to the value of the real property.

D. In the case of tenant-owned real estate (buildings, structures, and/or other improvements), the specialists' opinions of value are to reflect two premises: (l) Contribution value to the whole property, and (2) Value for removal (salvage). Just compensation for tenant-owned improvements is the greater amount.

E. Clearly presents:

   1. An explanation of the appropriate evaluation principles.

   2. The market evidence and/or other supporting evidence.

   3. A list of items considered part of the realty as well as further comments on items that might be in a "grey" area, e.g., drapes, dishwashers, stoves, special light fixtures, when applicable; or buildings, structures, or other improvements to be added to the appraisal.

   4. The value estimate.

F. Excludes non-compensable items.

G. Neither omits nor contradicts any factual data that was available to the appraiser.

H. Contains no conflicting statements or erroneous conclusions.

5-4.2 Minor Deficiencies

In the case of minor deficiencies in the appraisal report, the Review Appraiser:

A. Does not delay arriving at a DV.

B. Makes notation of the following types of errors on a memorandum, sends the memorandum to the Region Real Estate Services Manager (RESM) (or Appraiser Supervisor) and on the DV notes: "See Memorandum dated _____."

1. Mathematical errors.
2. Project identification data.
3. Parcel numbers.
4. Owner's name.
5. Parties to the transaction, excise tax number, and date of purchase for either sales of the subject property or comparable sales.
6. Location, zoning, or present use of either the subject property or of comparable sales.
7. Nonconformance with the Appraisal Report Guide (Appendix 4-1) and/or departmental standards.

5-4.3 Major Deficiencies

A. Major deficiencies are usually found in the following areas: analysis, reasoning, and conclusions. When the Review Appraiser finds that the appraisal report needs clarification or contains substantive errors, the following actions are taken:

1. Prepares a memorandum stating the critical deficiencies or the need for clarification.
2. Transmits the original of the memorandum to the RESM and sends a copy to the Section Manager, Appraisal and Appraisal Review Program. Retains the review copy of the appraisal pending receipt of corrections or revisions.
3. Attends appraisal conferences as necessary and/or advises the Region Appraisal Supervisor.

B. After examination of the memorandum and a file copy of the appraisal report, the RESM:

1. Confers with the Review Appraiser, the Region Appraisal Supervisor and/or other affected personnel as needed.

2. Forwards the appraisal report by memorandum to the staff appraiser or by letter to the fee appraiser with directions necessary to produce an acceptable appraisal report.

5-4.4 Unacceptable Appraisals

A. If after taking the actions specified in Section 5-4.3 an acceptable report is still not obtained, the Review Appraiser prepares a memorandum citing the reasons for the lack of acceptance. The memorandum is submitted to the Section Manager, Appraisal and Appraisal Review Program.

B. The Section Manager reviews the appraisal report and the memorandum. The Section Manager either:

1. Upon concurrence:

a. Signs and dates the memorandum.

b. Attaches the original of the memorandum to the original of the unacceptable appraisal report and places them in the Headquarters parcel file.

c. Sends copies of the memorandum to the RESM and the Region Appraisal Supervisor.

2. Upon nonconcurrence, returns the memorandum to the Review Appraiser stating the actions to be taken or becomes the Review Appraiser and prepares a DV.

C. The RESM (or Region Appraisal Supervisor) reviews the memorandum and:

1. Attaches a copy of the memorandum to the unacceptable appraisal report in the parcel file.

2. Gives a copy of the memorandum to the appraiser.

3. Initiates action to secure an acceptable appraisal report from a different appraiser.

5-4.5 Owner's Appraisal Report

A. If the property owner submits an appraisal report—whether self-made or from any other source—the Review Appraiser reviews it disregarding the report's format and takes the following actions as appropriate:

1. If the owner's appraisal report or any part thereof presents useful value information:

   a. A new DV is prepared using the procedures specified in Section 5-5.

   b. Copies of the owner's appraisal report are distributed in the same manner as if the report had been prepared by or for WSDOT.

2. If the owner's appraisal report does not present significant new value information:

   a. The Review Appraiser makes a copy of the owner's appraisal report to be retained by the reviewer in accordance with the *Uniform Standards of Professional Appraisal Practice*.

      The Review Appraiser returns the owner's original appraisal report to the RESM together with a memorandum identifying the parcel and the project (number and title) and stating:

      (1) The appraiser's name.

      (2) The date of the owner's appraisal report.

      (3) The value reported.

      (4) The reasons for not preparing a new DV based on the owner's appraisal report. The Review Appraiser must state the specific reasons for rejecting the owner's appraisal report so the owner will know why the appraisal was rejected.

   b. The RESM assures that the owner's appraisal report is returned to the owner through the Region Real Estate Services Acquisition Agent. The RESM includes a letter which clearly states the reasons the owner's report was unacceptable as a basis for a revised offer.

5-5 Determination of Value (DV) – Preparation/Distribution

5-5.1 Normal Preparation/Distribution

A. The Review Appraiser prepares the DV upon receipt of the copy of the appraisal report. This appraisal report must contain an unbiased evaluation of all available market value evidence and includes:

   1. A desk review as specified in Section 5-3.3.

   2. A field review as specified in Section 5-3.4.

   3. One acceptable appraisal report. More than one acceptable appraisal report may be required by the Review Appraiser prior to the review if the proposed acquisition is complicated, or of a controversial value nature.

   4. A comparison of values to guarantee consistent value patterns between similar parcels on the project.

B. The Review Appraiser fills in the following data on the DV:

1. The number of the DV for this parcel (e.g., 1, 2).
2. The Review Appraiser's name.
3. The project and parcel identification data taken from the right of way plan. When a prior acquisition from the same property has been completed, the parcel number(s) of the prior acquisition is inserted on the DV above the new parcel number by adding the following text:

   "Prior Acquisition Parcel No._____."

4. The appraisal history which includes all appraisals made for WSDOT and all appraisals submitted by the owners that have been used as a basis for value determination.
5. The appraisal review history which includes all prior DVs.

C. In the center section of DV #1, the Review Appraiser includes a narrative stating:

1. The extent of the Review Appraiser's inspection of property and sales, including confirmations.
2. Any information with regard to hazardous materials as contained in the Washington State Department of Ecology's Facility/Site HazMat Database.
3. The adequacy of the property description in both the "before" and "after" situations.
4. The differences between appraisals, if more than one appraiser was used, or if there is an appreciable change in value between an original appraisal and a later updating.
5. A range of market evidence and whether the appraiser's conclusions fall within the range.
6. A statement of concurrence with the application of market evidence and final conclusions.
7. Whether the appraisal follows special instructions and whether it contains any required copies of specialists' reports.
8. "Before" and "after" values except for noted minimal and strip appraisals.
9. An allocation of the value for the subject land and the improvements is shown or referenced to an appraisal report sheet. Both the "before" and "after" situations are described.
   - Totals of "before" and "after" values are rounded to be consistent with normal real estate transactions.

- The difference between the "before" and "after" values equals just compensation except when the special benefits exceed the acquisition plus damages.
- Identify acquired buildings individually.
- Identify fixtures appraised as real estate.
- Designate buildings, structures, signs, and other improvements owned by tenant/lessees.
- Just compensation due the tenant/lessee for said items is determined by the WSDOT staff Review Appraiser at the higher of the two valuation premises, as defined in Section 5-4.1.D.

10. If the appraisal and DV cover two or more parcels, an allocation of the just compensation is made on an attached exhibit to the DV covering each parcel.

11. If an "uneconomic remnant" is involved, see Section 5-5.2 below.

12. Just compensation based on the appraisal(s). Allocation of this just compensation is made to acquisition, damage items, and benefits. If the Review Appraiser is satisfied with the appraisal but comes to different conclusions, the differences are explained and any new supporting evidence is attached to the DV.

13. The amount of the approved just compensation that is eligible for federal participation. If the right of way project does not have federal funds participation, the last sentence on the DV beginning "I further certify . . . ." is crossed out.

14. The date of the approved just compensation, which is the date of the last inspection by either the appraiser or the reviewer. The signature date is the date the Review Appraiser signs the DV and does not precede the date of just compensation.

15. Only a WSDOT official may declare just compensation. A fee Review Appraiser may only recommend just compensation. When a fee Review Appraiser is hired, the DV must include a Statement at the bottom of the document for concurrence by the appropriate official of WSDOT.

D.

1. If the Review Appraiser is not satisfied with the appraisal or corrections, a second appraisal may be requested in a memorandum addressed to the RESM. The memorandum should include the reasons why the corrections or second appraisal are needed.

2. If the review appraiser is unable to approve an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the review appraiser may present and analyze market information to support an approved value. In this instance:

   a. The Review Appraiser becomes the "appraiser of record"

   b. The Review Appraiser prepares a memo explaining the reasons for any discrepancies between the appraisal and the DV. This memo will be delivered to the property owner with the offer to purchase.

3. If a new DV is prepared, the Review Appraiser:

   a. Numbers each DV for a parcel in sequential order, e.g., DV #2, DV #3.

   b. Fills in the appraisal and review history.

   c. Evaluates all the latest appraisal evidence or map change information.

   d. Gives the justification for the changes on the new DV and references those items which appeared on the previous DV which still pertain to the current DV.

   e. Completes the DV in the usual manner.

E. **Private Access Easements for Transfer** – When a R/W plan shows an "Access Easement for Transfer" across a private owner (A), the servient tenement, to serve another single private owner (B), the dominant tenement, we cannot condemn for the easement. We cannot condemn to provide private access to a third party because this situation is not a public use, as defined in RCW 8.04.070.

   1. The Review Appraiser prepares a two-premise DV for each property. The "before" description and valuation is the same for both premises. The "after" description and valuation is different.

      a. For Owner A, the first premise in the "after" situation is without the easement. The second premise in the "after" is with the easement.

      b. For Owner B, the first premise in the "after" situation is without the easement from Owner A. The second premise in the "after" is with the easement from Owner A.

F. The Section Manager, Appraisal and Appraisal Review Program, routes the original of all DVs to the permanent file.

G. The Region Appraisal Supervisor:

1. Forwards one copy of the DV to the RESM.
2. Forwards one copy of the DV to the Region Acquisition Supervisor.
3. Enters DV data into the computer system.

5-5.2 Uneconomic Remnant

A. On behalf of WSDOT, the Review Appraiser on Staff determines whether a remainder (or any part thereof) qualifies as an "uneconomic remnant" based upon the following guidelines:

1. An "uneconomic remnant" is a remainder which has little or no utility or value to the owner.
2. Even though a parcel may be considered to have little or no value or utility in the "before" situation, when the acquisition leaves a remainder, that remainder should be declared an "uneconomic remnant."

B. The final paragraph on the DV shall clearly identify the "uneconomic remnant," support its declaration as such, and state its value. This paragraph is underlined or typed in italics.

Note: The DV is the acquisition agent's authority to offer to purchase an "uneconomic remnant."

C. A Review Appraiser on contract with WSDOT may recommend whether a remainder (or any part thereof) qualifies as an "uneconomic remnant" based upon those guidelines above.

5-5.3 Surplus Property

When it has been determined that a state-owned real property or property right (including any improvements thereon) has become surplus to WSDOT's needs, an appraisal is prepared as specified in Appendix 4-1. The Review Appraiser:

A. Reviews the appraisal as specified in Section 5-4.

B. Completes a DV for Surplus Property.

C. Returns the completed DV to the Section Manager, Appraisal and Appraisal Review Program. The Review Appraiser:

a. May include data and explanations if data is weak or insufficient.
b. May set an indication of a value range rather than a specific value.
c. May recommend the means of disposal.

D. Access modifications shall be appraised on a "before and after" premise. If the appraised surplus property right is an access modification, establishes the value of the access rights to be conveyed at no less than $1,500 per WSDOT's policy for access conveyances in Section 1420.09(2)(c) of the *Design Manual* M 22-01.

5-5.4 Minimum Payment Policy

It is the policy of WSDOT that an acquisition DV will not be prepared for less than $500 for real estate except in the event of special benefits in which case the minimum amount of the DV is zero.

5-6 Appraisal Review for Other Public Agencies

Appraisal reports from local public agencies and other state agencies are reviewed for conformance to federal standards and WSDOT operating requirements for validity and support of value conclusions. (See Appendix 4-1, Appraisal Report Guide.) This necessitates that the reports be accompanied by a copy of the appraiser's contract and a determination that the report has complied with the agency's appraisal contract. The agency will attach a letter requesting the review, along with:

A. A dated map showing the parcel boundary.

B. The before, after, and/or acquisition areas.

C. Sufficient engineering data to show the effect of the project on remainder properties.

The submitting agency is responsible for obtaining necessary replacements for unacceptable appraisal reports and for obtaining any substantive revisions of inadequate reports furnished to WSDOT by the agency. Requests for appraisal review service of less than WSDOT standards (such as field inspection and independent value conclusions) may be refused and returned to the agency.

Typically, WSDOT Review Appraiser is not authorized to set just compensation for local agencies. This authority is given to an official within the agency.

The Review Appraiser prepares a "Certificate of Value," in accordance with the *Local Agency Guidelines* M 36-63. The Certificate of Value includes a Statement at the bottom of the document for concurrence by the appropriate official of the local agency.

11-1 Responsibility
11-2 Preparation for Management
11-3 Initiating Management
11-4 Inspection and Maintenance of State-Owned Property
11-5 Improvements of Personal Property Within Right of Way
11-6 Disposal of Timber
11-7 Disposal of Surplus Property
11-8 Leasing
11-9 Right of Way Encroachments
11-10 Assessments Against State-Owned Lands
11-11 Facilities

11-1 Responsibility

Property Management Specialists are responsible for:

A. Providing effective management and security for all Washington State Department of Transportation (WSDOT) properties.

B. Ensuring "Fair Market Value" or "Economic Rent" is received from all sales and leases.

C. Disposing of property not required by the department.

D. To the greatest extent practicable, eliminating hazards and public nuisances originating on or caused by department-owned land or improvements.

11-2 Preparation for Management

11-2.1 Property Management System and Inventory

A. Property Management data records will be entered and maintained in IRIS and will include:

1. Inventory of all real property and real property interests inside and outside of the operating right of way. A description of all such property types is shown in Appendix 11-1, Property Types.

2. Inventory of WSDOT owned/managed Airports and Rail lines.

3. Records of rental properties, including all leases (e.g., airspace, ground, residential).

4. Property disposal status/activities.

5. Real estate contract sales.

6. Reporting capability for various informational needs.
7. All improvements acquired, whether inside or outside of the operating right of way.
8. Payment information related to leases and contract sales.

11-2.2 Property Management Diary

A. The Property Management Specialist places a Diary of Right of Way Activities in the property management file for each parcel under the control of property management, whether improved or unimproved and whether operating or nonoperating right of way. The diary will reference an acquisition parcel number, inventory control number (ICN), lease number, and federal aid number (FA) and all other pertinent information as required.

B. Since the diary is an official record, it is either typed or written legibly in ink. Each diary starts with the specialist's name clearly printed or written. Once complete the specialist signs (full name) and dates the last page.

C. The diary contains a summary of every activity relative to the parcel. This includes inspections, telephone conversations, letters, approvals, sales, leases, maintenance, emails, etc.

D. Copies of updated diaries are submitted to HQ when significant activities, such as initiation of a lease, modification to a lease, disposal activities, etc., occur on the parcel.

E. Upon completion of all property management activities on a parcel, the completed diary is sent to HQ and region comments are entered into IRIS.

11-2.3 Project Inspection

As soon as practicable after receiving the approved right of way plans, the region inspects all real property and improvements to be acquired on the project, and identifies the following individual parcel information, and enters the information into IRIS and region inventory file:

A. Number and type of improvements (e.g., house, detached garage, shed, out buildings).

B. Property dimensions (sq. ft. or acres).

C. Physical location (property address), condition, septic, well, utilities, and environmental concerns such as underground storage tanks (UST).

D. Date-stamped photographs of the property and all improvements that should portray a complete visual inventory of the parcel (to use as a visual reference in case of break-ins, illegal dumping, and salvage).

E. Presence of hazardous materials.

11-2.4 Salvage Appraisal Report

A. Staff in Region Real Estate Services are responsible for salvage sales and completion of the appropriate Salvage Appraisal Report (DOT Form 263-003 EF) for those improvements, including timber and crops, which may be sold as salvage.

   1. For property management purposes, merchantable timber is considered to be an improvement (see RCW 47.12.140).

   2. Fixtures, such as built-in cabinets, light fixtures, built-in appliances, etc., retained or salvaged by the grantor, also require preparation of a salvage report.

   3. When the salvage appraisal report has been completed by the Property and Acquisition Specialist, it is reviewed and approved by the Region Real Estate Services Manager and a copy forwarded to HQ.

   4. The region retains two copies: one for the regional property management file and one for use by the Acquisition Specialist.

   5. The region enters the salvage appraisal information into IRIS.

11-2.5 Grantor Retained Salvage

Under certain circumstances and prior to completion of acquisition, the department may allow the grantor to retain the salvage rights to any improvement on the property acquired from him/her through a Fixtures and Improvements Agreement (RES-335). In deciding whether or not to allow the grantor to salvage the improvements, the region must consider the occupancy rights of any tenant on the property and whether or not there is enough time to remove the improvements before construction. The complications that can arise from salvaging tenant occupied improvements can be significant and should be carefully considered. ***Note:*** Items necessary to salvage are the Salvage Appraisal Report and Fixtures and Improvement Agreement.

Note: Once acquisition is complete, items cannot be salvaged by the "grantor." An auction must be performed.

If the grantor purchases the salvage rights to an improvement, the region:

A. Ensures that the salvage values are accurate and approved by the Region Real Estate Services Manager. This is documented in the Salvage Appraisal Report (DOT Form 263-003 EF).

B. Ensures that the Fixtures and Improvements Agreement has been completed.

C. Verifies that the value of any salvage purchased by the grantor has been deducted from the Real Property Voucher and the performance deposit/bond has been processed appropriately.

D. Ensures that the Fixtures and Improvements Agreement provides a clear understanding and agreement between the department and the grantor as to

when the improvement is to be removed and that the performance deposit/bond will be forfeited if the improvement is not satisfactorily removed by that date.

E. Ensures that there is sufficient time after the tenant vacates to complete the salvage removal. ***Note:*** It may be in WSDOT's best interest to work with the previous property owner regarding salvageable items and removal of those items. The removal period must be reasonable. Salvage items must be for DS&S compliance, e.g., refrigerator, range, water heater. ***Example:*** Tenant occupied property and the owner is salvaging example items above prior to tenant vacating the property. The project saves money by not purchasing, renting, and/or installing these items before the property is vacated and demolished; if in question contact HQ.

F. Monitors to ensure that salvage and cleanup will be accomplished on time. If it appears the grantor will be unable to complete the salvage by the previously agreed upon date, the region may consider allowing a time extension. HQ should be notified of any extensions.

G. Upon successful completion of the salvage activity, submits a PISR to HQ requesting a release of the performance deposit/bond and termination of any existing lease. HQ updates IRIS as appropriate.

H. If salvage and cleanup are not satisfactory, submits a PISR (DOT Form 263-007 EF) to HQ recommending forfeiture of the performance deposit/bond. The transmittal includes photos of remaining improvements/debris, copy of the updated diary, and a statement about the future disposition of the improvements.

11-2.6 Acquisition Transactions – Regional Processing (Chapter 6)

All acquisition transactions are routed to Region Property Management for review, comment, approval, creation of property record in IRIS, and further action if necessary.

11-2.6.1 Acquisition of Improvements and Real Property

The Region Property Management Specialist will complete the following:

A. Create an ICN and attach the parcel number (IRIS). Complete all fields in IRIS. (***Note:*** For information about creating an inventory control number, please see Appendix 11-3, Property Inventory Instructions)

B. Reviews the Real Property Voucher (DOT Form 262-039 EF) and the acquisition appraisal/determination of value (DV) or market analysis. Input the values assigned to each improvement into IRIS including all fees, damages, settlements, taxes, etc.

C. Reviews the Fixtures and Improvements Agreement (RES-335) completed by the Acquisition Specialist. The original and one copy are transmitted to HQ with the acquisition transmittal package and one copy is retained in the regional Property Management file.

D. Identifies and inventories all trade fixtures acquired on commercial properties (see Fixtures and Improvements Agreement).

E. Creates an ICN in IRIS, completes the Property Management Section of the Right of Way Parcel Transmittal (DOT Form 262-048 EF), initials in the "region action section," and passes the package to the next review station.

F. Assures that all property types acquired are inventoried separately and carry the appropriate property type designation shown in Appendix 11-1, Property Types. Ensures that the parcel number is attached to the ICN (parcel numbers may have multiple associated ICNs). Be sure to follow the requirements of Chapter 6.

11-2.6.2 Lands Traded in Acquisition

Note: Pursuant to RCW 47.12.063(i), WSDOT has the ability to sell surplus land to "any other owner of real property required for transportation purposes." If someone from whom WSDOT is acquiring property requests to purchase property WSDOT already owns, the following procedures must be followed.

The region: Assures that the ICN has been created and the appropriate information entered into IRIS, receives the Exchange Agreement (RES-322) from the Acquisition Specialist and then initiates the Electronic Review process to declare WSDOT-owned property as surplus. See Section 11-7 for disposal instructions.

Note: The Region Acquisition Specialist prepares the Exchange Agreement which must include: parcel description, parcel number, ICN, federal aid number, value information, and names and legal status of the grantor. See Chapter 6 for information regarding Exchange Agreements.

11-3 Initiating Management

WSDOT has legal control (ownership) of properties purchased on the payment available date. If the property is occupied, physical possession does not occur until the occupant has vacated the property.

11-3.1 Taking Control of the Property

A. If the property is unoccupied whether it is improved or unimproved, taking control occurs on the payment available date. Payment available date is determined by the HQ Title Section. See IRIS for payment available date.

   The region:

   1. Inspects for presence of hazardous materials.

   2. Photographs the property and all improvements to portray a complete visual inventory of the parcel (to use as a visual reference in case of break ins, illegal dumping, and salvage).

   3. Notes presence of abandoned personal property/debris.

4. Enters "Inspection Date" and comments into IRIS in the Maintenance/ Demolition screen.

5. Completes a PISR (DOT Form 263-007 EF) and places it in the ICN file. A copy of the PISR is sent to HQ.

B. If property is occupied whether it is improved or unimproved, taking control occurs on the payment available date (payment available date is determined by the HQ Title Section. See IRIS for payment available date.

The region:

1. Inspects for presence of hazardous materials.

2. Photographs the property and all improvements to portray a complete visual inventory of the parcel. This is to ensure that WSDOT is getting what the appraisal depicted; appraisal will indicate what is real property or personal property (e.g., range, refrigerator, woodstoves, window coverings, shelving, doors, windows, garage door openers, hot tubs, light fixtures, dishwashers).

3. Ensures that a Displacee Lease has been completed (RES-415/RES-416) and is included in the acquisition file. If occupant refuses to enter into a Displacee Lease and intends to continue to occupy the parcel, the region staff consults with HQ staff. ***Note:*** Refer to Leasing section.

   a. Every displacee should be approached with a Displacee Lease with a term no less than 90 days from the date Relocation staff present the "Notice of Relocation Eligibility, Entitlements and 90-day Assurance."

   b. Multiple attempts to get a lease in place may be necessary. If the displacee refuses to sign lease, make notes in diary, IRIS, and contact HQ staff to assure that we properly document the landlord-tenant relationship.

4. Performs other related Property Management responsibilities as listed above.

5. Completes a PISR (DOT Form 263-007 EF), sends to HQ, and files a copy in the ICN file.

11-3.2 Taking Physical Possession After Vacation by Occupant

In those cases described in Section 11-3.1.B (occupied), WSDOT takes physical possession after the occupant vacates the premises.

Note: The property is considered vacated when all personal property is removed and keys are surrendered to a Specialist. (Property Management staff become responsible for the property once the displacee is relocated.)

The region:

A. Inspects for hazardous materials.

B. Photographs and verifies that the property is in the condition in which WSDOT purchased it (normal wear and tear is acceptable). If there are discrepancies, the region prepares a detailed report describing the missing items, their value, and any opinion as to the reasons for the discrepancies and submits the report to HQ for further action.

C. Verifies that all personal property has been removed from the premises. If personal property remains on the premises, the PM Specialist verifies with the Relocation Specialist that the Abandonment Information section of the Vacate Inspection of Displacement Dwelling (RES-517) is completed and signed by the personal property owner. If the form was not obtained or signed, the PM Specialist coordinates with the Relocation Specialist for possible reduction of the Relocation Moving Entitlements.

D. Verifies the status of any salvage removal (see Sections 11-2.4 and 11-2.5).

E. Completes a PISR (DOT Form 263-007 EF), sends to HQ and files a copy in the ICN file.

11-4 Inspection and Maintenance of State-Owned Property

11-4.1 General

The region conducts yearly inspections of department-owned properties to guard against encroachments, theft, pest control, dumping of debris, and hazardous materials. Region ensures that local building, fire, housing, and occupancy codes are satisfied. Use photos to establish a time-line of property conditions. The inspections also provide an opportunity to evaluate the condition of the property and, in the case of improved properties, develop a management strategy for future use or development. The results of all property inspections are documented in the Specialist's diary and in IRIS. If there is a lease in place, a copy of a PISR should be sent to HQ as well.

If inspections reveal any situation that cannot be resolved by the region, a detailed report, including photographs, is sent to HQ for action. HQ will consult with the appropriate Assistant Attorney General, if necessary, and advise the region accordingly. If the parcel is designated as a capital facilities site, HQ advises the appropriate regional and HQ capital facilities contact.

11-4.2 Maintenance and Repair of Improved Properties

The region inspects each improvement to develop a strategy for continued use or demolition. A number of factors are considered during this process including the suitability of the improvement for continued occupancy, length of time until removal for construction, cost of repairs vs. income, and relocation assistance rights (see Chapter 12). Repairs to improvements may be accomplished by private contractor, rent credit (see Section 11-4.2.1), or state Maintenance employees.

The region is responsible for ensuring that any building permits and/or local government inspections required for the repair are obtained. Emergency repairs may be authorized by the region based upon individual circumstances. If WSDOT has acquired the property prior to the environmental decision, region staff must check with their environmental group before allowing the demolition to ensure there are no concerns with proceeding with the demolition. Due to increasing instances of vandalism and transient activity, current common practice is the demolition of any structures remaining once any occupants have been relocated.

11-4.2.1 Rent Credit for Maintenance or Repairs by Tenants

A. **Rules** – Rent credits are not allowed in cases when the current rent is delinquent or the tenant has a history of delinquencies. In addition, at least one month's rent must have been paid and the tenant must continue to pay the contract rent until the work is completed. The tenant must be qualified to do the work or hire a licensed and bonded contractor. Rent credits are applied only after the region determines the work has been performed satisfactorily.

B. **Rent Credits**

1. The Region Real Estate Services Manager may approve a rent credit (up to their delegated purchasing authority) without HQ approval. Payment for tenant's labor is not generally allowed for rent credit repairs unless approved prior to work commencing. If tenant's labor is to be considered, at least two cost estimates from private contractors are required for repairs over $2,500. Cases requiring special consideration may be submitted to HQ for review, which includes the following information.

   a. Complete description of the items needing repair, including photos.

   b. Itemization of hours needed to complete the repair, rate per hour, and materials needed to do the job, including any equipment rental if needed.

   c. A cost/benefit analysis of the proposed repair. This should consider factors such as estimated length of time until sale or demolition, total repair expenditures to date, and estimated cost of repairs in the future if known.

2. After the repairs have been completed in accordance with the agreement between the tenant and WSDOT, the region submits a PISR to HQ including diary entries, paid receipts (for materials used in the repair), a copy of the building permit and related inspection report (if required), and photos showing the before and after repair/maintenance job.

3. HQ enters the total amount of the rent credit in IRIS. The region updates the comment screen.

11-4.2.2 Maintenance or Repairs by Private Contractor

A. **Rules** – When the region determines the maintenance or repairs must be done by a private contractor, all the requirements set forth in the *Purchasing Manual* M 72-80 must be followed.

B. **Maintenance or Repair**

1. The region may approve maintenance or repair without HQ approval (up to statutory purchasing authority of the approving individual).
2. After the job is completed, the region transmits the PISR, diary, copies of any bids required, a copy of required building permit, and inspection report along with photos of the before and after maintenance or repair.
3. HQ updates IRIS to reflect the total cost of the job.

11-5 Improvements of Personal Property Within Right of Way

A. Improvements may be removed by the salvage method (sale to grantor through the acquisition process or by post-acquisition auction) by contract demolition, or by inclusion in the project construction contract. Improvements may also be removed for use by WSDOT. The factors of economic feasibility and project schedule are the primary concerns.

B. If personal property has been acquired, the Department of Enterprise Services (DES) facilitates the sale of said personal property. Region staff should contact DES directly to facilitate the sale of any personal property remaining on the parcel upon payment available date.

11-5.1 Mobile Homes as Personal Property

A. DES has given WSDOT the necessary delegation to acquire mobile homes that are appraised as personal property.

B. The mobile home, as personal property, may be acquired upon completion of a region assessment of the acquisition issues and the completion of a Mobile Home Work Sheet (RES-220) with signature by the Region RESM.

11-5.2 Disposal of Mobile Homes as Personal Property

A. WSDOT does not have the authority to sell mobile homes acquired as personal property. Facilitating the disposal of a mobile home acquired as personal property will be completed by region staff, and must initially be done by DES as follows:

1. Fill out an online Surplus Property Disposal Request.
2. $200 payment to DES for mobile home sale.
3. DES will assign a tracking number.
4. WSDOT will provide DES with digital photos of the mobile home.

5. DES will list the mobile home on the "Public Surplus" Internet site for approximately 14 days with pictures and information provided by WSDOT.
6. WSDOT will provide DES with a contact name and number for those prospective purchasers wishing to view the mobile home.
7. Average sale timeframe is one week and once the sale closes, money is collected and buyer arrives at the site with a copy of the paid invoice.
8. Disconnecting electrical and plumbing is a WSDOT responsibility. All other responsibilities fall to purchaser.
9. Once the sale and associated documentation is complete and monies received, title to the mobile home will need to be signed and provided to the new owner. DES has indicated that they do not want to receive title to the mobile home, but expect WSDOT to complete that portion of the transaction. Therefore, the Region Real Estate Services Manager should sign the title and provide it to the purchaser.

B. Any monies received by DES for the sale of the mobile home will be returned to WSDOT Accounting Services. If the mobile remains unsold, DES will return the responsibility to WSDOT. At that time, WSDOT will decide to destroy or otherwise dispose of the mobile.

11-5.3 Sale of Improvements/Personal Property by Auction

The department may, in accordance with the provisions of RCW 47.12.140, elect to sell any "structures, timber, or other thing of value attached to the land and sell as personal property." In making its determination to sell these items, the department considers whether or not there is enough time to conduct the auction and remove the items prior to construction. Any tenant occupancy rights, as well as the economic advantage of conducting an auction, are also considered. ***Note:*** Special rules for the auction of timber are given at Section 11-6.

11-5.3.1 Preparation for Sale

In preparation for the auction, the region:

A. Establishes a salvage value for the items and prepares a Salvage Appraisal Report for each item to be sold. If a structure (e.g., home, shed, garage) is being auctioned, property on which the structure is located must be leased at fair market value if the purchaser requests an extension to the removal date established by WSDOT. Purchaser must contact city or county and meet all requirements to move the structure. ***Note:*** The region must verify with city/county that the structure can be moved from the property; there may be restrictions on height, distances, time, building codes, site development plan, etc.

B. Prepares appropriate documentation to proceed with an auction of salvageable improvements (see Appendix 11-2, Notice of Auction for Improvements). The policy for establishing minimum bids for auction of salvage is:

Salvage Value	Minimum Bid
$500 and over	50% of Salvage Value
$0 to $499	$10

Note: The use of the above applies only to auction sales not sales of Grantor-retained salvage. There would be no minimum bid "discount."

C. Prepares a Notice of Auction which includes the information pertaining to the sale. A sample of such notice may be found in Appendix 11-2.

D. Per RCW 47.12.283, publishes the Notice of Auction twice, with an interval of one week between publications (do not have to wait a week after second publication to hold auction, e.g., notice 1/1/09 wait one week, notice 1/8/09, auction on 1/9/09), in the "Legal Notices" section of a legal newspaper published in the county in which the sale is to take place. Once the second notice is published, the auction may be held immediately. ***Note:*** If there is no legal newspaper published in the county, then the notice is published in the legal newspaper nearest to the sale site and located in this state.

E. Mails copies of the Notice of Auction to all persons who have requested notification of the sale.

F. Attaches a copy of both sides of the auction notice to the item to be sold.

G. Prepares a Personal Property Sale and Removal Agreement (DOT Form 263-023 EF) for each item on the auction notice.

H. Assures that all WSDOT personnel involved in the sale are aware of the restriction to WSDOT employees (see Chapter 1 Sales to Employees).

I. Contacts the local Washington State Department of Revenue office to determine appropriate sales tax rates for the area of the properties to be sold. ***Note:*** The tax rates can vary within the same area.

11-5.3.2 Sale Procedure

On the date of the sale, the region:

A. Inspects the property. If a change in the condition of the property has occurred which affects the value, the region determines whether or not to lower the minimum bid (e.g., broken windows, vandalism, water damage). Once determined, the region updates the Salvage Appraisal Report and IRIS.

B. Establishes property walk through date prior to the beginning of the sale.

C. At auction start time, gathers the qualified prospective bidders together in a convenient location and makes the following announcements before beginning the sale:

1. A statement that none of the persons conducting the sale may become a purchaser, have an interest in any purchase, nor accept any commission, gratuity, or award in connection with the sale.

2. Names any WSDOT employees who have been authorized by the Secretary of Transportation to bid as private citizens.

3. A review of the terms and conditions of the sale and, if a performance deposit/bond is required, the extent of the cleanup required to qualify for refund of the deposit.

4. The order in which items will be sold and whether any items have been removed from the sale. Clarify whether shrubs and appurtenances (landscaping, lighting, fountains, etc.) are included in the sale.

D. The auctioneer begins the sale by asking for the minimum bid on the first parcel and continues until all bidding is completed on that parcel.

E. Upon completion of the bidding for a parcel, the auctioneer (or assistant) will record the name, address, telephone number, and bid amount of the successful bidder. The required deposit including performance deposit/bond is collected and a receipt is issued.

F. Obtains from the successful bidder:

1. All information necessary to complete the Personal Property Sale and Removal Agreement (DOT Form 263-023 EF).

2. Payment in compliance with the terms of the Notice of Auction.

G. Completes a Receipt (DOT Form 133-105) for all payments received and ensures that all monies are deposited.

H. Delivers a copy of the Personal Property Sale and Removal Agreement (RES 435) and the original of the receipt to the purchaser.

I. If no acceptable bid is received, the auctioneer may announce (at the end of the auction) that the unsold items may be reauctioned. If it is determined that the unsold items will not be reauctioned, it is lawful for WSDOT to sell the item(s) at private sale for the best price which it deems obtainable but not less than the highest amount bid at the auction.

11-5.3.3 Post Sale Procedure

After the sale is completed, the region:

A. Records the sale (including a breakdown of the sale amount, sales tax, the performance deposit/bond, and tax identification number (TIN) and/or social security number (SSN) on the Receipt and on the Personal Property Sale and Removal Agreement and updates IRIS. If the sale is a capital facilities property, both the Receipt and the Personal Property Sale and Removal Agreement should reflect the Facilities Control Record number (FCR).

B. Distributes copies of the Receipt and Personal Property Sale and Removal Agreement as follows:

   1. Receipts are distributed as noted on each duplicate colored copy; additional copies are sent to HQ and retained in the region file.

   2. A copy of the Personal Property Sale and Removal Agreement is sent to HQ, given to the purchaser, and retained in region file.

C. Monitors the improvement removal operation to make sure the removal and subsequent cleanup will be accomplished in a timely manner. If it appears the purchaser will be unable to complete the removal by the agreed upon date, the region may consider allowing an extension of time to complete the removal.

11-5.4 Removal of Improvements by Demolition Contract

When the region decides to hire a contractor to demolish the improvement, the following procedures are followed in addition to those provided in the *Purchasing Manual* M 72-80:

A. Contact the Contract Ad and Awards Office for a list of "On Call Contractors" for the area in which the demolition may occur. ***Note:*** You do not have to advertise if you contact all of the on call contractors and send them a bid packet. If on call contractors are not available in your area, the region must advertise for the demolition.

B. Prepare Scope of Work and necessary documents required by Contract Ad and Awards Office. ***Note:*** If unfamiliar with the demolition process and what is to be included, contact the project engineer or capital facilities to aid in preparation of the Scope of Work.

C. If the demolition has not been satisfactorily performed, the region continues to work with the demolition contractor to resolve all of the remaining issues. It may be necessary to retain the bond held under the contract terms if resolution is not achievable.

D. If a region uses Washington State Department of Corrections (DOC) the region must use the Preapproved State Interagency Agreement and fill in the appropriate boxes at the top of the form. The Interagency Agreement requires the use of a task order for each parcel demolition.

E. The region updates IRIS.

F. Make sure property is posted "WSDOT No Trespassing."

11-5.5 Removal of Improvements by Project Contractor

The project engineer determines if the improvement(s) is to be removed by the project contractor. The region posts (no trespassing), secures the improvement(s), and inspects regularly until the contractor takes possession of the property and/or improvement(s). (Property Management does not recommend this procedure unless the contractor takes possession of the improvement within 60 days of

vacancy. Removal of improvements by contractor is done when the demolition by PM cannot be done prior to certification.)

The region updates IRIS accordingly.

11-5.6 Removal of Improvements for WSDOT Use

Improvements and personal property (see Section 11-5) may be removed for department use. The region must document the parcel file and update IRIS accordingly. If the improvements and/or personal property are removed from a federal participating project and are not used for another federal project, the region must determine the value of the items and credit the Federal Highway Administration (FHWA) accordingly.

11-5.7 Mobile Homes

As detailed in Chapter 4, the department may acquire mobile homes as real or personal property. The acquisition is accomplished as outlined in Chapter 6. Appropriate documentation regarding the acquisition must be provided to Region Property Management. The Region Property Management Specialist handles the ongoing management and disposition of the mobile home as detailed in this chapter in those subsections titled: "Acquisition of Improvements," and "Disposal of Improvements/Personal Property Within Right of Way."

11-6 Disposal of Timber

11-6.1 General

A. WSDOT has the ability to sever and sell timber and other personalty pursuant to RCW 47.12.140. Maintenance is responsible for issuing permits allowed pursuant to subsection (2) of this statute which states: The department may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils that have no market value in place and that the department desires to be removed from state-owned lands that are under the jurisdiction of the department. An applicant for a permit must certify that the materials so removed are to be used by the applicant.

B. RCW 47.12.140 authorizes the department to dispose of timber. When WSDOT has fee title to, and jurisdiction over, any lands upon which timber is located, the timber may be disposed by any of the methods listed below. If timber is located on a federal aid project and is not used for the same or another federal aid project, appropriate credit must be given to FHWA.

   1. Sale at public auction.
   2. Sale to an abutting landowner, for cash at full appraisal value.
   3. Direct sale of timber or logs to any interested party having an appraised value of $1,000 or less.
   4. Removal for WSDOT use.

5. Issuance of permit
6. Sale of salvage rights to former owner from whom the state purchased the timber.
7. Removal by a contractor as part of a construction project.

C. Actual approval of disposal, method of disposal, and value of the timber will be determined by HQ RES.

11-6.2 Timber Disposal Processing

A. **Region Processing** – In order to dispose of timber a surplus property review is completed in the same manner as for real property. All concerned offices should be included in the review process (always include Landscape Architect, Operations Engineer, Real Estate Services, and Regional Administrator).

Upon receipt of an approved surplus property review, the region processes the disposal as follows:

1. A disposal package is prepared and submitted to HQ RES for further action. The disposal package includes the following information:
   a. The original copy of the Surplus Property Report (DOT Form 261-005 EF).
   b. Any pertinent correspondence including diary.
   c. Any photographs, map, and any other relevant information from the region file.

B. **HQ Processing** – Upon receipt of the disposal package from the region, HQ RES will process the disposal package as follows:

1. Verify ownership, type of interest held, and any restrictions affecting the property from which the timber is to be removed.
2. Request a timber cruise/value estimate from Region Maintenance and Operations (M&O) or Department of Revenue (DOR). If region M&O or DOR is unable to perform timber cruise, HQ may contract for a fee cruise value estimate as necessary.
3. Make field inspection of timber sale area. Request that regional personnel flag timber sale boundaries if necessary.
4. Recommend method of disposal considering the requirements of RCW 47.12.140 and establish any special conditions, restrictions, and/or terms for disposal.
5. Determine whether a Forest Practice Application (FPA) is required (timber harvesting inside of an active right of way usually does not require a FPA). If an FPA is required, contact Department of Natural Resources (DNR) office to obtain forms and gather necessary information to complete FPA form. Submit completed FPA to DNR for approval along with application

fee. If necessary meet with DNR personnel to discuss sale proposal. In cases that require an FPA, it is always necessary for WSDOT to obtain the FPA in advance of the timber sale. After the timber sale is completed, the FPA is transferred to the purchaser.

6. Complete any required IRIS entries.
7. A review of the terms and conditions of the sale. If a performance deposit/bond is required, the extent of the cleanup required to qualify for refund of the deposit/bond is explained.

11-6.3 Methods of Timber Disposal

HQ conducts the sale of timber in the following three instances: (1) sale at public auction, (2) sale to an abutting landowner, and (3) direct sales of timber.

The region disposes of timber in the following four instances: (1) sale of salvage rights to former owner from whom the state purchased the timber, (2) removal by a contractor as part of a construction project, (3) removal for WSDOT use, and (4) issuance of a permit.

11-6.3.1 Timber Disposal, Sale at Public Auction

Auction sales may be conducted by either oral bidding or sealed bids. HQ will determine the type of auction sale and will schedule and conduct said sale.

A. **Presale Processing for Both Oral and Sealed Bid Auctions**

1. HQ will prepare a "Notice of Auction" which includes:
   a. Date, place, and exact time of auction.
   b. Location and site description sufficient to enable field location of the timber. Brief description of the timber and any conditions of sale.
   c. Detailed terms of the sale, including any deposit amounts.
   d. Inventory Control Number of the timber.
   e. Minimum bid.
   f. Address and telephone number for securing further information or obtaining answers to questions about the sale.
   g. Statement that "The state reserves the right to postpone or cancel all sales or to reject any and all bids" and the timber is export restricted and may not be exported until processed.
   h. For sealed bid auctions, the address, and telephone number for obtaining bid forms and detailed instructions.

2. HQ will give notice of the sale by publication of the "Notice of Auction" on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of auction, in a legal newspaper of general circulation in the area where the timber is located.

3. HQ will prepare the following documents (1) Timber Sale and Removal Agreement, (2) Bid format for purchase of timber, and (3) Purchaser Certification for Export Restricted Timber.

4. Set minimum bid price of timber.

5. HQ will post the timber "For Sale" with a copy of the "Notice of Auction" at least two weeks prior to the scheduled sale and inspect sale area.

6. HQ will mail copies of the Notice of Auction, Bid for Purchase of Timber, Timber Sale and Removal Agreement, and Purchaser Certification for Export Restricted Timber to all parties on the appropriate mailing list, abutting owners, and any interested parties as disclosed in the property file.

7. For sealed bid auctions, HQ will also complete the following tasks:

   a. Record all requests for sale packets. The record shall include name, address, date of request, specific timber of inquiry, and date packet is mailed to requester.

   b. Answer any questions or inquiries not explained in packet.

   c. Receive the sealed bids. The bids shall remain sealed until the bid opening. The bids will be date-time stamped and logged onto a bidder sheet. The bidder sheet will show the name, address, date, and time of bid receipt and minimum bid before the bid opening with the official bid amount to be noted upon opening.

B. **Sale Procedure for Oral Bid Auctions**

1. At the advertised time and place, the auctioneer begins the auction sale by making the following announcements:

   a. Names of any WSDOT employees authorized by the Secretary of Transportation to bid as a private citizen.

   b. A description of the timber being sold and a statement that it is export restricted.

   c. Asks for and answers any questions before beginning the bidding.

2. The auctioneer begins the sale by asking for the minimum bid.

3. Upon completion of the bidding, the auctioneer (or assistant) will record the name, address, telephone number, and bid amount of the successful bidder. Any required deposit/bond is collected and a receipt is issued.

C. **Sale Procedure for Sealed Bid Auctions**

1. The auctioneer begins the auction at the time and place advertised as follows:

   a. Announces the names of the persons who will be opening the bids and recording the bids.

   b. States that the bids are organized in order received.

   c. Reads the "Notice of Auction" and announces any changes, withdrawals, or variations from normal procedures.

   d. States that WSDOT may waive minor informalities or irregularities in bids received or may reject any or all bids in whole or in part.

2. The bid opener opens the first sealed bid, verifies that the minimum bid requirement has been met, that the bid form is complete and signed, and that the deposit/bond payment meets minimum requirements. This opened bid is handed to the auctioneer.

3. The auctioneer reads the bidders name and bid amount aloud. The bid is handed to the bid recorder who records the necessary information on the bidder sheets.

4. The auctioneer asks for and responds to any final questions before declaring the auction closed.

5. The auctioneer issues receipts to any successful bidders and deposits/bonds all purchase payments into the proper accounts.

D. **Post Sale Processing**

1. If the sale can be completed, HQ:

   a. The purchaser's signature is obtained on the following documents: Timber Sale and Removal Agreement, Purchaser Certification for Export Restricted Timber (PCERT) (DOT Form 410-100 EF), and Notice of Transfer of Approved Forest Practice Application (NTAFPA) if required. Distributes originals and copies of documents as required.

   b. Receive Certificate of Insurance naming the state of Washington as additional insured in the amounts set forth in the Timber Sale and Removal Agreement.

   c. Collects bid amount and collects any performance/damage deposit/bond and provides written receipts of all collections.

   d. Meets with the purchaser to review the contract and examine the sale area.

   e. Gives written approval to the successful bidder to begin logging operations.

2. If the sale cannot be completed, HQ:
   a. Will notify the bidder that the sale is canceled and that payments are forfeited, if appropriate.
   b. Will notify Accounting of the forfeiture and sale cancellation.
   c. May offer the timber to the next highest bidder provided said bid is acceptable.
3. If two or more bidders submit identical high bids, HQ will:
   a. Notify each bidder of the tie and return any deposits/bonds by certified mail within 24 hours of the bid opening.
   b. Request a new bid with appropriate deposit from each tied bidder to be submitted within 30 days after the original bid opening.
   c. Award the bid to the new high bidder.
4. If any timber/logs are not sold at auction, HQ may:
   a. Hold the timber for sale at a later auction.
   b. Negotiate a sale for the timber for no less than the last advertised minimum bid price.

E. **Contract Administration** – During the purchaser's operations, inspects the site to ensure compliance with all the provisions of the Timber Sale and Removal Agreement.

11-6.3.2 Timber Disposal – Sale to an Abutting Owner

A. **Sale to Abutting Owner(s)** – The department may sell timber or logs to an abutting landowner for cash at full appraised value but only after each other abutting owner(s) (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting owner requests in writing the right to purchase the timber within 15 days after receiving notice of the proposal sale, the timber must be sold at public auction.

1. A written offer to sell the timber is mailed to all abutting owners as shown in the records of the county assessor. Waivers are obtained from any abutting owners who are not interested in purchasing the timber.
2. If a prospective purchaser makes a counter offer, the negotiating specialist must review the offer with the supervisor before proceeding as follows:
   a. If the counter offer is acceptable, notifies the purchaser in writing of said acceptance and proceeds to complete the sale.
   b. If the counter offer is not acceptable, notifies the prospective purchaser that the counter offer is not acceptable and requests an increased offer. If another counter offer at an increased amount is received that is acceptable, notifies the purchaser in writing of said acceptance and proceeds to complete the sale.

c. If the counter offer is not acceptable and the prospective purchaser does not wish to make another offer, the timber is designed for another approved method of disposal.

3. The purchaser's signature is obtained on the following documents: Timber Sale and Removal Agreement, Purchaser Certification for Export Restricted Timber (PCERT) (DOT Form 410-100 EF), and Notice of Transfer of Approved Forest Practice Application (NTAFPA), if required. Distributes originals and copies of documents as required.

4. Certificate of Insurance naming the state of Washington as additional insured in the amounts set forth in the Timber Sale and Removal Agreement.

5. Collects bid amount and collects any performance/damage deposit/bond.

6. Meets with the purchaser to review the contract and examine the sale area and gives final approval to the successful bidder to begin logging operations.

7. During the purchaser's operations, inspects the site to ensure compliance with all the provisions of the Timber Sale and Removal Agreement.

11-6.3.3 Timber Disposal, by Direct Sale

A. The department may sell timber or logs having an appraised value of $1,000 or less directly to interested parties for cash at the full appraised value without notice or advertising. If the timber is attached to state-owned land, the department shall issue a permit to the purchaser of the timber to allow for the removal of the materials from state land. The permit fee is $2.50.

1. All direct sales will be conducted by HQ and negotiated by letter and/or telephone.

2. The purchaser's signature is obtained on the following documents: Timber Sale and Removal Agreement, Purchaser Certification for Export Restricted Timber (PCERT) (DOT Form 410-100 EF), and Notice of Transfer of Approved Forest Practice Application (NTAFPA) if required. Distributes originals and copies of documents as required.

3. Certificate of Insurance naming the state of Washington as additional insured in the amounts set forth in the Timber Sale and Removal Agreement.

4. Collects bid amount and collects any performance/damage deposit/bond.

5. Meets with the purchaser to review the contract and examine the sale area.

6. Gives written approval to the successful bidder to begin logging operations.

7. During the purchaser's operations, inspects the site to ensure compliance with all the provisions of the Timber Sale and Removal Agreement.

11-6.3.4 Removal of Improvements for WSDOT Use

Timber may be removed for department use. The use must be documented in the parcel file and the computer database updated accordingly. If the timber is removed from a federal participating project and not used for another federal project, the value of the items must be determined and FHWA credited accordingly.

11-6.3.5 Timber Disposal by Permit

A. **General** – RCW 47.12.140 authorizes the department to issue a permit for the removal of timber having no market value in place and that the department desires to have removed. A permit to remove timber should only be issued when the total merchantable timber volume is no more than 5,000 board feet or one truck load of logs. Permits should not be issued for the removal of timber from properties located off of operating right of way (removal of timber off operating right of way will require an approved Forest Practice Application).

   1. Such cases are referred to the Region Operations Office for issuance of a general permit.

   2. If the timber volume is over 5,000 board feet or one truck load of logs, the matter should be referred to HQ Real Estate Services. A determination will be made by HQ as to the appropriate disposal option. If HQ determines that the timber has no sale value, a general permit may be issued by the Region Operations Office for its removal. The operator who removes the timber will be required to sign a Purchaser Certification for Export Restricted Timber (DOT Form 410-100 EF), and comply with applicable regulations. HQ will determine whether a Forest Practice Application is necessary.

11-6.3.6 Timber Disposal, Sale of Salvage Rights to Grantor

A. The region prepares a Salvage Appraisal Report (DOT Form 263-003 EF) for the timber to be disposed of as salvage. HQ should be included in the determination of a salvage value for timber. When the salvage appraisal report has been completed, the original is forwarded to HQ.

B. The region transmits the following to HQ.

   1. Executed Fixtures and Improvements Agreement (F&I). Processed in accordance with 11-2.5.2. Includes the following statement on the F&I:

      The timber salvaged is prohibited from export until processed. Purchaser must comply with all regulations regarding export restricted timber as detailed in WAC 240-15. Purchaser shall also be responsible for compliance with the regulations of the Department of Natural Resources and the payment of the Department of Revenue taxes on timber harvested. Purchaser shall obtain a Forest Practice Application before harvesting any timber and is responsible for payment of any fees for the permit.

2. Executed Purchaser Certification for Export Restricted Timber (DOT Form 410-100 EF). All copies transmitted to HQ.

C. HQ verifies that the acquisition agent has placed the F&I and Purchaser Certification for Export Restricted Timber in the transmittal package:

D. HQ confirms that the Acquisition Specialist has made appropriate adjustments on the Real Property Voucher including but not limited to:

1. Deduction of the timber salvage value (DOT Form 261-023 EF).

2. Deduction of a performance bond, as necessary, to enforce removal of timber and compliance with any requirements noted in the Fixture and Improvement Agreement.

3. Appropriate "hold-back" voucher for return of the performance bond upon satisfactory removal of the timber, payment of taxes, and compliance with regulations. (See Chapter 10 Performance Bond.)

E. Proceeds according to Section 11-2.5.

11-6.3.7 Timber Disposal, Removal by Project Contractor

When the region has determined that the timber is to be removed by the project contractor, the region must make sure that the project engineer is advised and the timber is included in the project contract prior to the ad date. The region updates IRIS accordingly.

11-7 Disposal of Surplus Property

11-7.1 General

A. Whenever WSDOT determines that any real property owned and under the jurisdiction of WSDOT is no longer required for transportation purposes and that it is in the public interest to do so, WSDOT may dispose of the property. WSDOT may sell the property or exchange the property for other lands needed for fair market value. In accordance with RCW 47.12.063, any such sale or exchange may be made to any of the following entities or parties:

1. Any other state agency.

2. City or county in which the property is situated.

3. Any other municipal corporation.

4. Former owner of the property from whom the state acquired title. (Per Section 215 (1) of the 2010 Transportation Budget, properties deemed surplus within 10 years of acquisition through condemnation must be offered to the owner from whom WSDOT acquired title. For additional information see the above referenced section.)

5. Tenant of the department of a residentially improved property who has resided thereon for not less than six months and who is not delinquent in paying rent to the state.

6. Any abutting private owner, but only after all other abutting owners (if any) as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within 30 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283.

7. Any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.12.283.

8. Any other owner of real property required for transportation purposes.

9. In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 is eligible to receive assistance through the Washington Housing Trust Fund created in Chapter 43.185 RCW.

B. Property may be conveyed to another governmental agency without monetary consideration if the property will be used for highway purposes (as defined by 18th Amendment/case law/AGO). Conveyances of any such property shall be subject to reversionary clauses or deed restrictions as to use.

C. Upon receipt of an application, the region will inspect the property to determine if the property could be declared surplus to WSDOT needs. If such a determination is made, the region shall complete a disposal review. ***Note:*** For further information regarding inspections, see Section 11-4.)

D. Final approval for disposal, method of disposal, and value of the surplus property will be determined by HQ.

11-7.2 Disposal Processing

A. **ICN Assignment** – When declaring a portion of a "larger parcel" as surplus, the original ICN shall remain with the portion of the inventory that is being retained. A new ICN shall be established for the disposal area whether that disposal is fee or easement. Upon creation of the new inventory, the Property Management Specialist must be sure to update the original inventory to reflect the smaller size, and make sure that comments are made in the file and IRIS, reflecting the activity that has occurred, and tying the old ICN with the new ICN. ***Note:*** Region Property Management Specialist must confirm that WSDOT can separate the surplus area from the larger parcel without the county requiring a subdivision.

B. **Region Processing** – The region determines that a property is no longer needed by WSDOT by completing an electronic disposal review.

Disposal Review Process – The Region Property Management Agent (PMA) will be responsible for the following:

- Application for each proposal.
- Title verification.

- Legal description should be drafted once the plan revision is completed.
- Upon approval of package, region should request the necessary plan revision. Once the revision has been completed, an updated plan sheet will added to the package.
- Completing the review, including any necessary HQ reviewers.
- Provide value determination using tools available (appraisal or value memo).
- Notifying Region Environmental Services office when NEPA is triggered because the proposed disposal area is located on an interstate highway, or if the parcel was purchased with federal funding and the parcel will be sold for less than fair market value. If any of these conditions are met, a federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed during the Real Estate Services Electronic Review System (RES-ER) process.

The Region PMA will select reviewers based upon the facility types detailed below. For additional information on creating a review package in RES-ER, please see the document titled "PMA updated CheatSheet.pdf" located in the Outlook Public Folders directory for Property Management Forms (path: All Public Folders/HQ/Environmental & Engineering/Real Estate Services/ FORMS/PROPERTY MANAGEMENT).

Non-Limited Access Facilities and Specific Sundry Sites (Pit Sites, etc.) – Reviewed and approved by Region staff and HQ Access review staff with no HQ Approving Authority required.

Every proposal must be reviewed (unless noted) by the following disciplines. Region staff should be available for each of the disciplines shown below:

- Environmental
- Public Transportation/Planning
- Roadside Services/Landscape
- Local Programs (as determined by region)
- Area Operations Manager for specific county (primarily NWR)
- Developer Services (as determined by region)
- Region Access
- HQ reviewers for all Managed Access reviews:
  - NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
  - NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy
- Utilities
- Maintenance
- Hydraulics (Hillsides, Slopes, Water issues)

- Traffic (in NWR ARA Maintenance/Traffic, Maintenance)
- Region right of way plans (see note regarding HQ plans and access)

May also require review by the Special Circumstance Reviewers shown below if region does not have staffing that specializes in the needed area:

- Foundations (bridge structures, retaining walls, sloping issues, tiebacks and similar situations): Cuthbertson, Jim
- Bridge: Al-Salman, Mohamad
- Homeland Security (Infrastructure and Bridges): Himmel, John
- Ferries: Deardorf, Ray
- Bicycle and Pedestrian:
  - Claybrooke, Charlotte (Schools)
  - Macek, Ian (Non-Schools)
- Radio Ops: McDowell, Tim
- Aviation: Wolf, Paul
- Project specific engineers (or field experts), as determined by region.
- Facilities: Medina, Yvonne (in the case of a Facilities site – HQ Facilities must be included in the review) Facility sites include the following property types: Pit Sites, Stockpile Sites, Rest Areas, Waste Sites, and Capital Improvements.

Upon completion of the package review:

Upon completion of all of the necessary reviews and approvals by region staff, plan revision and determination of the value of the property, HQ will notify the required local jurisdictions, prepare and complete the conveyance document(s), and complete any other tasks necessary to finalize the transaction.

Limited Access Facility (Non-Interstate – Established or Planned) – Standard Region Reviewers as well as the HQ Access reviewer assigned to that region as shown:

Access:

- NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
- NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy

Package will automatically go to the following queues. Please **do not** choose the following as reviewers:

- HQ Approving Authority: De Ste Croix, Barb
- HQ Plans Review: Palmen, Steve

Region staff will facilitate the entire review (including any HQ reviewers), and complete the other elements of the transaction as detailed above.

Interstate Facilities – Standard reviewers, Special Circumstance Reviewers, HQ Access, HQ R/W Plans and FHWA.

As part of all FHWA reviews, appropriate NEPA documentation is required. This environmental documentation requires the help of Region Environmental staff to be sure that all areas of the federal nexus are covered. NEPA is triggered if the property being considered for disposal is located on an interstate highway, or if the parcel was purchased with Federal funding and the parcel will be sold for less than fair market value. If any of these conditions are met, a Federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23 CFR 771.11(d)(6)). When a local jurisdiction is acquiring the property for a project, they often have this completed when applying to purchase the property.

The remaining process will be the same as stated above, however, upon completion of the review. The HQ PMA will verify with HQ Access that FHWA approval is necessary for an access break. If an FHWA access break approval is necessary, the disposal package will be delivered concurrently with the HQ Access break request.

FHWA requires a minimum of 60 days to complete their review. Upon approval, finalization of the process will be facilitated by Region/HQ Property Management staff.

The disposal review package should include the following items:

Note: If a 'J account' is created to cover the expense of the review and disposal process, please include the appropriate J account information in the PMA Comments field found on the General Information Tab.

1. Regional Administrator's (or designee) electronic approval attesting that the following statements are true:

    a. The lands will not be needed for transportation purposes in the foreseeable future.

    b. The right of way being retained is adequate under present day standards for the transportation facility.

    c. The release will not adversely affect the facility or the traffic using it.

    d. The lands to be disposed of or relinquished are not suitable for retention to restore, preserve, or improve the scenic beauty adjacent to the highway.

    e. The lands to be disposed of or relinquished are not suitable for inclusion into our wetlands inventory.

    f. The lands to be disposed of or relinquished are not needed for a park and ride lot, flyer stop, or similar facility to accommodate high-occupancy vehicles.

g. No hazardous material or highway waste is present on the site and any necessary cleanup has been completed.

h. Specific information regarding rights to be reserved.

i. If interstate, NEPA documentation is signed and/or approved by Region Environmental Services.

2. If the property was acquired with federal funding, the federal aid number is supplied.

3. All regional review and comment documents as entered in the Electronic Review. Any "no" responses and questions received during the region review need to be addressed before the package is forwarded to HQ.

4. The NEPA document for a typical disposal is the Environmental Checklist for Surplus Property Disposals (Form 220-015 EF). The Environmental specialist will determine if this form is sufficient, or if the ECS form is required. Check to ensure all fields are completed and the form is signed.

5. Region shall complete a title check verifying ownership, type of interest held, and any restrictions affecting the property.

6. Prepared legal description for the disposal area.

7. Completed Property Inspection Status Report.

8. Photographs of the property together with a map showing the direction of the photos.

9. An 11x17 copy of the right of way plan sheet with the property to be disposed of outlined in red or hachured. Once the property is approved for disposal, region will request the necessary plan revision. Upon completion of the revision, an updated plan sheet will be attached to the disposal package and forwarded to HQ Disposal.

10. Tax parcel number of this parcel, if assigned.

11. Names, addresses, telephone numbers, and tax parcel numbers for each abutting property owner including contract purchasers.

12. All correspondence from interested abutting owners and/or other potential purchasers and any responses.

13. Notation of any special features or conditions on the property, such as encroachments, utility availability, access, boundaries, improvements, similarities, and differences to adjacent properties, etc., that could affect sale or value.

14. Written directions to the property to enable locating and inspection of the property.

15. Notation of the right of way project number, acquisition parcel number, and federal aid number (if applicable) on which the property was originally acquired.

16. Diary of Right of Way Activities.

17. If the property to be disposed of is or was a pit site, the following documentation needs to be submitted:

    a. Reclamation plan, if appropriate. The reclamation plan shall be obtained from the Region Materials Lab or appropriate office.

    b. Hazardous Materials Assessment and Remediation Report, if appropriate.

18. Information from county assessment records showing assessed value and property size for the disposal area as well abutting properties.

19. Recommendation of property value based on available information. If the value of the property appears to be $25,000 or less, as determined by the Region RES Manager or designee, the region specialist, in either Property Management or Appraisal, should prepare a value memorandum citing the rationale and evidence obtained for the conclusion of value. Information to be included in the memorandum would be:

    - Size of parcel
    - Current use of parcel
    - Anticipated highest and best use
    - Support

    The conclusion may indicate a range of value rather than a single dollar amount. Value Memos prepared in the region need to be approved by the Region RES Manager (or designee). Value memos prepared at Headquarters need to be approved by the PMPM (or designee).

    If the value of the property appears to be over $25,000, an appraisal will be required.

    a. Each disposal file submitted to Appraisal will contain an assignment sheet (RES-445) completed by the HQ Property Management Disposal Section and submitted to the HQ Appraisal Program Manager. The form will provide the appraisal section with the following information:

        - Type of Assignment (Appraisal or Value Memo)
        - Scope of Work (Abutter Value and/or Auction Value)
        - Dollar Amount HQ PM has available to pay for the appraisal work
        - Due Date

Upon receipt of this form, the HQ Appraisal Program Manager will assign the appraisal.

- If the HQ Appraisal Program Manager does not believe adequate funding has been provided in order to complete the assignment the issue will be discussed with the HQ PM Disposal Section. HQ PM Disposal will decide whether there are additional funds available for this assignment or if the appraisal will need to be placed on hold.
- If there is not current staff available (within HQ or Region) to complete the task by the due date provided, the HQ Appraisal Program Manager will submit a request for an appraisal contract.
- If at any time during the appraisal process it becomes apparent that the assignment will not be completed within the funding or timeframe provided, the individual assigned the appraisal will need to put in writing why additional funds or time is necessary. It will be up to the HQ PM Disposal Section to decide how they would like to proceed (i.e. provide additional funding, extend the due date or place a hold on the appraisal).

b. A formal "Determination of Value" review will no longer be required. Appraisal Reviews will only be required on a case-by-case basis and typically only on those appraisals that are complex, and/or multi-premise. Once the appraisal/value memo has been completed the file will be returned to the individual that completed the assignment sheet.

- For appraisals that are non-complex (see the Appraisal Section of the *Right of Way Manual* M 26-01 for definition of non-complex), HQ PM Disposal will move forward with their standard process (i.e., no Determination of Value).
- For appraisals that are of a complex nature, a copy of the appraisal will be given to the PMPM or the Region Real Estate Services Manager for approval of value(s). When necessary the PMPM will work with the appropriate region for an Administrative Desk Review (RES-446) to be completed.

20. The Region Property Management Specialist is responsible for inputting the following disposal information in IRIS:

- Disposal activation date
- Disposal to Regional Administrator date
- RA decision
- Date of Regional Administrator decision
- Disposal to Headquarters Approving Authority date
- Headquarters Approving Authority decision
- Date of Headquarters Approving Authority decision

- Disposal to HQ date
- Comments (diary entries)

21. At the beginning of each month, HQ will email status updates for disposal files currently being processed at HQ. The Region Property Management Specialist is responsible for relaying that information to the requester. This should be done at least once a month and continues until the property is sold or placed in auction. The Property Management Specialist closes the region file once the property is sold and notes it on the Property Management's right of way plan sheets. The Property Management Specialist will note the type of deed, the date, and color the property appropriately on the plan sheet(s).

C. **HQ Processing** – Upon completion of the Electronic Review disposal package and the revised plan sheet, region will attach the revised plan sheet and send the package from the "Region PMA Final Queue" by selecting "Finish" and "Complete," The Electronic Review System will automatically send an email to HQ letting them know that a new package has been approved.

Upon receipt of this email, HQ will complete the following tasks:

1. Review title check and legal description provided by region.
2. Review submitted value information; approve, concur, or order full appraisal as needed.
3. Verify that the required plan revisions have been completed and a copy of the revised plan has been provided
4. Prepare and mail 60-day notice to city/town and county as required by RCW 47.12.055. Whenever possible, this notification will be sent by email.
5. Request FHWA approval for the disposal when the property was acquired for an interstate facility or purchased with federal funds and being sold for less than fair market value. If the plan revision requires that the limited access hachures be relocated, the FHWA disposal package and Access Break Package must be submitted together. Per the Programmatic Agreement, federally funded non-interstate disposals to local jurisdictions for continued highway purpose, does not require FHWA approval. ***Note:*** FHWA requested review and approval is in letter format and the response in letter format as well. Be sure to keep these items in the Disposal file.

   A. The review package to FHWA must be in the following order:

      - Cover Letter-Include IC Number and use template located on the G Drive under Property Management (FHWA Formal Request Letter)
      - R/W Plan Sheet & Vicinity Map
      - RES-ER Property Details Report

- RES-ER Reviewer Details & any paperwork addressing issues raised in the review
- RES-ER Environmental Checklist
- Aerial & Property Photos
- Legal Description
- NEPA Document
- Additional/Misc. information pertaining to the request
- Access Break Package (Prepared by LeRoy Patterson and Trent Rickman)

B. Log request into the FHWA Sharepoint Site (create link) under the Property Management tab.

6. Develop a negotiation range based on appraisal/DV or value information.
7. Recommend method(s) of disposal considering the requirements of RCW 47.12.063 and any region recommendations.
8. Establish special conditions, restrictions, and/or terms for disposal.
9. Obtain necessary approvals for disposal by completion of a Surplus Property Report and prepare package for appropriate method of disposal.
10. Assure that all IRIS entries, including completion of the comment screen, are correct and current.
11. See Section 11-7.4.2 for further instruction on document preparation.

D. Any disposal file that has been on hold (no activity) for two years or more will be terminated, closed and the HQ file will be sent to the vault. The ICN will remain open, the disposal will be terminated in IRIS and comments will be entered by HQ explaining the termination of the disposal. A new region disposal package will be required for any files closed pursuant to this procedure.

11-7.3 Methods of Disposal

11-7.3.1 Trade or Exchange

A. Project related lands to be traded or exchanged must be reviewed and approved by the Region Real Estate Services Manager (RES Manager). The RES Manager will have an appraisal or value memo prepared and approved to determine the value of the parcel to be traded or exchanged.

B. Before any WSDOT-owned lands may be traded or exchanged, a surplus property review must be completed and approved.

C. HQ will notify the region once they have reviewed and approved the parcel and established value for the trade or exchange. Upon this approval, the region may proceed with negotiation of the trade or exchange. Upon successful

completion of negotiations, the Region Acquisition Specialist will have prepared, with the assistance of the Property Management Specialist, the Exchange Agreement. The Acquisition Specialist will deliver for execution the agreement and the acquisition documents to the property owner that is a party to the agreement.

D. Trades or exchanges of surplus WSDOT property for other property needed for transportation purposes in a project will be negotiated by the region in accordance with Chapter 6. The procedure for such a trade or exchange will follow the above noted steps.

   Upon completion of the Electronic Review, execution of the agreement and acquisition document, HQ will complete the trade by issuing the proper conveyance document.

E. WSDOT also has the ability to enter into exchange agreements for environmental mitigation pursuant to RCW 47.12.370. This authority stipulates that the department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

   These transactions also require department review and approval, execution of an agreement and ultimately a quitclaim deed which must provide for automatic reversion if the site not used as a mitigation site or not maintained in a manner that complies with applicable permits, laws, and regulations.

11-7.3.2 Direct Sale

A. All direct sales will be negotiated by HQ Property Management staff. The property will be sold in accordance with the approved Surplus Property Report. Under special circumstances, the file may be directed to the region for negotiation of the sale. If a parcel is assigned to the region for negotiation, the region should consult with Headquarters for proper procedures for payment processing and file documentation.

B. **Cash Sale Terms**

   1. If the agreed upon sale price is $1,000 or less, the purchaser must pay the full amount at the time of sale.

   2. If the agreed upon sale price is below $2,500, a deposit of 10 percent of the sale price on unimproved properties and 15 percent of the sale price on improved properties must be paid at the time of sale with the remaining balance to be paid within 60 days. If the purchaser decides not to complete the transaction, their deposit will be forfeited.

C. Contract Sale Terms

1. Contract terms may be offered on a purchase balance of $2,500 or more upon approval of the purchaser's credit. Once the credit report has been reviewed, a diary entry will be made stating the credit score and whether or not the entity has been approved for a Real Estate Contract. A copy of the credit report will not be kept in the disposal file.

2. The normal deposit of 10 percent of the sale price for unimproved property and 15 percent for improved properties may serve as the down payment. A larger down payment is required if payments other than monthly are requested, as detailed below:

Quarterly	15% Unimproved	20% Improved
Semi-Annual	20% Unimproved	25% Improved
Annual	25% Unimproved	30% Improved

   If the purchaser decides not to complete the transaction, their deposit will be forfeited.

3. The contract term is not less than one year or greater than 20 years. Normally, the term will be one year for every $1,000 owed.

4. The interest rate will be established by HQ.

5. Contracts may be assigned only upon written approval by HQ. A fee of 1 percent of the principal balance or $500.00, whichever is greater, at the time of the assignment will be charged. If an assignment of the contract occurs without HQ approval, this fee will be charged and collected at the time of payoff and before a Quitclaim Fulfillment Deed is processed.

6. WSDOT will not refinance or renegotiate terms of executed contracts.

7. Only one Partial Fulfillment Deed will be processed per contract.

D. Sale to Abutting Owner(s)

1. A written offer to sell the property is mailed to all abutting owners as shown in the records of the county assessor. If the deadline provided in the offer letter expires with no response, HQ will proceed with other disposal options. If more than one abutting owner indicates an interest in purchasing the property, the property will be sold at public auction.

2. If a written agreement signed by all abutting owners is provided, the property may be sold to multiple abutting owners under one instrument.

3. If a prospective purchaser makes a counter offer that is within the approved negotiation range shown on the Surplus Property Report, the Negotiating Specialist must review the offer with the Property Management Program Manager before proceeding as follows:

   a. If the counter offer is acceptable, HQ notifies the purchaser in writing of said acceptance and proceeds to complete the sale.

b. If the counter offer is not acceptable, HQ notifies the purchaser that the counter offer is not acceptable and requests an increased offer. If another counter offer at an increased amount is received that is acceptable, HQ notifies the purchaser in writing of said acceptance and proceeds to complete the sale.

c. If the counter offer is not acceptable and the purchaser does not wish to make another offer, the parcel is assigned for the next approved method of disposal.

11-7.3.3 Auction Sales of Real Property

Auction sales may be conducted by either oral bidding or sealed bids in accordance with RCW 47.12.283. HQ will determine the type of auction sale and will schedule and conduct said sale.

A. **Presale Processing for Both Oral and Sealed Bid Auctions**

1. HQ will prepare a Real Property Notice of Auction (see Appendix 11-3) which includes:

   a. Date, place, and exact time of auction.

   b. Abbreviated legal description of the property.

   c. Location and site description sufficient to enable field location of the tract.

   d. Detailed terms of the sale including deposit amounts.

   e. Inventory Control Number of the parcel.

   f. Minimum bid.

   g. Type of instrument that will convey title.

   h. Address and telephone number for securing further information or obtaining answers to questions about the sale.

   i. Statement that "The state reserves the right to postpone or cancel all sales or to reject any and all bids."

   j. The address for the auction Web page, which includes the general sales terms and bid form.

2. HQ will give notice of the sale by publication of the "Notice of Auction" on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of auction, in a legal newspaper of general circulation in the area where the property is located. A notice shall be placed in both the legal notice section and the real estate classified section of the newspaper.

3. HQ will post the property with a "For Sale" sign at least three weeks prior to the scheduled sale.

4. HQ will mail a postcard "Notice of Auction" to all parties on the auction mailing list. The postcard will include the date and time of the auction, the counties in which the properties are located, the auction Web address and contact information for the auction agent. An e mail "Notice of Auction" will be sent to all parties on the electronic mailing list containing the same information as the postcard notice. Abutting property owners and others who previously expressed an interest in the property will be mailed a copy of the complete Notice of Auction brochure.

5. For sealed bid auctions, HQ will also complete the following tasks:

   a. Answer any questions or inquiries.

   b. Receive the sealed bids. The bids shall remain sealed until the bid opening. The bids will be date-time stamped and logged onto a bidder sheet. The bidder sheet will show the name, address and date of bid receipt and minimum bid before the bid opening with the official bid amount to be noted upon opening.

B. **Sale Procedure for Oral Bid Auctions**

1. At the advertised time and place, the auctioneer begins the auction sale by making the following announcements:

   a. Announces the number of WSDOT employees who requested permission to bid and the number that have received approval, subject to the information provided to the HQ staff performing the auction.

   b. The type of interest being sold.

   c. Conveyance of the property will be by Quitclaim Deed with no title insurance or survey.

   d. Any guarantees, restrictions, reservations, or special contingencies that apply to any of the parcels being sold.

   e. Asks for and answers any questions before beginning the bidding.

2. The auctioneer begins the sale by asking for the minimum bid on the first parcel and continues until all bidding is completed on that parcel.

3. Upon completion of the bidding for a parcel, the auctioneer (or assistant) will record the name, address, telephone number, and bid amount of the successful bidder. The required deposit is collected and a receipt is issued.

4. Bidding will continue until all parcels have been offered.

C. **Sale Procedure for Sealed Bid Auctions**

1. The auctioneer begins the auction at the time and place advertised as follows:

   a. Announces the names of the persons who will be opening the bids and recording the bids.

   b. States that the bids are organized in order of ICN and in order received.

   c. Announces sale procedures and any changes, withdrawals, or variations from those procedures.

   d. States that WSDOT may waive minor informalities or irregularities in bids received or may reject any or all bids in whole or in part.

   e. Announces the number of WSDOT employees who requested permission to bid and the number that have received approval, subject to the information provided to the HQ staff performing the auction.

2. The bid opener opens all sealed bids for a parcel, verifies that the minimum bid requirement has been met, that the bid form is complete and signed, and that the deposit payment meets minimum requirements. The opened bids are handed to the auctioneer.

3. The auctioneer announces each bidder's name and bid amount aloud. The bids are handed to the bid recorder who records the necessary information on the bidder sheets.

4. After all bids for a parcel have been opened and announced, the auctioneer then announces the apparent successful bidder (highest bid received). This process continues until all parcels have been sold. The auctioneer asks for and responds to any final questions before declaring the auction closed.

5. The auctioneer issues receipts to all successful bidders and deposits all purchase payments into the proper accounts.

D. **Post Sale Processing**

1. If the sale cannot be completed by the successful bidder, HQ:

   a. Will notify the bidder that the sale is canceled and that their surety deposit has been forfeited.

   b. Will notify the HQ RES Financial Analyst of the forfeiture and sale cancellation.

   c. Due to past issues, the property will NOT be offered to the next highest bidder.

   d. Return the parcel to the auction drawer until the next auction is scheduled.

2. If the sale cannot be completed by WSDOT, HQ will notify the bidders that the sale is cancelled and return all bids unopened.
3. If two or more bidders submit identical high bids, HQ will:
   a. Notify each bidder of the tie and return any surety deposits by certified mail within 24 hours of the bid opening.
   b. Request a new bid with appropriate deposit from each tied bidder to be submitted within 30 days after the original bid opening.
   c. Award the bid to the new high bidder.
4. If any parcel or parcels are not sold at auction, HQ may:
   a. List the parcel with a real estate agent at the minimum bid price in accordance with RCW 47.12.283(4).
   b. Hold the parcel for sale at a later auction.
   c. Negotiate a sale for the property for no less than the last advertised minimum bid price pursuant to RCW 47.12.283(4-5).

E. Per RCW 47.12.063, the department may withhold or withdraw properties from an auction at the request of one the entities or persons listed in subsection 3 of this statute but only after:
   1. Receipt of a nonrefundable deposit equal to 10 percent of the fair market value or $5,000; whichever is less.
   2. The conveyance of the property must be completed within 60 days, or the property will be put back up for auction.

11-7.4 Final Processing and Document Preparation

11-7.4.1 Real Estate Contract

A. A purchaser who wishes to enter into a real estate contract for the payment of any remaining balance due on a purchase of property must complete an Application for Real Estate Contract (DOT Form 263-008 EF).

B. HQ will order and review a credit report on the purchaser. If the credit report is not acceptable, the applicant will be informed of the disapproval and that the property may still be purchased for cash with payment in full being due 60 days from the date of notification of credit disapproval. If the purchaser/applicant cannot complete this sale for cash, the sale to that purchaser will be canceled and all surety deposits will be retained. If the purchaser/applicant can complete the sale for cash, the final processing will take place as described in Section 11-7.4.2.

C. When the purchaser's credit is approved, HQ will prepare a real estate contract and send it to the purchaser for signature together with a request for a check for recording fees, excise tax fee, other applicable fees, and additional down payment. When the contract has been signed and returned to HQ along with the requested checks, the Property Management Section Manager will execute the contract and it will be mailed to the appropriate county for recording.

D. When the recorded contract is returned to HQ, copies will be distributed to the purchaser and the region; the original document will be retained in the HQ PM file and the file submitted to the HQ Title Section for posting.

E. HQ will collect and enter all payments into IRIS until the contract is paid in full. Per the Office of Financial Management (OFM), all payments will be transmitted to HQ Accounting within 24 hours of receipt.

F. If a purchaser defaults on a real estate contract, HQ will take the following steps, in accordance with RCW 61.30.070:

1. Where the payment is past due and no arrangements have been made for late payment, a reminder letter will be sent to the purchaser (Delinquency Letter #1).

2. If no response is received to Delinquency Letter #1, a payment demand and notice that forfeiture proceedings will commence will be sent to the purchaser (Delinquency Letter #2).

3. If the contract is not brought current by the date specified in Delinquency Letter #2, or as agreed upon by WSDOT and the purchaser, forfeiture proceedings will commence. HQ will order a title guarantee for court proceeding purposes. Based on the title guarantee, a "Notice of Intent to Declare Forfeiture" will be prepared, signed, and recorded in the county where the property is situated. Within ten days after recording, a copy of the "Notice" is sent to all interest holders and occupants by certified mail, return receipt requested, and regular mail. If unable to locate mailing addresses for all impacted parties, a copy is posted on the property either by HQ or Region PM. A photo of the posted notice on the property shall be retained in the HQ PM file.

4. If the default is not cured within the statutory time period (at least 90 days), a "Declaration of Forfeiture" is prepared, signed, and recorded in the proper county.

5. Within three days after recording the "Declaration," a copy is sent to all interested parties and occupants by both certified mail, return receipt requested, and regular mail.

6. After the forfeiture is completed and a 30-day appeal period has expired, the parcel may be resold.

7. HQ may make adjustments to the schedule of letters and notifications on delinquent payments.

G. A purchaser may request a partial fulfillment deed. If such a request is received, HQ will prepare a map showing the total area under the contract and the area covered by the request for partial fulfillment deed. This map is submitted to the Appraisal section with a request for a determination as to how much additional payment, if any, is needed to facilitate the request. The purchaser is advised of any additional payment needed. Upon receipt of the additional payment, document preparation will be commenced.

11-7.4.2 Cash Sale, Final Contract Payment, and Conveyance

Upon receipt of full payment of the sales price either at the time of sale or in fulfillment of a real estate contract, HQ will prepare the appropriate conveyance document and send it to the AAG for approval. Upon receipt of approval by the AAG, the document is sent to the grantee for approval as to form along with a request for checks for payment of recording fees and an excise tax fee. When the document and the appropriate fees are returned to HQ, the document is executed by the Secretary of Transportation and is sent to the proper county for recording. After the document is returned from recording, the original is sent to the grantee and a copy is scanned and e mailed to the region. A copy is also placed in the HQ file and the appropriate IRIS entries are made to close the disposal and ICN. The closed file is submitted to the Title Section for posting and filing.

11-7.5 Modification of Limited Access

A. The process and standards for requests for access modification are described in Section 530.10 of the *Design Manual* M 22-01.

B. A conceptual approval of a modification in access must be obtained from the Access and Hearings Engineer.

C. Upon preliminary approval of a modification in access, the region will process a disposal package as described in Section 11-7.2. Upon completion of the disposal package and notification via email to HQ RES, HQ RES will submit a disposal package concurrently with the HQ Access Management Office to FHWA.

D. Final approval of a modification in access is denoted by a signature on the right of way/access plan by the Deputy State Design Engineer.

E. HQ will negotiate the access modification, collect the payment, and prepare and record the proper conveyance document.

11-7.5.1 Turnback to Local Agency

A. **General** – Properties for relinquishment (turnback) are shown on the right of way plan as areas of right of way, road, and/or streets that WSDOT acquires for the improvement or construction of roads that will not remain a part of the highway system, but will be conveyed to a city, town, or county. The rights transferred may be fee, easement, or a combination of both.

B. **Rules** – The Turnback Agreement is used to facilitate the transfer of jurisdiction and ownership of right of way from WSDOT to a city, town, or county for highway purposes. Upon completion of the project, WSDOT will convey certain properties to the local agency by Quitclaim Deed.

Resources:

- RCW 36.75.090, RCW 47.52.210, RCW 65.08.095, RCW 47.24.020(15), RCW 47.12.080, Chapter 47.50 RCW, Chapter 47.52 RCW, Chapter 47.24 RCW
- WAC 468-18-040, WAC 468-30-070, WAC 468-30-75
- *Agreements Manual* M 22-99, Chapter 5
- Local Agency Agreement Summary (Master Deliverables List)

C. **Procedures** – The region maintains control of the original documents and monitors the agreement and construction of the highway. Copies of documents and notes are retained in a folder at HQ RES for each turnback agreement. Through the course of the turnback process entries are made into IRIS. Up front, is the time to obtain the appropriate charge code that HQ RES staff will use to charge their time against in completing the turnback process.

1. **Preliminary Review**

a. Agreements are reviewed prior to signing by the local agency.

b. **Standard Turnback Agreement** – The region agreement writer (or other as may be designated by the region) requests the Agreement be reviewed by HQ RES. The review is to assure consistency with the HQ right of way plans and title records.

c. **Nonstandard Agreement** – The Agreement Units of HQ Utilities, Railroad, and Agreements Section requests a review to be done by HQ RES of all nonstandard turnback agreements. The review is to assure consistency with the HQ right of way plans and title records.

d. The agreement is checked for accuracy against the right of way plans:

(1) Plan revisions and dates, most recent, are those that become the exhibit to the agreement.

(2) Turnback lines (weight and location) and informational notes (easement and fee and area is noted for relinquishment).

(3) Verifies color designations on exhibits are in compliance with the agreement and right of way plans, access to be retained, fee, and/or easement to be transferred.

(4) State ownership – title may not be acquired at this time. Communicate findings.

(5) Sufficient right of way plan detail is available to prepare legal description to be put in the conveyance deed to the local agency.

(6) Right of way outside an incorporated city or town (county) of both managed and limited access facilities: Property acquired by the state from a third party that will ultimately be maintained or operated by a county as a county road. A turnback agreement is needed.

Determine if existing county roads will be acquired by deed or will work be performed by construction permit. If it is to remain a county road, work is performed under a permit. If any portion of the existing county road lies within the new state highway, a deed is required from the county for that portion of the county road within the facility and will become part of the highway. A nonhighway property acquired by the state as an uneconomic remainder must be surplused and cannot be part of a turnback agreement.

(7) Right of way within an incorporated city or town:

(a) **Limited Access** – For city/town turnbacks of right of way that is a limited access facility, WSDOT may relinquish any portion of the improvements acquired by the state and outside the limited access facility. Title to streets, roads, alleys, etc., in a city or town that are within the limits of a limited access facility become the property of the state without the need for a deed from the city or town pursuant to RCW 47.24.020(2) and RCW 47.52.090.

(b) **Managed Access** – Property acquired from a third party by the state for right of way within a city/town becomes the property of the city pursuant to RCW 47.24.020(15) and so noted on the right of way plans. No turnback agreement is needed.

e. Communicate with Agreement Writer and/or HQ Utilities Agreement unit regarding acceptance of the agreement as is or provide guidance as to what changes are required. This is documented in e mail or other writing.

2. Final process upon completion of project construction. Per the terms of the turnback agreement, the deed must be recorded within one year of transfer of jurisdiction and maintenance to the local agency:

a. The region (Construction PE's Office) will send to HQ RES the executed final Turnback Agreement and Transfer of Maintenance and Operations Letter as sent to the local agency and requests processing of the deed.

b. The right of way plans are reviewed against the agreement checking:

(1) Right of way plan revision dates. A revision to the right of way plan after the date of the agreement that effects the area to be turned back to the local agency must be documented. This is accomplished with a modification or amendment to the Agreement.

(2) Make note from the right of way plan details to prepare the legal description including, location of limited access, the quarter quarter, section, township, and range of all areas to be turned back. These will be used in preparation of the deed.

(3) Assure all property rights for transfer to the local agency have been acquired, both fee and easement and that those areas match the color designations shown on exhibit to the agreement.

(4) If an area identified for turnback to a local agency is also noted as an area of an easement is to be transferred to "others," the deed cannot be processed until the easement transfer is complete and recorded. If and when that is done, the turnback deed will be prepared subject to the recorded easement.

(5) If any irregularities or discrepancies are discovered, work with the Agreement Writer and or the Construction P.E. to resolve. When these occur, it is usually due to a design change that resulted in a plan revision requiring a modification to the agreement.

c. Determine if the agreement is a standard turnback agreement or nonstandard agreement. This is necessary for preparation of the appropriate deed.

d. Prepare the legal description of the property to be transferred, that includes the quarter, quarter, section, township, range, plan title and name, and date and number of the turnback agreement. If the conveyance is of both fee and easement, such recital is made in the deed.

e. Prepare conveyance deed

(1) All deeds will require review and approval by an AAG.

(2) Do not use Quitclaim Deed (RES-411) as the RCW referenced is not appropriate for turnback deeds. Turnbacks are authorized by either RCW 36.75.090, RCW 47.12.080, or RCW 47.52.210.

(3) Caution must be used in preparing all Quitclaim Deeds.

(a) If the relinquishment is pursuant to a Standard Turnback, the deed format is similar from deed to deed.

(b) If the deed is a result of a Nonstandard Turnback Agreement or other agreement, the exceptions (clauses) in the deed must mirror those of the agreement.

(c) Be aware of limited access locations.

(d) Determine if special exception will be included in the deed such as, easements to "others" granted by WSDOT. These will be noted in the deed.

(e) All turnback deeds will contain the following clause:

"The Grantee accepts said deed subject to all matters of record."

f. After the deed is prepared, transmit it together with the corresponding agreement and modification(s) if any to AAG for review and approval.

g. After gaining approval from an AAG, the deed requires the local agency approval it as to form. It may be necessary to contact region staff to obtain the local agency contact. Prepare a letter requesting the local agency approve the deed and return the signed deed and funds sufficient for recording and payment of excise processing fee per (RCW 65.08.095). Send deed to local agency.

h. Certain local agencies, most frequently counties, request that the deed after final processing be returned to them for recording. They do not provide funds. That is acceptable.

i. Upon receipt of the signed deed from the local agency, the deed is sent to the Secretary of Transportation for signature.

j. When the fully executed deed is returned from the Secretary's office, prepare the deed for recording:

(1) If the local agency has requested that they record the deed,

(a) Prepare Real Estate Excise Tax Affidavit and sign for the WSDOT (grantor).

(b) Send a letter to local agency with the affidavit and deed, request the deed be recorded, and have a recorded copy returned to HQ RES.

(2) WSDOT to record deed with funds from the local agency,

(a) Prepare Real Estate Excise Tax Affidavit and sign it on behalf of the local agency (grantee) and the WSDOT (grantor) by two different WSDOT personnel.

(b) Send letter with the deed and Tax Affidavit by U.S. Mail to county treasurer/auditor to record; include the checks from local agency. Request the recorded deed be returned to HQ RES.

k. When in receipt of the recorded deed, send a copy to the local agency (unless they recorded it); create a PDF image and e mail it to the Region Construction P.E., region agreement writer, Region RES Manager, WSDOT HQ Bridge Preservation, and WSDOT HQ Right of Way Plans personnel. Make one copy for the turnback file.

l. Post the recorded deed to HQ right of way plans making note of the posting number(s). Prepare a posing sheet and send deed and sheet to be scanned and indexed for retrieval in Oracle.

m. Complete notes to the turnback file, prepare the Property Management cover sheet, and prepare the file for storage. Turnback files are retained with the Property Management closed records. They are placed in files marked "Turnback" at the end of the closed property management files by the county where the property is located.

11-8 Leasing

11-8.1 General

Leases are generally used when an applicant's proposed use is for a nonhighway purpose.

A. **Types of Leases Used by WSDOT**

1. **Residential/Commercial Displacee Lease (NA)** – Used when WSDOT acquires an occupied property and the displaced grantor or tenant remains in tenancy until relocated. (Residential Displacee Lease – RES-415, Commercial Displacee Lease – RES-416)

2. **Airspace Lease (AA, AC)** – Used when tenancy lies within the right of way lines of the constructed facility. Be sure to check the approved right of way plan instead of using fence location or maintained area to denote constructed facility. "Airspace" is defined as the space above, at, and below the gradeline of all completed highways, as well as the area alongside the traveled way, which would include any proposal to lease property that straddles the right of way line. RES-ER Review Required. (Standard Airspace Lease – RES-420)

3. **Ground Lease (RA, RC)** – Used when premises lies outside the operating right of way or lies within unconstructed right of way. ***Note:*** Operating right of way is that land lying within the right of way lines of a constructed highway facility. Therefore, ground leases will be used when leasing pit sites, stockpile sites, unconstructed rights of way and other similar properties. RES-ER Review Required (RES-418)

4. **Trail Lease (AA, RA, TR)** – Used when an applicant wishes to place a trail on WSDOT-owned property, either inside or outside the operating right of way. RES-ER Review Required (RES-419). Refer to Appendix 11-7 for Trail Lease information.

   Note: If a trail is constructed by WSDOT as part of its highway project and the trail is operated and maintained by an outside entity, even though the obligation to maintain that trail is WSDOT's, a Maintenance and Operation Agreement (M&O) is acceptable. If the trail is constructed after the highway is complete and the local jurisdiction will own the trail, then a trail lease is required.

5. **Commercial Lease (AA, AC, RA, RC)** – Used when a commercial use is proposed by the applicant. The Airspace Lease Short Form format is used; however, the title of the lease is changed to fit the use. RES-ER Review Required (RES-441 – just change the header to read "Commercial Lease")

6. **Cooperative Agreements (CA)** – Used pursuant to RCW 47.28.140. Primarily used in Real Estate Services when writing an agreement with a Transit Organization to operate and maintain a Park and Ride Lot in exchange for operating their transit amenities on the Park and Ride. RES ER Review Required. (RES-428)

7. **Event Lease (EV)** – Used for short term (for an event up to five days in duration). (RES-433)

8. **Monitoring Well Agreement (MW)** – Used when an applicant places monitoring wells on WSDOT property. Rent for monitoring wells is $100 per well, up to $500/annually per State Route and/or site. If appropriate, Leasehold Excise Tax (LET) will be charged in addition to the above stated rental amounts. RES-ER Review Required. (RES-438)

9. **Transit Shelter Facility Lease (TF)** – *WSDOT is still investigating and determining its process for Transit Facilities on WSDOT owned rights of way.*

10. **Interagency Agreement (IA)** – Typically used when dealing with another governmental agency. Used primarily (at this time) for arrangements between WSDOT and WSP. RES-ER Review Required (This lease type uses the appropriate form for the location – Airspace or Ground. Does not have its own RES form.)

11. **Single Family Residential Lease (RA, RC)** – Used for nondisplaced residential occupancy. RES-ER Review Required. (RES-417).

    Rental of state-owned housing must comply with RCW 59.18 Residential Landlord Tenant Act. Deposits shall be collected from tenants to help cover any cleaning and damage repair expenses incurred during the tenancy. All residences leased after the initial 90 day displacee tenancy will need proper smoke and carbon monoxide detectors, as well as asbestos, lead, and mold notifications.

    Note: Rental of state-owned housing to state employees is the same as for any rental of any other improved property. A state employee who rents a state-owned rental may not be obligated to pay Leasehold Excise Tax (LET) if it is determined that the state benefits from the employee residing on the leased premises.

12. **Wireless Lease (WF) (see Section 11-8.8.3). (Wireless Lease with no Attachments – RES-422, Wireless Lease with Attachments** – RES-421, Wireless Lease for Utility Pole Attachment – RES-432, Wireless Lease Application with process instructions – RES-429, Wireless Ground Lease – RES-424, Airspace Lease for Access to Communication Facility – RES 425) RES-ER Review Required.

13. **Crane Weathervaning Lease (AA)** – Used when free swinging, unloaded cranes enter into the right of way. This form is to be used only when the swing of the crane is outside of traveled lanes and clear zones. If the crane's swing enters either of these areas, this form will need to be modified to include additional protective language that fits the situation RES-ER Review Required.

14. **Aviation Lease (AR, AV)** – Used when preparing a lease document for the Aviation Division of WSDOT. Typically will be either a Hangar Lease or Tiedown Lease. (Again use appropriate lease document related to where the premises is located, but classify as AV. AR is only for those leases written prior to IRIS.)

15. **Ferries Lease (MA)** – Used when preparing a lease document for the Ferries Division. Since they typically do their own leasing, there is not a large call for these types of lease documents. They typically do their leasing activity as concessions. Contact the Ferries Division. (Again use appropriate lease document related to where the premises is located, but classify as MA.)

16. **Rail Lease (RL)** – Typical document used is a Ground Lease format. (These are used very rarely.)

17. During the 2011 legislative session, the legislature passed into law RCW 47.04.295. This law has specific language related to leases impacting park and ride lots. Most of the leases written here in RES utilize RCW 47.12.120 for leasing authority. Do not anticipate a situation where the authority will change to the new statute. However, public transportation currently working with Starbucks on a proposal. Further updates regarding policy will follow.

B. **Engineering Review Process** – Electronic Review (RES-ER) commonly referred to as Oracle or Stellent Review. Certain leased premises require an engineering review to be routed through RES-ER, as delineated above with their appropriate lease description (see Section 11-8.1.A).

The Region PMA will need to gather the following documentation to route the review through RES-ER:

Note: If a 'J account' is created to cover the expense of the review and lease process, please include the appropriate J account information in the PMA Comments field found on the General Information Tab.

- Tenant application for proposed lease location (additional information can be found in Section 11-8.2).
- Aerial delineating the leased premises.
- Hachured RW Plan sheet of the leased premises.
- Acquisition documents (title verification of WSDOT ownership).

- Two property photographs from different angles.
- Region RW Diary.
- Tenant's proposed use of the property (including any construction plan sets).
- Environmental review checklist (see additional requirements below based on property location – Limited Access or Interstate).
- Tenant's Ad Date, if applicable
- Funding source information (for Trails or other improvements that may be using grant funds for construction)

Notifying Region Environmental Services office when NEPA is triggered because the proposed lease area is located on an interstate highway. If any of these conditions are met, a federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed during the Real Estate Services Electronic Review System (RES-ER) process. At a minimum, when NEPA is triggered, a completed Environmental Checklist for Surplus Properties form is required (DOT Form 220-015 EF). Frequently with large projects, the tenant has an appropriate document that will suffice for FHWA's environmental concerns. This may be a Findings of No Significant Impact (FONSI), Categorical Exclusion (CAT C) or a full NEPA study.

The Region PMA will select reviewers based upon the facility types detailed below. For additional information on creating a review package in RES-ER, please see the document titled "PMA updated CheatSheet.pdf" located in the Outlook Public Folders directory for Property Management Forms (path: All Public Folders/HQ/Environmental & Engineering/Real Estate Services/FORMS/PROPERTY MANAGEMENT).

Non-Limited Access Facilities and Specific Sundry Sites (Pit Sites, etc.) – Reviewed and approved by Region staff and HQ Access review staff with no HQ Approving Authority required.

Note: If the property is located on a state route within incorporated city limits, jurisdiction falls to the city pursuant to RCW 47.24.020.

Every proposal must be reviewed (unless noted) by the following disciplines. Region staff should be available for each of the disciplines shown below:

- Environmental
- Public Transportation/Planning
- Roadside Services/Landscape
- Local Programs (as determined by Region)
- Area Operations Manager for specific county (primarily NWR)
- Developer Services (as determined by Region)
- Region Access

- HQ reviewers for all Managed Access reviews:
  - NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
  - NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy
- Utilities
- Maintenance
- Hydraulics (hillsides, slopes, water issues)
- Traffic (in NWR ARA Maintenance/Traffic, Maintenance)
- Region right of way plans (see note below regarding HQ plans and access)

May also require review by the Special Circumstance Reviewers shown below if region does not have staffing that specializes in the needed area:

- Foundations (bridge structures, retaining walls, sloping issues, tiebacks and similar situations): Cuthbertson, Jim
- Bridge: Al-Salman, Mohamad
- Homeland Security (Infrastructure and Bridges): Himmel, John
- Ferries: Deardorf, Ray
- Bicycle and Pedestrian:
  - Claybrooke, Charlotte (Schools)
  - Macek, Ian (Non-Schools)
- Radio Ops: McDowell, Tim
- Aviation: Wolf, Paul
- Project specific engineers (or field experts), as determined by region.
- Facilities (in the case of a Facilities site – HQ Facilities must be included in the review) Facility sites include the following property types: Pit Sites, Stockpile Sites, Rest Areas, Waste Sites, and Capital Improvements.
  - Reviewer: Medina, Yvonne

Limited Access Facility (Non-Interstate – Established or Planned) – Standard Region Reviewers as well as the HQ Access reviewer assigned to that region as shown:

Access:

- NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
- NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy

The review is routed to all the necessary reviewers/field experts. Upon completion of their reviews, the Region PMA reviews their comments for concerns that limit our ability to lease this property and determine if the review is at a stage to be finalized by the Region Approving Authority and HQ Approving Authority.

Package will automatically go to the following queues. Please do not choose the following as reviewers:

- HQ Approving Authority: De Ste Croix, Barb
- HQ Plans Review: Palmen, Steve

Region staff will facilitate the entire review (including any HQ reviewers), and complete the other elements of the transaction as detailed above.

Interstate Facilities – Standard reviewers, Special Circumstance Reviewers, HQ Access, HQ R/W Plans and FHWA.

As part of all FHWA reviews, appropriate NEPA documentation is required. This environmental documentation requires the help of Region Environmental staff to be sure that all areas of the federal nexus are covered. NEPA is triggered if the property being considered for lease or disposal is located on an interstate highway, or if the parcel was purchased with Federal funding and the parcel will be sold for less than fair market value. If any of these conditions are met, a Federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23 CFR 771.117(d)(6)). When a local jurisdiction is acquiring/leasing the property for a project, they often have this completed when applying to purchase/lease the property. An FHWA review is also required when an existing lease is being updated with a change in use or increase in the area being leased.

The remaining process will be the same as stated above, however, upon completion of the review. The HQ PMA will verify with HQ Access that FHWA approval is necessary for an access break. If an FHWA access break approval is necessary, the lease/disposal package will be delivered concurrently with the HQ Access break request.

FHWA requires a minimum of 60 days to complete their review. Upon approval, finalization of the process will be facilitated by Region/HQ Property Management staff.

Upon completion of the package review:

In the case of Airspace Leases, region staff will prepare lease documents for review by HQ RES and AAG if appropriate. (AAG review is required for Standard Airspace lease documents.)

Note: If Region wishes to begin the lease document prior to completed review, the Region PMA must provide HQ leasing staff with electronic lease and sufficient documentation to review proposed use.

C. **Consideration/Economic or Market Rent** – All leases must be based on economic or market rent or consideration equivalent to economic or market rent. Each appraisal for properties acquired should include information related to the appropriate rental rate for remaining tenants. If no rental rate provided, then the procedure for determining short term rent for residential properties will be done as detailed in the memo attached as Appendix 11-6.

There are three approved ways to determine the rental rate of WSDOT property.

1. **Appraisal** – An appraisal is the most accurate determination of fair market rent. Appraisals are required on all leases that have an annual total rent of $25,000 or more.

2. **Value Memo** – A value memo is acceptable for all rental rate determinations under $25,000/year for rent.

3. **Formula Method** – The formula method is used on properties expected to bring in less than $10,000/year in rent. The formula method uses the True Value Calculator. The PM Agent is required to gather abutting properties' tax assessed values in order to create an average price per square foot value. The calculator takes the inputted assessed values and uses the latest percentage adjustment provided by the Department of Revenue (DOR) to adjust the assessed value to a price per square foot or acre to the DOR's 'true value' of the land. This 'true value' is then applied to the size of the leased premises and factored with the applicable capitalization rate (which can be requested from the region's appraisal staff).

   Note: If the Formula Method determines that the annual rent will be over $10,000, a value memo or appraisal will be required.

   Non-payment of rent, except in those instances of consideration in lieu of economic/market rent, is considered illegally gifting an asset of the Motor Vehicle Fund. Exceptions to collecting economic rent may be considered where:

   - Displacee Lease – Pursuant to WAC 468-30-060, the rental rates are based on the following: the rental rate is economic rent as determined by either a market data report of rentals or a written determination by appraisal (if subject to LET, that must be charged as well), where the acquired improvement is tenant occupied, the rental rate in effect at the time of acquisition shall continue for ninety days. Thereafter the rental rate shall be economic rent. Should the tenant be paying more than economic rent, the rent is to be immediately lowered to economic rent. ***Note:*** If the tenant is making no rental payment, then the consideration is something other than money. An appropriate rental rate must be established upon possession.

   - Property is leased for a "highway purpose" or when the economic rent can be justifiably offset by benefits to the motoring public which equal rent value and is so documented. Rent-free occupancy of improved

properties may be offered as an inducement to settlement only with prior written approval from the Property Management Program Manager or designee. If approved, both region and HQ files must be appropriately documented.

- Oftentimes, economic rent is less than WSDOT's costs to perform management activities throughout the term of the lease. Therefore, a minimum rental rate has been established based on property location (urban versus rural based on the WSDOT Highway Log). For rural properties, the minimum rental rate will be $350 per year (to be paid annually) plus LET. For urban properties, the minimum rental rate will be $500 per year (to be paid annually), plus LET.

D. **Document Review** – The document review, first by the Region PM supervisor, if one is available, then HQ leasing staff, consists of:

- Reviewing the comments made in the RES-ER by the PMA, reviewers and approving authorities (Region, HQ and FHWA) and making sure they are addressed in the lease/agreement.
- Confirming the requested use has the appropriate language limiting the use of the premises to the use approved in the RES-ER.
- Checking to see if any additional language is needed in the document to protect WSDOT.
- Creating a finalized lease/agreement that properly reflects the intent of the use of WSDOT owned lands.

1. WSDOT has worked with the Attorney General's Office and created several boilerplates that are ready for Region PMAs to complete and have signed if no material modifications to the document are required. No review is required by HQ RES or AAG on the following documents:

   a. Residential Displacee Lease

   b. Commercial Displacee Lease

   c. Event Lease

   Note: When WSDOT acquires an occupied property, a Displacee Lease will be entered into with the tenant if they remain in occupancy. The lease may be prepared by the region and signed by the tenant without prior approval of the form if there are no material modifications. Any material modification requires Headquarters review and approval prior to signature. If the region wishes to allow a displacee lease to continue beyond the standard 90-day term, documented approval from the project office must be provided to HQ and additional language added to the displacee lease (HQ assistance required until standardized). Additionally, after the initial 90-day term, if the rents paid are below market, rents must be adjusted to market and remain at market for the remaining lease term.

2. Lease documents (without material modification) that require HQ RES PM review only:
   a. Ground Lease
   b. Single Family Residential
   c. Commercial Lease (outside constructed facility)
   d. Airspace Lease Short Form (RES-441)
3. Lease proposals and documents that require HQ and AAG document review:
   a. Commercial Lease (within constructed facility)
   b. Standard Airspace Lease
   c. Wireless Lease
   d. Trail Lease
   e. Monitoring Wells
   f. Cooperative Agreements (typically used for park and ride lots)
   g. Interagency Agreements
   h. Crane Lease *(creation of lease in progress as well as appropriate processing information)*.
4. Any leases falling within interstate must be approved by the Federal Highway Administration (FHWA). NEPA documentation must be included in the package sent to FHWA for review and approval.

How to Create a New Lease in IRIS When You Have Existing IC

1. Click on PM Tab.
2. Click on IC # pull down menu.
3. Click on “Find related items” to the right.
4. Click on Search.
5. Go to top header to “PM” in red drop down to “Leases” click on leases.
6. Go to the bottom of the screen click on “New.”
7. Enter data.
8. Tenant not on list:
9. Click on add tenant.
10. Enter tenant data.

11. Click on "Save."
12. Click on "Insert."
13. Scroll back up and get the WF #.
14. Enter new lease into spreadsheet.
15. Create label for file folder.
16. Provide Rental Accounts Manager with the Location and Levy Codes.
17. Send file to Rental Accounts Manager to enter rent schedule.
18. Make sure the assistant to the Rental Accounts Manager enters the lease into the CPI list.
19. Make a label for the HQ file.

11-8.2 Application for Lease

11-8.2.1 Initial Application

A. An application has been created to address a proposal to lease or purchase. The form is identified as the RES Application (RES-436). The region will provide the application to any person or party who is interested in leasing any property owned by or under the control of WSDOT. The Single Family Residential Supplement form should only be sent to applicant if they are applying to rent a department owned residence; this is very uncommon. The application must be completed by the applicant and returned to the region prior to any reviews or drafting of documents.

B. Once the application has been completed by the applicant and submitted to the region, the application will be reviewed for completeness, clarity of the proposal, eligibility of the applicant, credit history of the applicant, and availability of the property for lease.

C. Applications for Wireless Communication Leases will be handled pursuant to Section 11-8.8.3.

11-8.2.2 Review/Approval of Application

A. **The Region Process** (for Airspace Leasing Request on Nonlimited Access Highway Facilities)

   1. Upon initial acceptance of the application by the region, the lease proposal or application is routed electronically through the Real Estate Services Electronic Review (RES ER) to the appropriate Region and Headquarter's divisions or sections for review, comment, and approval/disapproval. Please see Section 11-8.1.B, Airspace Lease Review Process, for the steps necessary to complete the Region and Headquarter's engineering review. If the site has been leased previously for the same or similar purpose, a full engineering and electronic review may not be needed. The region should verify that no present or future construction or maintenance projects

will conflict with the proposed lease use. If so, region project staff shall provide written approval for extended use of premises.

2. Update IRIS as appropriate.

B. **The Region Process** (for Airspace Leasing Request on Established or Planned Limited Access Facilities)

1. Upon initial acceptance of the application by the region, the lease proposal or application is routed electronically through the Real Estate Services Electronic Review (RES ER) to the appropriate Region and Headquarter's divisions or sections for review, comment, and approval/disapproval. Please see Section 11-8.1.B, Airspace Lease and Disposal Review Process, for the steps necessary to complete the Region and Headquarter's engineering review. If the site has been leased previously for the same or similar purpose, a full engineering and electronic review may not be needed. The region should verify that no present or future construction or maintenance projects will conflict with the proposed lease use. If so, region project staff shall provide written approval for extended use of premises.

2. Once the region review is completed, the lease proposal is electronically submitted to the Regional Administrator or designee for approval/disapproval.

3. Update IRIS as appropriate.

4. The region then electronically submits the draft lease to HQ for review using the WSDOT RES Lease-Agreement Review mailbox

C. **The HQ Process** – When the electronic review has been completed and a draft lease prepared, the application package will be forwarded to HQ Property Management. Limited access breaks will require coordination with the HQ WSDOT Access office. FHWA approval is necessary if the proposed lease area is associated with the interstate. If FHWA review is required, any limited access breaks must be completed and sent to FHWA in coordination with the lease review package. The FHWA hardcopy application package shall include access break and NEPA documentation. Minimum timeframe to allow for FHWA review is 60 days.

11-8.3 Lease Preparation

11-8.3.1 Region Process

A. The region establishes economic rent for the lease. Rent shall be paid from the time the tenant starts using WSDOT property or upon Region discovery of a non-highway use and the provision of written notice from WSDOT regarding unlawful use. Non-payment of rent, except in those instances of consideration in lieu of economic/market rent, would be considered illegally gifting an asset of the Motor Vehicle Fund. If the property is valued under $10,000, the formula method may be used. This method utilizes assessed values plus a risk premium established by the Department of Revenue. If the property is valued

between $10,000 and $25,000/year and is not complex, as determined by the Region RES Manager or designee, a value memorandum can be completed to determine economic rent. The region prepared value memorandums must be reviewed and approved by the RES Manager or designee. Approvals can also be provided by Appraisal Review staff statewide. If the property is valued over $25,000 an appraisal must be completed and reviewed by HQ Appraisal Review staff.

Note: Maintenance savings alone cannot constitute consideration. Extraordinary maintenance may be allowed as consideration but not without considering rental value.

Owner-occupied displacee lease rental rates are established by the appraiser and are referenced in the parcel acquisition appraisal.

Tenant-occupied rent for the initial 90 days shall be based on current rate. After the initial 90-day period, rent shall be adjusted to market rent. See WAC 468-30-060 regarding displacement rentals.

If no rent is being charged by previous owner, the region must determine economic rent and, upon WSDOT ownership, a lease and payment of economic rent must commence.

B. The region determines whether the lease is subject to Leasehold Excise Tax (LET) pursuant to RCW 82.29A.020 and RCW 82.29A.130. If LET is appropriate, the region obtains the "County Location Code" and "Levy Code" (Tax Area Code). The "County Location Code" can be obtained from the Department of Revenue Office or website. The "Levy Code" can be obtained from the county assessor's office or website. To enable the assessor to locate the property, the tax parcel number, subdivision, lot, block, section, township, range, or other information will likely have to be provided by the region. All this information must be entered into REIS IRIS. If there are any questions, problems, or discrepancies, HQ should be consulted.

C. The region prepares a draft lease using the appropriate lease document. HQ maintains all lease formats and the region *must* access and use the most current lease formats, available in the Property Management forms folder in Microsoft Outlook and on the WSDOT intranet.

D. The region assures all permits are issued as necessary for leasing activities. An Access Connection Permit is required for all leases where a lessee enters into managed access right of way to occupy or gain access to the leased premise.

E. The region submits the draft lease and all required documentation listed on the PM Lease Review Checklist (RES-437) via email to WSDOT RES Lease-Agreement Reviews mailbox, including:

- All exhibits – pictures.
- Right of way maps showing the location of the parcel and improvements.
- All covenants or other documents that create restrictions or encumbrances on the property.

- Underlying leases, licenses, permits (e.g., if the property is being subleased or if there are multiple tenants).
- Acquisition documents.
- All documents referenced in the agreement including electronic copy of existing lease.
- Pertinent facts that may have some bearing on the agreement.
- Emails, including those with engineers.
- Value memo/appraisal.
- Permits, if required (general permit, access connection permit).
- Completed application form.
- If a legal description is included in document, legal description *must* be reviewed and approved by a Region Title Specialist.

Note: To lessen duplication of information submittal, the region should include in the email submittal a reference to any information listed above that is found in the electronic review package. Additionally, please remember to send the above detailed information regarding any lease submitted to HQ, whether or not an electronic review was completed (e.g., Ground Lease, Displacee Lease).

HQ reviews lease document, including terms, rent, and special provisions before final approval is granted.

F. Upon receipt of the approved lease, the region will secure tenant signature. If the lease is for a single family residence built prior to 1978, appropriate lead base paint/asbestos information will be supplied to the tenant with receipt acknowledged in writing by the tenant.

11-8.3.2 HQ Process

A. HQ will review the draft lease form submitted via email by the region together with all other required documentation. If applicable, a credit check will be processed by HQ. If the lease form is acceptable, and if necessary, it will be forwarded to the AAG for approval. Upon approval, the lease form and any exhibits will be returned to the region via email or campus mail to obtain the signatures of the tenant. Region may deliver the document to tenant in paper or electronic form. If electronic delivery is selected, document should be delivered to tenant in PDF form to minimize alterations to the document.

B. Once the lease has been executed by the tenant, the signed lease should be reviewed by region to assure no changes have been made and that all signatures, notary actions, and documents have been properly processed, after which the lease should be returned to HQ with the following attachments:

   1. Completed Rental Agreement Transmittal (DOT Form 263-009 EF) including federal aid information.

2. A completed Property Inspection Status Report (PISR) (to close out the existing lease if the new lease is superseding an existing lease with a different rental agreement number).

3. Completed lease application with Regional Administrator or designee's approval and regional review comments/recommendations.

4. Right of way plan sheet showing leased premises hachured and labeled as Exhibit "A" as shown on Appendix 11-4.

5. Declaration of Acceptance as to Form (RES-408).

6. Tenant executed Memorandum of Lease, if appropriate.

7. Cross sections showing elevations of leased area, the roadway, and abutting lands. (If lease requires vertical limitations, e.g., under bridge structure.)

   Note: This information is required if not already provided via electronic review and/or with the PM Lease Review Checklist (RES 437).

C. HQ will secure the appropriate HQ signatures. If necessary, the lease or a Memorandum of Lease will be recorded. Current procedure is to record the Memorandum when the lease benefits the appurtenant owner. The original lease will be kept in HQ with copies of the fully executed lease being sent to the region and the tenant.

D. HQ assures that all data entered into IRIS is correct and complete.

11-8.4 Rent Collection

11-8.4.1 Procedure

A. In compliance with accounting requirements, all rental payments must be deposited within 24 hours of receipt. The initial rental payment, which may be paid at the time the rental agreement is signed, may be paid and deposited in the region or mailed directly to HQ by the tenant.

   1. If the initial rental payment is paid in the region, the Property Management Specialist issues a receipt for said payment to the tenant and immediately delivers the payment to the Region Accounting Office for handling.

   2. The Region Accounting Office deposits the payment into a suspense account and immediately forwards a copy of the payment receipt, a cash receipt from TRAINS, and any other supporting information describing the rental payment to HQ.

   3. HQ then redistributes the rental payment into the proper accounts.

B. All other rental payments after the initial rental payment are to be paid directly to HQ. Computer generated Rental Statements are obtained through IRIS twice a month in advance of the rental due date. Rental Statements are reviewed for correctness and mailed to the tenant (along with a return envelope) approximately ten days prior to the due date.

C. The rental payment is processed by HQ upon receipt and appropriate entries are made in IRIS.

11-8.4.2 Rent Adjustments

When a lease contains a provision for rent review or adjustment, rent should be adjusted as follows:

A. Adjust the rent every year by either: (1) the percentage change that occurred during the preceding calendar year in the U.S. Consumer Price Index for All Urban Consumers (U.S. CPI-U), using the data as published by the United States Department of Labor's Bureau of Labor Statistics; or (2) in an amount that reflects changes in comparable rents as identified in an appraisal/market evaluation. After the fifth year, rent should be reviewed and revised based on an appraisal/market evaluation.

B. Wireless Lease adjustments: Rent will be increased annually throughout the term of this Lease, on the second Payment Date by four percent (4%) of the rent amount in effect at the time of the adjustment.

11-8.4.3 Refunds for Early Vacation

A. If a tenant vacates prior to the end of the rental period, the region confirms the following:

   1. All rent payments are current.

   2. The tenant gives proper notice as required by the lease prior to vacating.

   3. The premises are left reasonably clean and in a condition similar to that which existed prior to leasing.

B. The region initiates a refund by transmitting a Property Inspection and Status Report (PISR) (DOT Form 263-007 EF) to HQ and photos of the vacated premises.

   1. For displacee leases, the region agent must verify in IRIS the tenant has submitted payment. Rent shall be refunded if tenant vacates within the first 30 days and meets the requirements of Section 3. Refund, subsections 1) and 2) of the Standard Residential and Commercial Displacee Lease.

   2. For nondisplacee leases, rent may be refunded based on the terms of the individual lease.

C. HQ reviews and approves, if appropriate, the refund request, prepares and processes an appropriate voucher, and mails the refund to the tenant when it becomes available. Once processed, a copy of the final PISR will be forwarded to the region.

11-8.4.4 Delinquent Rentals

A. An IRIS generated rental delinquency/default report is available which lists all leases that are more than 15 days delinquent. With the aid of this report, and in conjunction with the region, HQ:

1. Prepares and mails a delinquency letter to each tenant listed that is more than 15 days delinquent requesting payment.
2. Attempt to contact tenant by either region or HQ staff.
3. Follows up on the delinquency in the next billing cycle and checks IRIS to determine if the delinquent rent has been paid. Final attempt to collect rents due and owing by mailing a certified letter to the tenant setting forth goals and deadlines for payment of the delinquent rent. The Certified Mail Receipt number must be noted in the letter to the tenant. Copies of this letter must reside in the region and HQ file.
4. If tenant remains on the premises and does not submit rental payment, follow procedures titled "How to Prepare For Unlawful Detainer Actions." See Appendix 11-5.
5. Inspects the property after a completed unlawful detainer action to verify that the property has been vacated and left in an acceptable condition. The region and HQ will work together to enforce any court judgment.
6. Prepares a detailed report with photos of the premises and damaged items, including a list of any missing items. The report should include a description of any abandoned personal property, excessive debris, or hazardous materials.

B. If a property is vacated and rent is still due and owing, HQ may turn the delinquent account over to a private collection agency for further handling.

C. If the debt is uncollectible, HQ proceeds to write off the debt and makes appropriate entries in IRIS.

11-8.5 Monitoring the Lease

The region shall be responsible for monitoring the lease during the tenant's occupancy. Monitoring shall include:

A. Acting as liaison between the tenant and WSDOT by answering questions and resolving any problems which arise.

B. Inspecting the leased premises as necessary to ensure compliance with lease terms.

C. Adjusting rental rates, in accordance with lease provisions in Section 11-8.4.2, excluding HQ initiated annual CPI adjustments.

11-8.6 Assignment of Lease

A. A tenant may make a written request for WSDOT approval to assign the lease to another party. HQ and the region jointly review the request and determine whether an assignment of the lease is appropriate or if a new lease is necessary. The review should include a property inspection to determine if the present tenant is in compliance with the lease terms, a rental rate adjustment, if appropriate, and a credit check if applicable. Existing rental account must be current with no outstanding balance prior to completion of assignment of lease to new tenant.

B. Once the review is complete and determined to be acceptable, the region prepares an Assignment of Lease (RES-426) or examines any other assignment form submitted by the requesting parties. Any assignment form other than an approved WSDOT form must be approved by HQ and the AGO and must include the following:

   1. Release by the present tenant (Assignor).
   2. Assumption by new tenant (Assignee).
   3. Approval by WSDOT.
   4. The assignee's address for notification and rental statement purposes.

C. Once the assignment form has been approved, the region secures the signatures of the old and new tenants and submits the assignment to HQ for further handling together with a PISR. The PISR shall include the new tenant's notification and billing addresses and current photo(s) of the leased premises.

D. HQ obtains the appropriate WSDOT signatures. Once the assignment is fully executed, the original will be placed in HQ file and copies will be sent to the region, the assignor, and the assignee.

11-8.7 Termination of Lease

A. Leases may be terminated for the following reasons:

   1. Expiration of the term of the lease.
   2. Noncompliance with the terms of the lease (default).
   3. As requested by tenant or as otherwise allowed in the lease document.

      Note: Prior to any lease termination requiring notice, care must be taken to ensure that all parties having any interest in the lease are identified and given notice.

B. To complete the termination process, the region:

1. Provides written notification to tenant of lease termination if WSDOT is initiating lease termination. Submits draft termination letter to HQ for review.

   Upon review and approval, written notification should be signed by the Region Property Management Supervisor.

2. Reviews lease termination language and, if appropriate, moves to next step in process if tenant is initiating lease termination.

3. Inspects the property to verify it has been vacated and the condition of the site conforms to the lease. If it has not been vacated, an unlawful detainer may be required.

4. Completes a PISR and submits it, along with photos of the vacated leased premises, to HQ. The completed form shall include the signature of both region specialist and region approving authority.

5. Updates IRIS comments accordingly. Region **should not** enter close date or tenancy end date.

C. Upon receipt of the PISR from the region, HQ:

1. Reviews the report and obtains signature authority approval.

2. Ensures that the last month's rent is credited, if appropriate.

3. Requests payment of any rent due, refunds overpayments, or initiates collection actions, if necessary.

4. Closes lease file unless collection action has been initiated.

11-8.8 Airspace Lease Specifics

11-8.8.1 Coordination

Since airspace leases involve the shared use of operating right of way and land use issues, a greater degree of coordination is required between Real Estate Services, Engineering, Traffic, Maintenance, FHWA, and local governmental agencies. Early involvement of all interested parties, as well as communication between the region and HQ, should facilitate a successful lease.

11-8.8.2 Rental Income

Income from airspace leases with effective dates after April 3, 1987, and covering right of way in which federal funds participated in any phase of the project (preliminary engineering, right of way acquisition, or construction) is to be used as part or all of the state's portion of any project eligible for federal assistance under Chapter 1 of Title 23 United States Code. Any such income is to be deposited into two separate accounts (one state and one federal) in the same proportion as the state and federal participation in the project. Rental income is NOT to be commingled.

11-8.8.3 Wireless Leasing

Key RCWs 47.04.045, 47.12.120, and 47.12.125.

Things to keep in mind when having an initial conversation with a wireless site developer:

- Encourage collocation whenever possible.
- When the site is on an interstate or if you need FHWA approval for anything, the developer must complete NEPA.
- There is no access to the radio site from the interstate mainline in urban areas.
- No access to radio sites will be provided from ON or OFF ramps.
- Any trenching in the right of way requires a WSDOT Utility Permit.
- Radio site developer must include a utility trench cross section with their construction drawings.
- Towers must be painted "Washington Gray" (an actual paint color).
- Diesel back-up generators must have double wall fuel tanks.
- Construction drawings (CDs) must show/describe fuel tank details.
- CDs must include the location of spill containment materials and the parking location of the fuel truck when refueling the tank.
- CDs need to specify the decibels of the generator when running under full load.
- Developer must use native vegetation to conceal fenced compound, no Douglas fir trees.
- Provide developer with lease application and process instructions.
- Let the developer know they can submit their plans for a no cost "Conceptual Review." No cost conceptual reviews are a quick review for the location only. This is to let the developer know if WSDOT is against the site location. WSDOT does not review much beyond that unless we feel that it could lead to a "no" answer.
- $3,500 application fee Site Upgrade or New Sites. RCW 47.04.045 pertains to right of way only. Mountain tops are sundry sites.

Service Provider Reimbursable Account Set Up

Conceptual review is completed.

Wireless Application on Utility Pole

The following will happen on each pole with a wireless application:

- **Permit With Utility** – This should already be in place, so no changes will be made.
- **WSDOT Lease With Utility** – This lease allows the utility to have a wireless application on their pole. Non-utility use.

- **WSDOT Lease With Wireless Company** – This lease allows the wireless company to operate in the right of way. The wireless company will pay a ground lease to locate equipment on the pole. The utility company will not be charged.
- **Wireless Company and Utility Lease** – The Utility should enter into a lease with the Wireless Company to allow them to attach to their pole.

If this is a new request, your area utilities must approve the install.

You Receive a Request for a Conceptual Review

Conceptual reviews are provided by WSDOT at no charge.

You Receive a Complete Lease Application Package Including the $3,500

1. Fill Out UCB Form (DOT Form 224-031 EF) and Create UCB Number

   A. Only the information in the box at the top of the form can be entered. No changes to the body of the document are acceptable without AG approval. The requester, entity on the invoice and refund entity and address need to match.

   B. Contact Becky Hawkins to get link to ART.fp7 to allow you to get a UCB agreement number. DO NOT use NA in fields that need to be left blank. DO NOT use capital letter unless needed, such as the first letter of your name or UCB.

      - Sign in to ART and select “Add New.”
      - In the Choose Agreement Type, select “New.”
      - In the Select Prefix, select UCB and select continue, then OK.
      - Task and Amendment are left blank, unless you are amending the UCB for additional funds to complete your review.
      - Region: Select HQ-RES
      - Agreement Manager: Enter your name
      - Org Code: Enter your Org Code
      - Agreement Type: Select WSDOT Standard Form
      - Form No.: Select 224-031
      - Agreement Retention; Check six (6) years
      - Payee Name and Address: Should match what you entered in the top box of the Reimbursable Agreement.
      - Project Title: Use site location name – This is usually a combination of WSDOT location and the wireless companies site ID or location name, which is found on their plans.

- Project Description: Use what was entered on the Reimbursable Agreement. This should accurately describe who, what, where, why and when.
- Federal ID #: This is the wireless provider or contractor submitting for the upgrade or new site.
- Project Location: DO NOT enter SR or I, but only the numerical number that corresponds to the roadway found in the plan title.
- Allowed Overrun Percent: Enter 25%, per Section 2.3 of the Agreement
- Amount Reimbursable to WSDOT: Leave Blank
- Advance Payment Amount: Most of the wireless reviews will require a $3,500 amount.
- Under "Reportable Under Performance Based Contracting Policy" leave it blank. The blank selection is after the other options.
- Notes to HQ: Add note similar to the following: The payment supplied by the provider is for WSDOT to review their request to install additional equipment at the site. Any unused amount will be refunded to the provider.
- Initialed By: Enter your name
- Date: Enter date.
- Phone: Enter your phone number

Forms Search – If you search for a form number, the search format is three letters (UCB), space, three numbers (1234), (ex. UCB 1234)

Processing Signed UCB Agreement – Transmitting to HQ Accounting – Establishing Charge Numbers

HQ RES will submit the signed UCB Agreement along with an Agreement Review Transmittal directly to Laura Sanborn (ext. 7108) via Lorri Riches (ext. 7112). Laura's accounting group will have the document executed and complete data entry into ART and charge code information. Laura will generate a report that will be sent out every month until you notify her to drop or add accounts. The following outlines the process from Program Analysis and Management Services (PAMS).

These procedures outline the process between Real Estate Services (RES) and the Program Analysis and Management Services Office to create reimbursable charge codes for Real Estate's Wireless Lease Agreements.

RES – A Private Entity contacts Real Estate Services with a request for a Wireless Lease agreement which may include a variety of activities including site upgrade.

Private Entity – The Private Entity submits a Wireless Lease Application to the Real Estate Services Office.

RES – The Real Estate employee will then initiate the creation of an agreement (UCB prefix) by:

- Accessing the Agreement Review Transmittal (ART) system to assign the next sequential UCB agreement number to the applicant.
- Creating a Wireless Lease agreement that outlines the terms of the agreement between WSDOT and the Private Entity.

RES – The Real Estate employee will send two original UCB agreements to the Private Entity for execution and signature.

Private Entity – The Private Entity signs both original UCB agreement documents, and mails the 2 (two) original Task Agreements to the Real Estate employee.

RES – The Real Estate employee will send two original UCB agreements to the Private Entity for execution and signature to the PAMS Office.

PAMS – The PAMS Office will:

- Route two original Task Agreements to Kyle McKeon, Project Development Office for signature. (Project Development to route back after signing to PAMS.)
- Create a new reimbursable work order (RO) for the amount of the UCB Agreement.
- Complete the customer's Agreement Review Transmittal system record for the reimbursable agreement by keying:
  - RO work order number
  - Bill Code - 5490
- Print two copies of the completed Agreement Review Transmittal and attach one to each of the signed original Task Agreements.
- Send one signed original to:
  Accounting and Financial Services Office
  Project Support and Receivables Unit
- Send one signed original to:
  Patrick Sullivan, Real Estate Services Office
  PO Box 47338
  Olympia, WA 98501-7338

Once the work order has been added to TRAINS, a copy of the work order authorization will be sent to a predetermined list of Real Estate Services staff notifying them of the work order/work order group number.

RES – The Real Estate Services Office will charge the work order group for activities related to the Private Entity.

Headquarters Project Support Unit – Monthly, the Project Support Unit will oversee the process to reduce the customer's deferred revenue (A591) and apply to any project expenditures.

Please Note: An increase to the UCB agreement will be required in those instances where the amount of expenditures exceed the amount of the agreement. The Real Estate Services Office will be responsible for supplementing the UCB Agreement, including obtaining Private Entity signature, if necessary.

Once the UCB Agreement has been supplemented, the expenditures in excess of the deferred revenue amount will be invoiced by the Project Support Unit.

Private Entity – The Entity will submit payment(s) to the Headquarter Accounting, Cashier as indicated on the remittance letter.

RES – The Real Estate Services Office will notify the PAMS Office Staff when the work has been completed.

PAMS – The PAMS staff will audit the work order and receivable activity to determine if any refund is due to the Private Entity or if any additional expenditures should be invoiced. The PAMS staff will notify the Accounting and Financial Services Office, Project Support and Receivables Unit of their findings.

The PAMS staff will then notify the Real Estate Services Office when the final work order and UCB Agreement closures have processed.

2. Review the construction drawings to make sure they included/identified the items described above in the initial conversation with a developer.
   - Review for the following items: Access to the site, are they locating equipment on a PSE Pole (see PSE Pole Section if so), size of site is limited to 400 sf which includes utility trench area. Most trenches are approximately 18″ – 24″ deep and a 6″ conduit will require 1′ width or more to accommodate it. If conduit is located within the parameter of the site, ex. 20′ x 20′, then the conduit trench is not an issue. ***Note:*** Most power is trenched from a utility cabinet. From the cabinet to the site is considered private use and not a public utility. This area should be included in the site square footage assessment.
3. Is the project located within an interstate? If so, notify Region Environmental that a NEPA review will be necessary and provide charge numbers. If project is not within interstate, NEPA is not required.
4. Prepare the review package in ORACLE for distribution. The review package should consist of the following items in this order:
5. Reviewers have three weeks to review and email their comments. Failure to respond in three weeks is an automatic approval. With the exception of region and HQ Environmental and HQ Access, you must have these.

6. Write the lease and email it to AAG for review and approval.

   There are three primary leases used in wireless leasing:

   - **Wireless Lease With Attachments** (RES-421) – To be used when a tenant wants to attach anything to WSDOT's tower (mostly used on mountain top locations).
   - **Wireless Lease, No Attachments** (RES-422) – To be used for a new cell site in the WSDOT right of way.
   - **Wireless Ground Lease** (RES-424) – To be used when a new tenant wants to collocate at an existing cell site in the WSDOT right of way.

   And two that are used less frequently:

   - **Airspace Lease for Access to Communication Facility** (RES-425)
   - **Wireless Lease for Utility Pole Attachment** (RES-432)

7. Send lease to tenant so they can start their review. This should be done concurrently as the region and HQ review of the project is taking place. If the lease application is denied by region or FHWA, then notify tenant and do not let WSDOT execute lease.

8. Review the comments as they come in and answer any questions to keep the review process moving.

9. If the project is not on interstate, you are ready to lease the property.

10. If the property is on interstate and you have region approval to lease, you must wait until you have NEPA approval (interstate only) before you forward the following items to FHWA for approval to lease:

    - NEPA approval letter from region.
    - Region approval to lease.
    - Reviewer comments with answers to questions.
    - Original reviewer package.

11. Wait for FHWA letter granting permission to lease. Once received, notify tenant.

12. The lease language negotiations should be done or nearly done at this point and you will need an AAG signature on the original.

13. Take the lease with the AAG's original signature and attach all the exhibits and make four copies. Mail all four to the tenant for signature.

14. Once signed and notarized by tenant, then have WSDOT execute.

15. Mail two fully executed originals to tenant.

16. Process the two fully executed WSDOT original leases as provided herein.

Wireless Rent Schedule

See new 2012 Rate Spreadsheet. Instructions are imbedded in the document.

How to Enter a New Lease Into IRIS When You Have Existing IC

1. Click on PM Tab.
2. Click on IC # pull down menu.
3. Click on “Find related items” to the right.
4. Click on Search.
5. Go to top header to “PM” in red drop down to “Leases” click on leases.
6. Go to the bottom of the screen click on “New.”
7. Enter data.
8. Tenant not on list:
9. Click on add tenant.
10. Enter tenant data.
11. Click on “Save.”
12. Click on “Insert.”
13. Scroll back up and get the WF #.
14. Enter new lease into spreadsheet.
15. Create label for file folder.
16. Provide Leasing Manager and/or RES Fiscal Analyst with the Location and Levy Codes.
17. Send file to Leasing Manager and/or RES Fiscal Analyst to enter rent schedule.
18. Make sure the assistant to the Leasing Manager and/or RES Fiscal Analyst enters the lease into the CPI list.
19. Make a label for the HQ file.

How to Do a WSDOT Land Acquisition When a Cellular Leasehold Interest Must Be Cleared

Cellular sites are not considered a utility because they are not regulated by the UTC. They are also not eligible to receive relocation benefits under the Uniform Act.

Cellular sites are eligible to receive compensation in the acquisition process, e.g., moving a sign.

In a situation where a WSDOT project is purchasing land with an existing cellular site, the acquisition agent must get each tenant at the cellular site to sign a full release of lease; this will clear the tenant's leasehold interest in the land WSDOT is acquiring.

Examples of situations:

1. If the cellular site is located on land not needed for the WSDOT project, then WSDOT should enter into a new lease with all the tenants who want to stay at the site. Ideally if we do not need the property we will not include it in our purchase.

2. If the cellular site is located on land needed for a WSDOT project, but the project construction isn't scheduled for say, five years, WSDOT can enter into a very short term lease with all tenants who want to stay; the project is still responsible to pay compensation to move the cellular site when they have to move.

3. If the cellular site land is needed for an immediate WSDOT construction project, the tenants are eligible to receive compensation to relocate through the acquisition process (not relocation). No new lease would be executed.

   - Statutory authority covering wireless leases is covered by either RCW 47.12.120 or RCW 47.04.045.
   - All wireless lease matters are the responsibility of HQ RES PM and are handled by the Wireless Lease Program Manager. In order to process requests in an orderly and timely manner, an application procedure has been developed.
   - Requests to locate wireless equipment on WSDOT-owned or controlled property, either inside of a right of way or outside, requires the execution of one of four wireless communication site leases.
   - In order to assist wireless providers in determining the feasibility of a particular location a "Conceptual Review" process is available upon request.

11-9 Right of Way Encroachments

A. **Purpose** – All real property, including airspace (e.g., operating highways, pit sites, mitigation sites, park and ride lots) owned by WSDOT acquired for highway purposes is devoted to public highway purposes. Right of way includes the property rights necessary to meet the needs of construction, operation, and maintenance of the highway. WSDOT is responsible for preserving the right of way free of public and private installations or facilities that are not a part of the highway facility and are not consistent with its safe operation, maintenance, and use.

   The purpose of this encroachment policy is to ensure safe conditions on the highway facility, to allow for efficient and effective maintenance, and to protect the public investment in the original cost of the right of way and of the highway facility. This policy sets out a process for protecting WSDOT

rights of way from unauthorized use. This is necessary to avoid delays to transportation projects caused by clearing encroachments prior to project construction bids and to maintain the safety and operations of the highway facility.

This policy is not intended to suggest that the regions must allow existing encroachments but it is merely a tool that provides options for how to handle encroachments whether the decision is made to remove or authorize their existence. Upon proper review and authorization as further described in this chapter, certain encroachments may be permitted to remain on the right of way. These must be under agreement with the Department and are subject to removal if they subsequently interfere with the safe operation and maintenance of the highway.

B. **Authority** – In establishing and enforcing its encroachment policy, WSDOT's actions conform with the legal authorities listed below. The full text of legislative enactments and regulations should be read for a complete understanding of the provisions. These legal authorities include:

- RCW 47.32.010, *Order to remove obstructions – Removal by state*
- RCW 47.32.020, *Notice of order, contents, posting – Return*
- RCW 47.32.120, *Business places along highway*
- RCW 47.32.130, *Dangerous objects and structures as nuisances – Logs – Abatement – Removal*
- 23 CFR 1.23(b), *Use for Highway Purposes*

All real property, including airspace, within the right of way boundaries of a project must be devoted exclusively to public highway purposes. Exceptions are permitted for informational sites and for uses defined in 23 CFR 1.23(c) below.

23 CFR 1.23(c), *Other Use or Occupancy*. Temporary or permanent occupancy or use of right of way for nonhighway purposes, or reservation of subsurface mineral rights, may be approved if it is determined that it is in the public interest and that it will not impair the highway or interfere with the free and safe flow of traffic.

C. **Definitions**

Authorized Use – The occupation of WSDOT's right of way may be allowed by an executed permit, lease or other appropriate document.

Monitoring – Systematic and purposeful observation that occurs on a regular basis to determine if any changes to the right of way have occurred.

Encroachment – An encroachment is any installation, device, object or occupancy that is located at, above or below the grade line of the highway and within the right of way limits, and that is not installed as part of the highway facility and which has not been authorized by the execution of a permit, lease or other appropriate document.

Encroachments include but are not limited to the following within the right of way:

- Overhanging projections of signs, where the base is installed off the right of way.
- Fences, walls, and gates.
- Abandoned vehicles and equipment.
- Advertising devices, including political banners.
- Buildings or structures.
- Projections from buildings (e.g., stoops, decks, porches).
- Tree plantings or landscaping.
- Driveways/approaches in violation of WSDOT's Access Control Policy.
- Crane booms.
- Excavations or fill material.
- Private signs, emblems, symbols, posters, monuments.
- Highway memorials, i.e., crosses, flowers.
- Stormwater or surface runoff from abutting lands directed to the highway.
- Mailboxes that are considered a safety hazard.

The following installations are not encroachments:

- Utility facilities that were installed pursuant to WSDOT's Utility Accommodation Policy.
- Private approaches (including residential, commercial, and farm) that were installed in compliance with WSDOT's Access Management Policy.
- Trails or pathways that were installed in compliance with WSDOT's Airspace Leasing Policy.

WSDOT reserves the authority to remove any public or private installation on the public right of way without notice if it presents a hazard to public safety, or interferes with traffic operations as allowed by RCW 47.32.130.

11-9.1 General

The basic principle underlying this policy is that no person or entity may lawfully occupy or use the department's rights of way without authorization to do so. This policy provides guidance for how the region will prioritize their efforts to cure encroachments (unless state legislature provides new law). This policy also will describe the expectations when creating a master region inventory, and the expected level of monitoring to maintain the inventory.

11-9.2 Identifying and Managing Encroachments

11-9.2.1 Monitoring and Inspections

All WSDOT employees should be alert to the possible existence of encroachments.

When identified, the encroachment should be reported to the appropriate office for handling. Historically, the following offices have been delegated responsibility:

- **Advertising/Business Signs** – Region Traffic and Region Real Estate Services if necessary.
- **Periodic, Intermittent, and/or Temporary Encroachments** (e.g., vendors, parked vehicles) – Region Maintenance Office and/or Region Real Estate Services Office.
- **Permanent Improvements** – Region Real Estate Services Office.
- **Unauthorized Accesses** – Development Services, Maintenance, Region Real Estate Services Office and Access and Hearings Unit.

Each region has the authority to vary or establish different areas of responsibility to meet the region's operational needs.

11-9.2.2 Encroachments Discovered During Project Development

All WSDOT employees involved in delivering a highway project should be alert to the possible existence of encroachments. When an employee identifies an encroachment, they should report it to the Region Real Estate Office as early as possible. Encroachments can affect project delivery timeframes and budgets.

11-9.2.3 Encroachment Inventory

A master inventory should be created for each region and will be managed by the appropriate location, either at the region or HQ. This inventory should be regularly updated to include encroachments discovered during routine monitoring and inspections and through project development activities.

It is not expected that the regions will go out and perform a survey to create a master inventory. All offices in the regions will submit their known/confirmed encroachments on (date) and it will be updated as project lists are created and regular surveillance/monitoring/inspections are performed.

At a minimum, the inventories should include the following information:

SR#	IC#	Location on SR	Description of Encroachment	Priority of Encroachment	Status/Cure
999	99-99-99999	East side of roadway.	Espresso building encroaches into ROW by 2 feet, for a total of 16 square feet.	Select 1-5 as listed in 11-9.3 below when type is known	Lease, disposal, request owner to remove, etc., depending on the situation.

This information is fictional and is for illustrative purposes only.

IRIS (or the latest electronic data management) or other appropriate application is used to generate the master inventory. It is recommended that IRIS be used.

11-9.3 Developing an Action Plan

WSDOT will utilize a prioritized approach when determining the timing for curing encroachments per the order listed below:

1. Encroachments determined to be a safety hazards shall be removed as soon as possible (under statutory authority previously referenced).
2. Encroachments determined to be an operational impediment will be removed as soon as possible (under statutory authority previously referenced).
3. Encroachments discovered during project development activities will be cured or removed as part of the project.
4. An encroachment on property that will be needed for transportation purposes within the near future will likely be cured or removed as part of the future project.

Other encroachments as discovered during monitoring and/or inspections will be cured or removed as resources become available.

11-9.4 Removing the Encroachment

If the encroachment has been determined to be immediately or eminently dangerous to the traveling public, it may be removed immediately per RCW 47.32.130(1).

For other encroachments that WSDOT determines need to be removed, a notice will be posted upon any and all structures, buildings, improvements, and other means of occupancy of the state highway with the support of region management. WSDOT will also notify the AGO of the encroachment and their intention to post a notice. The notice needs to include the date of the posting and the encroachment owner. The notice states the encroachment owner must remove all property from the ROW within ten days following the posting of the notice.

If the encroachment is not removed within ten days following the posting of the notice, WSDOT will submit this file to the AGO for action.

11-9.5 Curing the Encroachment

When a determination has been made to allow an encroachment to remain, a decision must be made as to the appropriate document to be used. Each decision should be coordinated between the appropriate staff. If there is a question on how to cure the encroachment, the region should contact Property Management staff at HQ to discuss.

11-9.5.1 Determining the Appropriate Document for Allowing the Encroachment

Selecting the appropriate document for authorizing uses of WSDOT rights of way depends on the purpose, type, and duration of the use. The following may be used as a guide:

- Permits, airspace leases, ground leases, easements, cooperative agreements, or conveyance documents.
- If there is real property encroaching on WSDOT property, leases will be recorded.

11-9.5.2 Market Value

RCW 47.12.063 and WAC 468-30-060 and 110 require that department property must be leased or sold at market value. Market value may be established through an appraisal, a value memorandum for properties valued between $10,000 and $25,000, and the formula method for leased properties valued under $10,000.

In addition to the rent, the lessee may be responsible for paying the leasehold excise tax (LET).

- There are exemptions to the LET, please see RCW 82.29A.130.

11-10 Assessments Against State-Owned Lands

A. **General**

1. Even though the state is exempt from the payment of general real estate taxes, it enjoys no such exemption from the lien and charge of certain assessing districts. Some assessments are collected as part of the real estate taxes and are generally for administrative and operational costs of the districts, not capital improvement costs. Assessing districts with statutory authority to assess department-owned lands include: diking, drainage, sewerage, storm water, fire protection, irrigation, fire patrol, and weed districts.

2. Other assessing districts have no authority to assess department-owned lands but may assess such lands when they follow the legal requirements to establish the district and the assessment values and the proposed improvement "specially benefits" the assessed lands. Such districts include: local improvement districts (LID), utility local improvement districts (ULID), water districts, sewer districts, sanitary sewer districts, port districts, public utility districts, reclamation districts, park districts, river and harbor improvement districts, and rodent extermination districts.

3. All assessment statements are received in the region and must be quickly checked to see if they are for an existing obligation, or if they represent a new improvement or proposal along with the region recommendation. Because appeal periods are so short (road improvement districts have a 10-day appeal period after mailing, most others have a 30-day period), prompt review and processing for payment is essential.

4. Generally, this section applies to assessments against parcels in the Real Property Inventory. The obligation of the department for storm water control assessments is detailed in RCW 90.03.525 and these are processed by the HQ Operations Division.

B. **Rules**

1. Chapter 79.44 RCW provides that any region proposing a new improvement/assessment must provide a Hearing Notice to the Office of Financial Management with a copy to the head of the impacted agency at least 30 days prior to the date of the required public hearing.

2. Any such hearing notices received by the region are to be promptly directed to the HQ Real Estate Services Manager for further processing. The notice is to include the region recommendation to either honor or protest the assessment.

C. **Procedures for Processing Assessments**

1. Most assessment statements are mailed to region offices; those mailed to HQ are returned to the region and processed.

2. After preliminary review, the statements are routed to the appropriate region office for the following actions:

   a. Verifies that the assessment is for lands still owned by WSDOT and that the benefit provided by the assessment still exists.

   b. Prepares a payment voucher including coding for the charges and routes it to the region accounting office to process the payment.

D. **Payment of Assessment on WSDOT-Owned Property**

1. All assessments will be mailed by the assessing district to the appropriate WSDOT region organization (Operations or Real Estate Services).

2. The Region Operations or Real Estate Services Office will:

   a. Prepare the voucher distributions, including the required expenditure coding and purchase authorities. Care should be taken to ensure that:

      (1) The assessments are only for property WSDOT owns.

      (2) The assessments are valid.

      (3) The payments are processed in batches small enough (contact the region accounting office for batch sizes) to be paid on a timely basis without causing an extraordinary workload impact on the region accounting staff.

   b. Make two copies of the voucher distribution and attachments plus whatever copies the originating office requires.

   c. Forward the original and one copy to the region accounting office for processing.

3. The region accounting office will:

   a. Perform the normal voucher audit process.

   b. Process the original through the normal voucher process and maintain one copy (as usual) of the voucher in the region accounting office.

11-11 Facilities

Disposing of Capital Facilities Properties

A. **Introduction**

1. **Purpose** – To provide a procedure for WSDOT to follow which will ensure that surplus HQ Facilities Office properties are disposed of properly and with "just compensation."

2. **Definitions**

   a. HQ Facilities Office properties include all real property, buildings, and structures used for the planning, design, construction, maintenance, or administration of WSDOT's construction management and support program. Excluded are Marine, Aviation, and infrastructure support facilities.

   b. Just compensation is the equivalent reimbursement value for the loss of the property owned by the WSDOT. The dollar amount shall be established by approved real estate methods.

   c. RES-ER (Real Estate Services – Electronic Review) (Oracle) is the computerized electronic review system to track Disposal and Lease Reviews administered by WSDOT Property Management section.

B. **Policy**

1. All HQ Facilities Office properties must be disposed of for "just compensation."

2. Proceeds from the sale of any HQ Facilities Office properties shall be deposited into Fund 108 (the Motor Vehicle Fund).

3. Prior to surplus, the facility must be deemed ready for release by the Fields Operations Support Service Center Environmental Support Branch Manager.

C. **Responsibilities**

Disposal Review Process

The Region Property Management Agent (PMA) will be responsible for the following:

- Application for each proposal.
- Title verification.

- Legal description -should be drafted once the plan revision is completed.
- Upon approval of package, Region should request the necessary plan revision. Once the revision has been completed an updated plan sheet will be added to the package.
- Completing the review, including any necessary HQ reviewers.
- Provide value determination using tools available (appraisal or value memo).
- Region PMA will provide HQ PMA with an email stating that the approved completed review and all of the necessary documentation is available in the RES-ER system.
- Notifying Region Environmental Services office when NEPA is triggered because the proposed disposal area is located on an interstate highway, or if the parcel was purchased with federal funding and the parcel will be sold for less than fair market value. If any of these conditions are met, a federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed during the Real Estate Services Electronic Review System (RES-ER) process.

The Region PMA will select reviewers based upon the facility types detailed below. For additional information on creating a review package in RES-ER, please see the document titled "PMA updated CheatSheet.pdf" located in the Outlook Public Folders directory for Property Management Forms (path: All Public Folders/HQ/Environmental & Engineering/Real Estate Services/ FORMS/PROPERTY MANAGEMENT).

Non-Limited Access Facilities and Specific Sundry Sites (Pit Sites, etc.) – Reviewed and approved by Region staff and HQ Access review staff with no HQ Approving Authority required.

Every proposal must be reviewed (unless noted) by the following disciplines. Region staff should be available for each of the disciplines shown below:

- Environmental
- Public Transportation/Planning
- Roadside Services/Landscape
- Local Programs (as determined by region)
- Area Operations Manager for specific county (primarily NWR)
- Developer Services (as determined by region)
- Region Access
- HQ reviewers for all Managed Access reviews:
  - NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
  - NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy

- Utilities
- Maintenance
- Hydraulics (hillsides, slopes, water issues)
- Traffic (In NWR ARA Maintenance/Traffic, Maintenance)
- Region right of way plans (see note below regarding HQ plans and access)

May also require review by the Special Circumstance Reviewers shown below if region does not have staffing that specializes in the needed area:

- Foundations (bridge structures, retaining walls, sloping issues, tiebacks and similar situations): Cuthbertson, Jim
- Bridge: Al-Salman, Mohamad
- Homeland Security (Infrastructure and Bridges): Himmel, John
- Ferries: Deardorf, Ray
- Bicycle and Pedestrian:
  - Claybrooke, Charlotte (Schools)
  - Macek, Ian (Non-Schools)
- Radio Ops: McDowell, Tim
- Aviation: Wolf, Paul
- Project specific engineers (or field experts), as determined by region.
- Facilities: Medina, Yvonne (in the case of a Facilities site – HQ Facilities must be included in the review) Facility sites include the following property types: Pit Sites, Stockpile Sites, Rest Areas, Waste Sites, and Capital Improvements.

Upon completion of the package review:

Upon completion of all of the necessary reviews and approvals by region staff, plan revision and determination of the value of the property, HQ will notify the required local jurisdictions, prepare and complete the conveyance document(s), and complete any other tasks necessary to finalize the transaction.

Limited Access Facility (Non Interstate - Established or Planned) – Standard Region Reviewers as well as the HQ Access reviewer assigned to that region as shown below:

Access:

- NCR, SCR, ER, OR, and All Utility Breaks Statewide: Rickman, Trent
- NWR, SWR, AWV, SR 520, Columbia River Crossing, and Sound Transit: Patterson, LeRoy

Package will automatically go to the following queues. Please do not choose the following as reviewers:

- HQ Approving Authority: De Ste Croix, Barb
- HQ Plans Review: Palmen, Steve

Region staff will facilitate the entire review (including any HQ reviewers), and complete the other elements of the transaction as detailed above.

Interstate Facilities – Standard reviewers, Special Circumstance Reviewers, HQ Access, HQ R/W Plans and FHWA.

As part of all FHWA reviews, appropriate NEPA documentation is required. This environmental documentation requires the help of Region Environmental staff to be sure that all areas of the federal nexus are covered. NEPA is triggered if the property being considered for disposal is located on an interstate highway, or if the parcel was purchased with Federal funding and the parcel will be sold for less than fair market value. If any of these conditions are met, a Federal nexus is created, and NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23 CFR 771.11(d)(6)). When a local jurisdiction is acquiring the property for a project, they often have this completed when applying to purchase the property.

The remaining process will be the same as stated above, however, upon completion of the review. The HQ PMA will verify with HQ Access that FHWA approval is necessary for an access break. If an FHWA access break approval is necessary, the disposal package will be delivered concurrently with the HQ Access break request.

FHWA requires a minimum of 60 days to complete their review. Upon approval, finalization of the process will be facilitated by Region/HQ Property Management staff.

The disposal review package should include the following items:

Note: If a 'J account' is created to cover the expense of the review and disposal process, please include the appropriate J account information in the PMA Comments field found on the General Information Tab.

1. Regional Administrator's (or designee) electronic approval attesting that the following statements are true:

    a. The lands will not be needed for transportation purposes in the foreseeable future.

    b. The right of way being retained is adequate under present day standards for the transportation facility.

    c. The release will not adversely affect the facility or the traffic using it.

    d. The lands to be disposed of or relinquished are not suitable for retention to restore, preserve, or improve the scenic beauty adjacent to the highway.

e. The lands to be disposed of or relinquished are not suitable for inclusion into our wetlands inventory.

f. The lands to be disposed of or relinquished are not needed for a park and ride lot, flyer stop, or similar facility to accommodate high-occupancy vehicles.

g. No hazardous material or highway waste is present on the site and any necessary cleanup has been completed.

h. Specific information regarding rights to be reserved.

i. If interstate, NEPA documentation is signed and/or approved by Region Environmental Services.

2. If the property was acquired with federal funding, the federal aid number is supplied.

3. All regional review and comment documents as entered in the Electronic Review. Any "no" responses and questions received during the region review need to be addressed before the package is forwarded to HQ.

4. Region shall complete a title check verifying ownership, type of interest held, and any restrictions affecting the property.

5. Prepared legal description for the disposal area.

6. Completed Property Inspection Status Report.

7. Photographs of the property together with a map showing the direction of the photos.

8. An 11 x 17 copy of the right of way plan sheet with the property to be disposed of outlined in red or hachured. Once the property is approved for disposal, region will request the necessary plan revision. Upon completion of the revision, an updated plan sheet will be attached to the disposal package and forwarded to HQ-Disposal.

9. Tax parcel number of this parcel, if assigned.

10. Names, addresses, telephone numbers, and tax parcel numbers for each abutting property owner including contract purchasers.

11. All correspondence from interested abutting owners and/or other potential purchasers and any responses.

12. Notation of any special features or conditions on the property, such as encroachments, utility availability, access, boundaries, improvements, similarities, and differences to adjacent properties, etc., that could affect sale or value.

13. Written directions to the property to enable locating and inspection of the property.

14. Notation of the right of way project number, acquisition parcel number, and federal aid number (if applicable) on which the property was originally acquired.

15. Diary of Right of Way Activities.

16. If the property to be disposed of is or was a pit site, the following documentation needs to be submitted:

    a. Reclamation plan, if appropriate. The reclamation plan shall be obtained from the Region Materials Lab or appropriate office.

    b. Hazardous Materials Assessment and Remediation Report, if appropriate.

17. Information from county assessment records showing assessed value and property size for the disposal area as well abutting properties.

18. Recommendation of property value based on available information. If the value of the property appears to be $25,000 or less, as determined by the Region RES Manager or designee, the region specialist should prepare a value memorandum citing the rationale and evidence obtained for the conclusion of value. Information to be included in the memorandum would be:

    - Size of parcel
    - Current use of parcel
    - Anticipated highest and best use
    - Support

    The conclusion may indicate a range of value rather than a single dollar amount. Value Memos prepared in the region need to be approved by the Region RES Manager (or designee). Value memos prepared at Headquarters need to be approved by the PMPM (or designee).

19. The Region Property Management Specialist is responsible for inputting the following disposal information in IRIS:

    - Disposal activation date
    - Disposal to Regional Administrator date
    - RA decision
    - Date of Regional Administrator decision
    - Disposal to Headquarters Approving Authority date
    - Headquarters Approving Authority decision
    - Date of Headquarters Approving Authority decision
    - Disposal to HQ date
    - Comments (diary entries)

20. At the beginning of each month, HQ will email status updates for disposal files currently being processed at HQ. The Region Property Management Specialist is responsible for relaying that information to the requester. This should be done at least once a month and continues until the property is sold or placed in auction. The Property Management Specialist closes the region file once the property is sold and notes it on the Property Management's right of way plan sheets. The Property Management Specialist will note the type of deed, the date, and color the property appropriately on the plan sheet(s).

D. **HQ Processing** – Upon completion of the Electronic Review disposal package and the revised plan sheet, region will attach the revised plan sheet and send the package from the "Region PMA Final Queue" by selecting "Finish" and "Complete". The Electronic Review System will automatically send an email to HQ letting them know that a new package has been approved.

Upon receipt of this email, HQ will complete the following tasks:

1. Review title check and legal description provided by region.
2. Review submitted value information; approve, concur, or order full appraisal as needed.
3. Verify that the required plan revisions have been completed, and a copy of the revised plan has been provided
4. Prepare and mail 60-day notice to city/town and county as required by RCW 47.12.055. Whenever possible, this notification will be sent by email.
5. Request FHWA approval for the disposal when the property was acquired for an interstate facility or purchased with federal funds and being sold for less than fair market value. If the plan revision requires that the limited access hachures be relocated, the FHWA disposal package and Access Break Package must be submitted together. Per the Programmatic Agreement, federally funded non-interstate disposals to local jurisdictions for continued highway purpose, does not require FHWA approval. (added link to agreement). ***Note:*** FHWA requested review and approval is in letter format and the response in letter format as well. Be sure to keep these items in the Disposal file.
6. Recommend to HQ PMPM a negotiation range based on appraisal/DV or value information.
7. Recommend method(s) of disposal considering the requirements of RCW 47.12.063 and any region recommendations.
8. Establish special conditions, restrictions, and/or terms for disposal.
9. Obtain necessary approvals for disposal by completion of a Surplus Property Report and prepare package for appropriate method of disposal.

10. Assure that all IRIS entries, including completion of the comment screen, are correct and current.

11. See Section 11-7.4.2 for further instruction on document preparation.

E. Any disposal file that has been on hold (no activity) for two years or more will be terminated, closed and the HQ file will be sent to the vault. The ICN will remain open, the disposal will be terminated in IRIS and comments will be entered by HQ explaining the termination of the disposal. A new region disposal package will be required for any files closed pursuant to this procedure.

Radio Site Acquisition

A. **Introduction**

1. Purpose – To provide a procedure to document the steps necessary to acquire radio sites at locations where required to provide uninterrupted coverage for WSDOT's statewide emergency radio operations network.

2. **References**

   a. RCW 47.12.010, *Acquisition of property authorized*

   b. D 58-03 (MO), *Radio Communications and Radiating Devices*

   c. Department of Transportation Facilities Operating Procedure #8a.03, "Site Selection."

   d. Department of Transportation Facilities Operating Procedure #9.28, "Facilities Project Identification and Prioritization."

   e. *Facilities Inventory System Manual*

   f. *Right of Way Manual* M 26-01, Chapter 6 Acquisitions

3. **Definitions**

   a. **Acquisition** – The acquisition of real property in fee or by leasehold interest.

   b. **Request to Lease Form (RTL Form)** – The form used by ITS Communications and Wireless Technology to request work be funded in the Facilities Office Radio Projects Delivery Plan.

   c. **Facilities Control Record Number (FCR#)** – The number assigned to each site and building owned and/or operated by WSDOT.

   d. **Real Estate Services (RES)** – The organization responsible for the acquisition of land acquired in fee or by leasehold interest for placement of radio communications towers or radio communications buildings to support the office of ITS Communications and Wireless Technology.

e. **Integrated Realty Information System (IRIS)** – The computerized inventory system used by RES to track all real property owned and leased for the benefit of ITS Communications and Wireless Technology.

f. **Propagation Study** – A computerized analysis carried out by ITS Communications and Wireless Technology as an initial test to determine the area of coverage a specific radio signal is capable of radiating from a given location.

g. **Path Analysis Study** – A computerized analysis carried out by ITS Communications and Wireless Technology as an initial test to determine the feasibility of point to point communications between radio facilities.

h. **Right of Way Work Order (RW Work Order)** – Job numbers used to accumulate costs for appraisal, review appraisal, title information, land purchase, acquisition costs, necessary related labor expenses, production of sundry site plan, and document recording.

i. **ITS Communications Strategic Plan** – The 10-year strategic plan to identify the direction of the wireless program. One of the objectives of the strategic plan is to create individual regional communications plans. The regional communications plans will provide detailed regional communications projects. The ITS communications project process will provide proposed schedules, general scopes, and budgets for each project.

j. **ITS Communications and Wireless Technology Site Comparison Form** – A form used to document all of the pertinent date for site comparison purposes.

B. **Responsibilities**

If facility is to be leased:

1. ITS Communications and Wireless Technology will be responsible for the following:

   a. Submitting the Request to Lease Form (RTL) for funding by the HQ Facilities Office.

   b. Perform testing via propagation study, path analysis, and/or field survey.

   c. Documenting all pertinent data on the ITS Communications and Wireless Technology Site Comparison Form for site comparison purposes.

   d. Utilizing the ITS Communications and Wireless Technology Site Comparison Form to perform complete comparison study.

e. Once the lease is executed and ITS has been notified by the RES Liaison, ITS may move in and make site operational.

2. HQ Facilities Office will be responsible for the following:

   a. Add newly identified project to the ITS Communications and Wireless Project Delivery Plan.

   b. Assign a Facilities Control Record Number (FCR#) and add the project to the ITS Projects Spreadsheet with the designation "Proposed."

   c. Create and provide a work order number to fund the site selection work.

   d. Notify HQ Accounting Office to add FCR# to tax table.

   e. Add charge numbers to the RTL Form and submit to HQ Facilities Real Estate Liaison.

   f. After lease is executed begin payment process and distribute copies of executed lease.

   g. If lease is not for land, but is for space in building, update existing FCR# and data.

3. HQ Real Estate Services Liaison will be responsible for the following:

   a. Contact land/facility owner to begin negotiations for a lease in accordance with Chapter 6.

   b. Create an Inventory Control Number (ICN) by adding the leased parcel to IRIS and cross-reference to appropriate FCR#.

   c. After lease has been drafted, any operations or policy concerns are reviewed by ITS Communications and Wireless Technology.

   d. Transmit to the Assistant Attorney General for review and signature.

   e. Transmit to HQ Facilities Office for signature.

   f. Transmit to WSDOT Title section for processing and signature.

   g. Once fully executed and copied of lease have been returned to RES, transmit to HQ Facilities Office to begin payment process.

   h. Notify ITS Communications and Wireless Technology that facility can now be occupied.

   i. Create and transmit a Memorandum of Lease to WSDOT Title Section for processing.

If facility is to be purchased:

1. ITS Communications and Wireless Technology will be responsible for the following:
   a. Submitting the Request to Lease Form (RTL) for funding by the HQ Facilities Office.
   b. Notify the HQ RES Liaison of the decision to purchase the site and request that the Liaison begin the acquisition of the property.
   c. Move in and make site operational.
2. HQ Facilities Office will be responsible for the following:
   a. Creating and provide a work order number to fund the site selection work.
   b. Notifying HQ Accounting Office to add FCR# to tax table.
   c. Updating the existing work order used for the comparison study to fund the site development, tower construction, and building installation.
3. HQ Real Estate Services Liaison will be responsible for the following:
   a. Securing the right of entry permit from property owner and transmitting to Region Facilities Planner.
   b. Arranging for detailed site investigations to include:
      - Random soil testing for chemical contaminants (analysis by a Department of Ecology (DOE) certified independent laboratory).
      - Ground water tests for contaminants (analysis by DOE certified independent laboratory).
      - Test borings to determine soil bearing capacity (typically by state force).
      - Determination of highest and lowest groundwater levels for impact to foundations, drain fields and water wells (typically by state force).
      - Inventory level assessment for wetlands, endangered species and biology.
   c. If none of the results from above preclude the intelligent purchase of the prime site send all results to HQ Facilities office for concurrence. If not, repeat steps a and b for the number two site.
   d. Order an appraisal.

e. Procuring services of local land surveyor to provide:

- Recorded site boundary survey.
- Legal description.
- Formatted on current WSDOT electronic media.

Note: Advise surveyor that additional tasking will be forthcoming at a later date to augment boundary survey with site utilities, topography, contours, etc.

f. Acquiring parcel with funding program's approval.

g. Contacting land owner and begin negotiations for a purchase in accordance with Chapter 6.

h. Creating an Inventory Control Number (ICN) by adding the purchased parcel into IRIS and cross reference to appropriate FCR# in FIS.

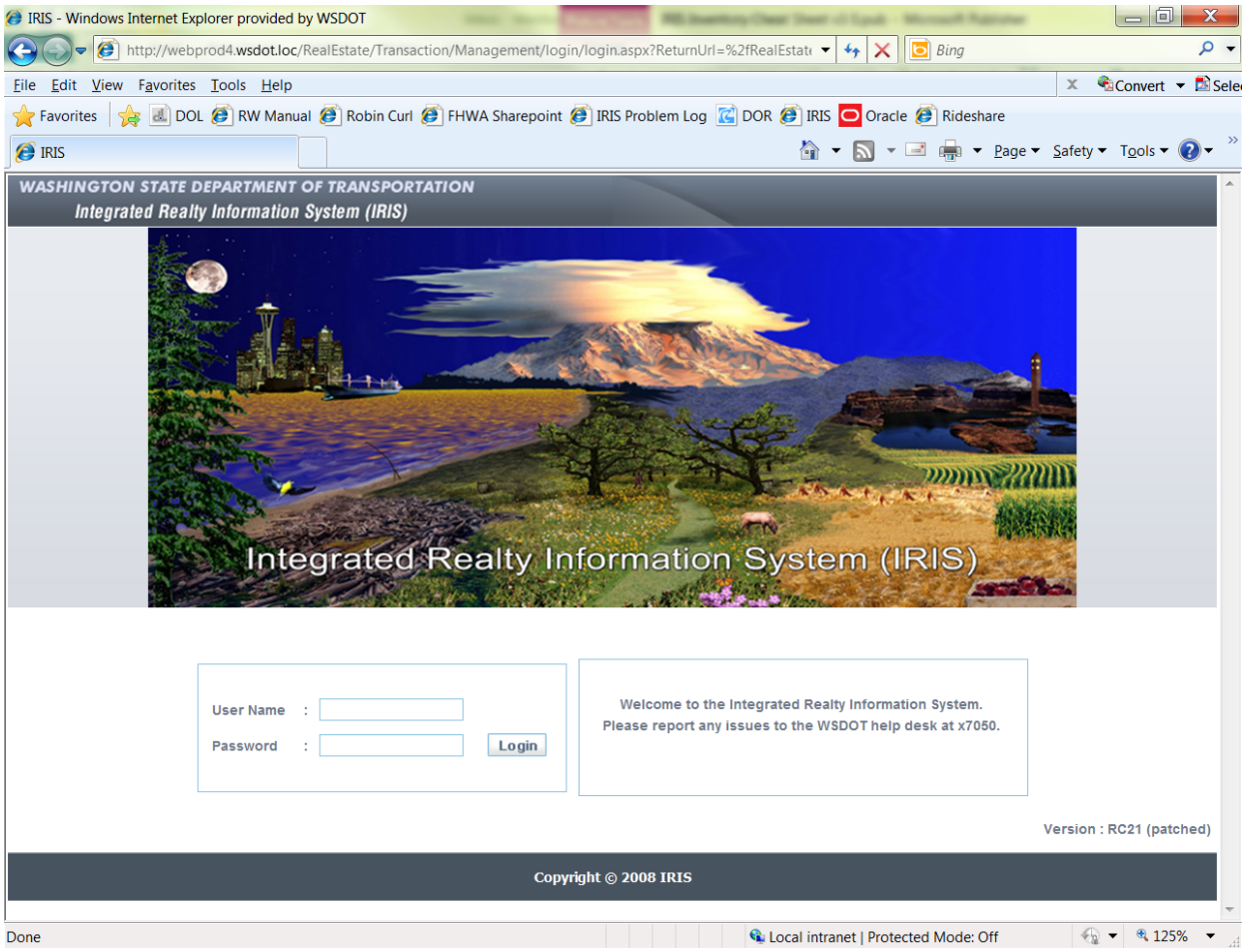
i. Notifying ITS Communications and Wireless Technology that purchase has been finalized.

4. Region Facilities Planner will be responsible for the following:

a. Arrange for detailed site investigation to include:

- Random soil testing for chemical contaminants (analysis by a Department of Ecology (DOE) certified independent laboratory).
- Ground water tests for contaminants (analysis by DOE certified independent laboratory).
- Test borings to determine soil bearing capacity (typically by state force).
- Determination of highest and lowest groundwater levels for impact to foundations, drain fields and water wells (typically by state force).
- Archaeological investigation.

b. When deed is recorded, update existing FCR# and data.


IRIS - Windows Internet Explorer provided by WSDOT
http://webprod4.wsdot.loc/RealEstate/Transaction/Management/login/login.aspx?ReturnUrl=%2fRealEstate
File Edit View Favorites Tools Help
Favorites DOL RW Manual Robin Curl FHWA Sharepoint IRIS Problem Log DOR IRIS Oracle Rideshare
IRIS
Page Safety Tools
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
Integrated Realty Information System (IRIS)
Integrated Realty Information System (IRIS)
User Name :
Password :
Login
Welcome to the Integrated Realty Information System.
Please report any issues to the WSDOT help desk at x7050.
Version : RC21 (patched)
Copyright © 2008 IRIS
Done
Local intranet | Protected Mode: Off
125%

Why Inventory all Land and Land Rights?

- By state law, all state agencies must comply with Generally Accepted Accounting Principles (GAAP) in recording accounting transactions and producing annual financial statements.

- All assets are required to be reported in the financial statements at historical cost and depreciated as appropriate.

- Land is an asset. Doesn't matter if it is within or without the right of way. GAAP requires all land to be recorded in an inventory/tracking system capable of reporting historical cost in a manner to ensure inclusion in the financial statements.

- In addition, Land Rights such as easements are also assets of the agency. Temporary easements may also be subject to depreciation whereas permanent easements are not.

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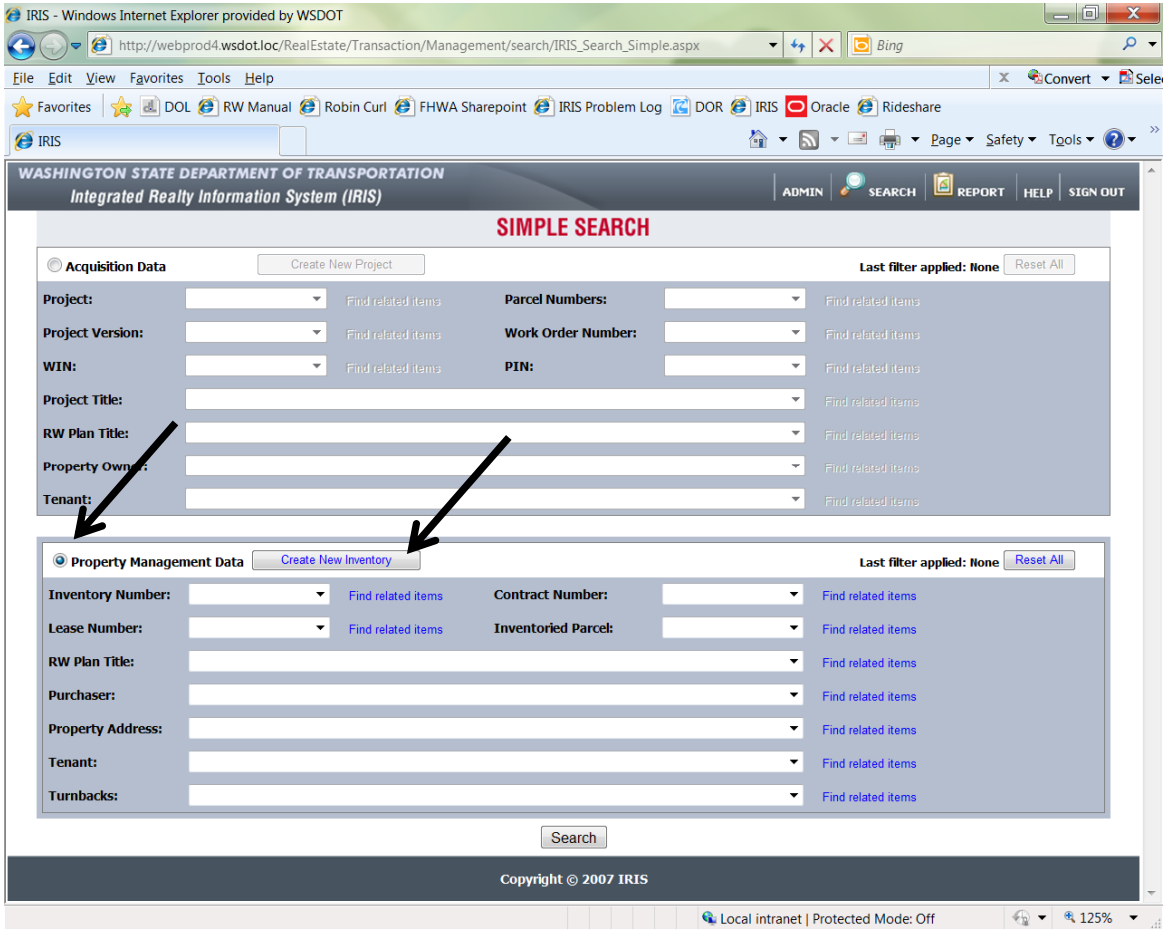
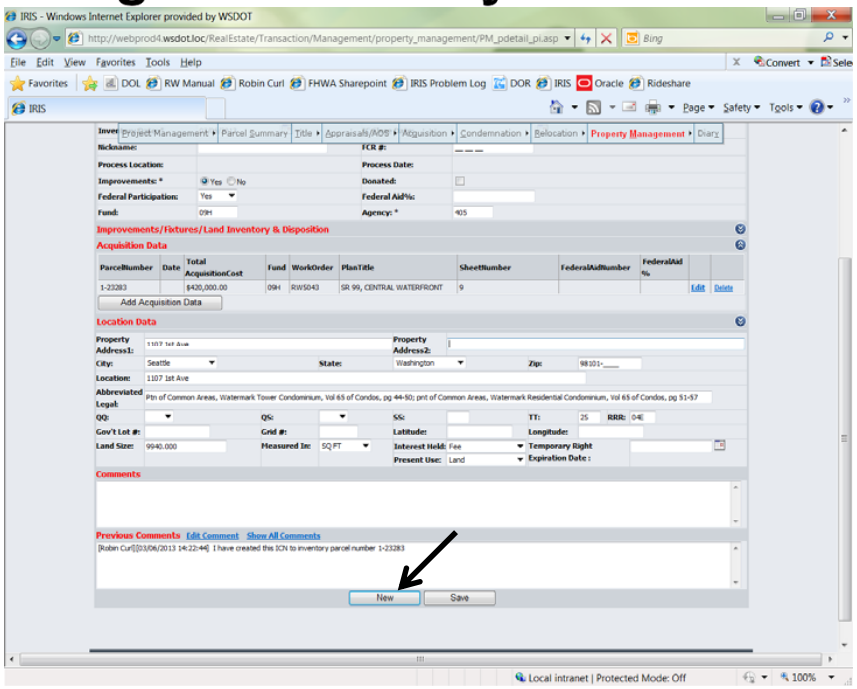
Creating an Inventory Control Number



- After logging in, you will arrive at a screen that looks like the one above.
- Click on the circle next to "Property Management Data".
- The system will refresh and then you will be able to Create New Inventory.

Creating an Inventory Control Number



You can also create a Inventory Control Number (ICN) by clicking "New" at the bottom of the Property Inventory Screen.

Be aware that by using this feature IRIS will create the new ICN in the Region and County you were previously working in.

If you create an ICN using the wrong county, please e-mail Robin Curl (curlr@wsdot.wa.gov) with the following information:

- **Current ICN**
- **Correct County**

Creating an Inventory Control Number

To create the Inventory Control Number (ICN) the following fields need to be filled in:

1. Region
2. County
3. Property Type (Right of Way Manual - Chapter 11, Appendix 11-1)
4. Inventory Date (usually the date of entry)
5. Improvements (Choose Yes or No)
6. Federal Participation (Choose Yes or No)
7. Fund
8. Property Address
9. City
10. Zip
11. Location
12. Abbreviated Legal (this information can be found on the front page of the deed)
13. SS—Section
14. TT—Township
15. RRR—Range
16. Land Size
17. Measured In (Choose Acres or SQ FT (square feet))
18. Interest Held (Choose Fee, Lease, Permanent Easement, Permit, or Temporary Easement)
19. Present Use (Right of Way Manual - Chapter 11, Appendix 11-?)
20. Enter Comments (Why are you creating this ICN?)

The following information should be entered if applicable:

1. Site Number (if inventorying a Capital Improvement)
2. FCR # (if inventorying Facilities property)
3. Donated (click the box to mark)
4. Federal Aid %
5. QQ (Quarter Quarter)
6. QS (Quarter Section)
7. Gov't Lot # (Government Lot Number)
8. Grid #
9. Latitude
10. Longitude
11. Temporary Right Expiration Date (enter the date the Temporary Right will expire by clicking on the calendar)

Creating an Inventory Control Number

Example of the Property Inventory Screen like if the property is inventoried correctly.

IRIS - Windows Internet Explorer provided by WSDOT

http://webprod4.wsdot.loc/RealEstate/Transaction/Management/property_management/PM_pdetail_pi.asp

File Edit View Favorites Tools Help

Favorites | DOL | RW Manual | Robin Curl | FHWA Sharepoint | IRIS Problem Log | DOR | IRIS | Oracle | Rideshare

IRIS

Project Management | Parcel Summary | Title | Appraisals/AOS | Acquisition | Condemnation | Relocation | Property Management | Diary

Property Inventory | Maintenance / Demolition

Region: *	Northwest	County: *	King
IC #: *	01-17-09952 01-17-09952	Lease #:	Contract #:
Property Type: *	Unconstructed R/W	Site Number:	__-_-____
Inventory Date: *	03/06/2013	IC Close Date:	
Nickname:		FCR #:	__ __ __
Process Location:		Process Date:	
Improvements: *	Yes No	Donated:	
Federal Participation:	Yes	Federal Aid%:	
Fund:	09H	Agency: *	405

Improvements/Fixtures/Land Inventory & Disposition

Acquisition Data

Location Data

Property Address1:	1107 1st Ave			Property Address2:			
City:	Seattle	State:	Washington			Zip:	98101-____
Location:	1107 1st Ave						
Abbreviated Legal:	Ptn of Common Areas, Watermark Tower Condominium, Vol 65 of Condos, pg 44-50; pnt of Common Areas, Watermark Residential Condominium, Vol 65 of Condos, pg 51-57						
QQ:		QS:		SS:		TT: 25	RRR: 04E
Gov't Lot #:		Grid #:		Latitude:		Longitude:	
Land Size:	9940.000	Measured In:	SQ FT	Interest Held:	Fee	Temporary Right Expiration Date :	
				Present Use:	Land		

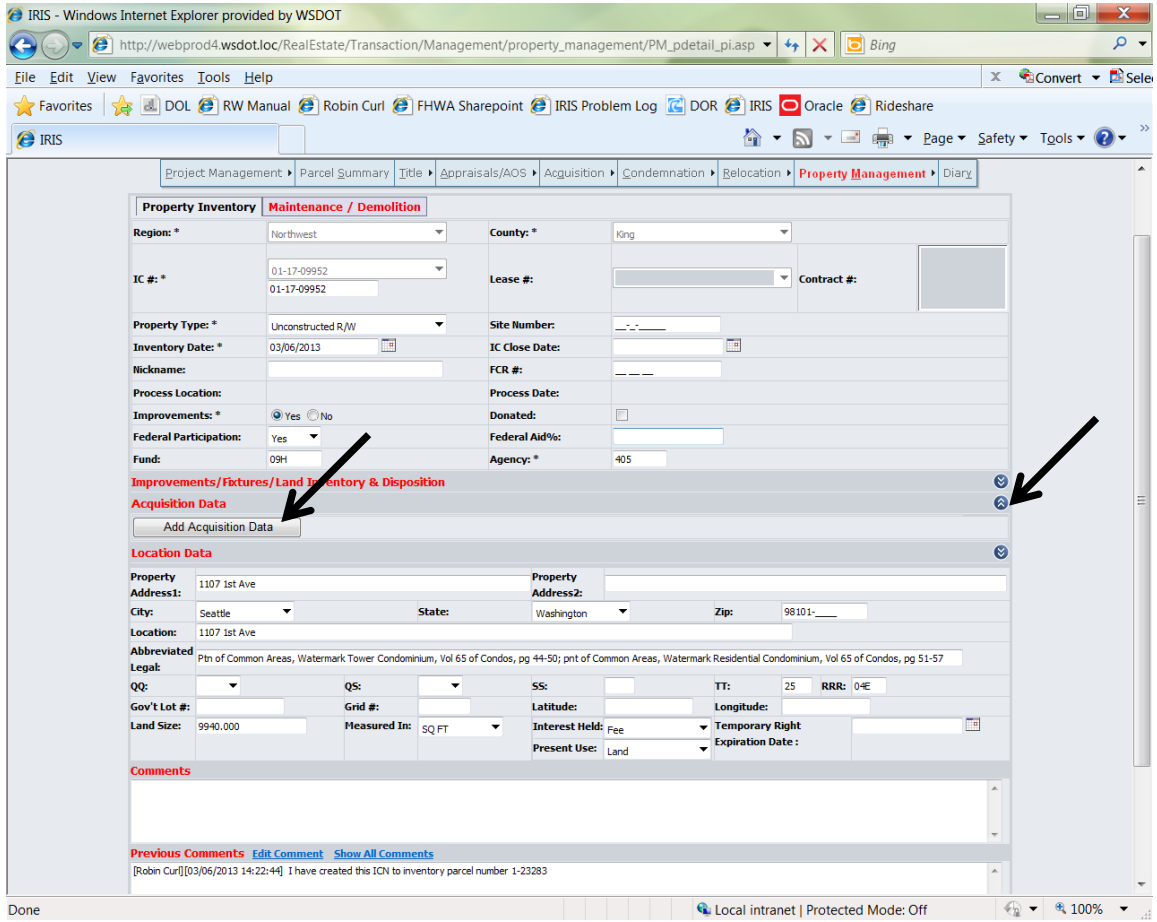
Comments

Previous Comments Edit Comment Show All Comments

[Robin Curl][03/06/2013 14:22:44] I have created this ICN to inventory parcel number 1-23283

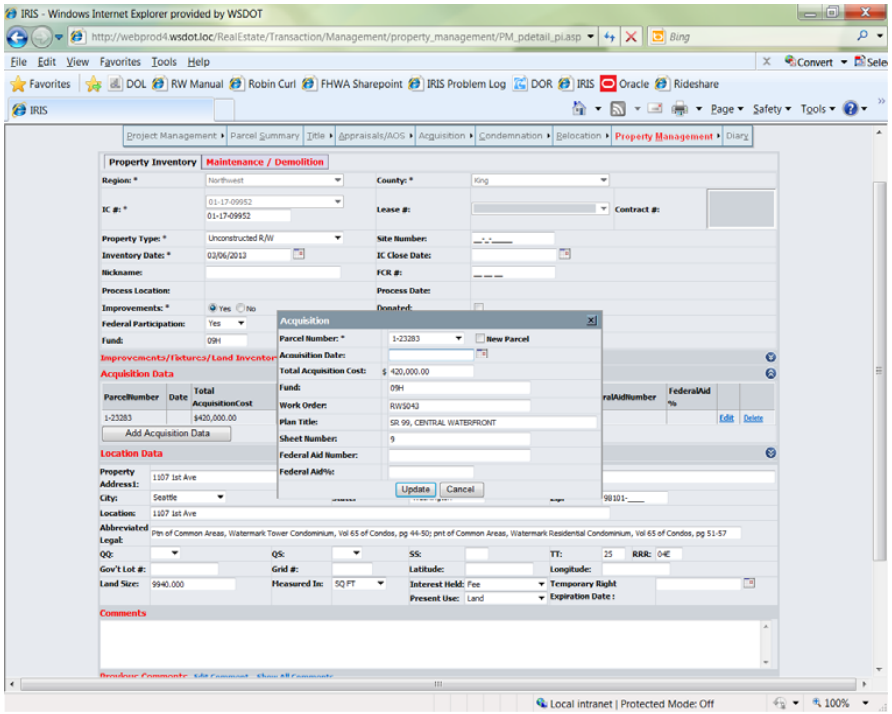
Local intranet | Protected Mode: Off 100%

Inventorying a Parcel Number



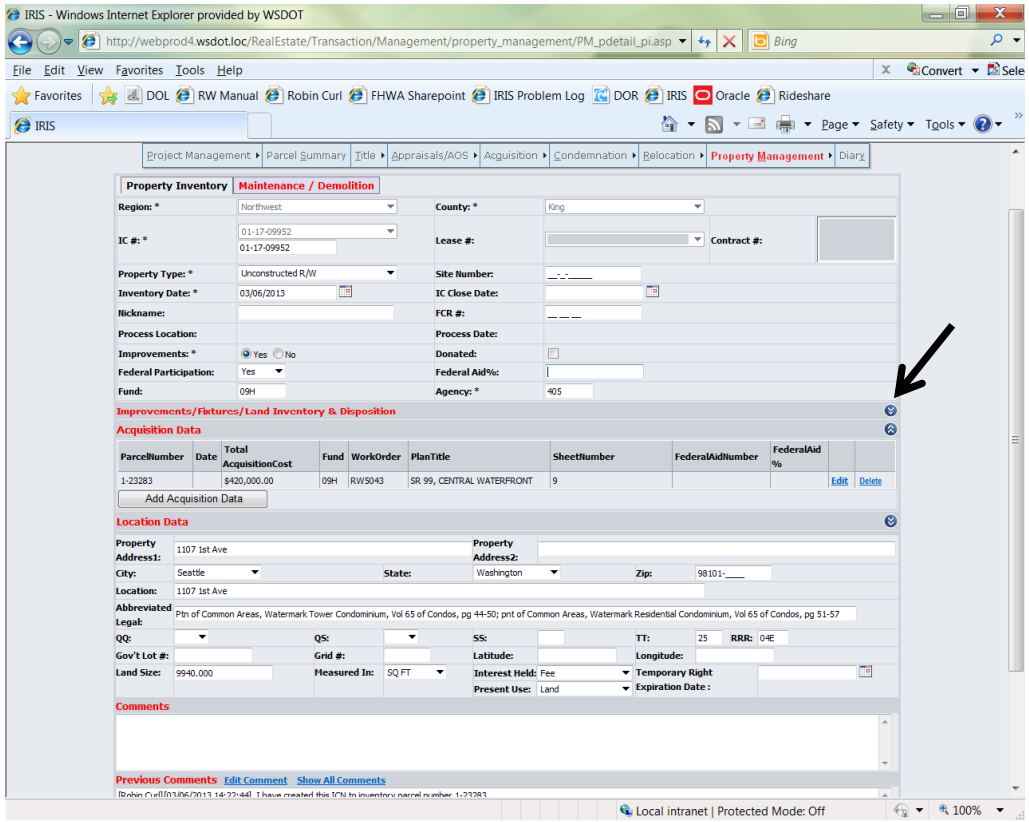
1. Click on the arrow to expand the Acquisition Data Tab
2. Click on Add Acquisition Data

Inventorying a Parcel Number



- Choose the parcel number from the drop down list or type the parcel number into the Parcel Number field (depending on what is entered into IRIS on the Acquisition side will determine what is brought over). Either click off to the side or hit enter after choosing/entering the parcel number
- Enter Acquisition Date (if the field did not auto populate) or leave blank if the parcel has not been acquired yet.
- Enter the Fund
- Enter the Sheet Number
- Enter the Federal Aid Number (if applicable)
- Enter the Federal Aid% (if applicable)
- Click Update

Inventorying a Parcel Number



- Once the parcel has been entered, this is what the Property Inventory Screen will look.
- Now it is time to inventory the Improvements using the "Improvements/Fixtures/Land Inventory and Disposition" tab.
- Click on the arrow to expand the "Improvements/Fixtures/Land Inventory and Disposition" tab.
- Click on "Add Improvements/Fixtures Inventory & Disposition".

Inventorying Improvements

- Use the Real Property Voucher (RES 321) to accurately enter improvements. The following Improvement Types MUST be inventoried:
- Administrative Settlement
- Cost-to-Cure
- Damages
- Escrow Fees
- Excise Tax
- Judgment & Decree
- Land
- Negotiated P&U
- Protective Rents
- Release of Damages
- Septic Agreement
- Statutory Evaluation Allowance
- Well Agreement

*This list is not all encompassing.

Inventorying Improvements

Washington State
Department of Transportation

REAL PROPERTY VOUCHER

AGENCY NAME
DEPARTMENT OF TRANSPORTATION
Real Estate Services
P. O. Box 47338
Olympia, WA 98504-7338

I hereby certify under penalty of perjury that the items and amounts listed herein are proper charges against the State of Washington, that the same or any part thereof has not been paid, and that I am authorized to sign for the claimant.

SIGNATURE (IN INK) FOR EACH CLAIMANT — DATED

The Watermark Tower Association of Apartment Owners, a Washington non-profit corporation

X Linda Mitchell — 1-3-13
By: Linda Mitchell, President

X Nancy Smith — 1-3-13
By: Nancy Smith, Secretary Treasurer NS

GRANTOR OR CLAIMANT (NAME, ADDRESS)
The Watermark Tower Association
of Apartment Owners
2600 W. Commodore Way #2
Seattle, WA 98199-1279

SWV No. SW01484750 0

PROJECT NO. AND TITLE
U09936E
SR 99, S. King St. to Thomas St.

FEDERAL AID NO. F-099 ( )

PARCEL NO. 1-23283

In full, complete and final payment and settlement for the title or interest conveyed or released, as fully set forth in: Warranty Deed — DATED 1-3-2013

		$ AMOUNT
LAND:		
Subsurface fee beneath approx. 9,940 sf of surface area	+	$16,400.00
IMPROVEMENTS:	+	
DAMAGES:		
Cost to Cure	+	
Proximity	+	
Other Damages to the remainder	+	$146,600.00
SPECIAL BENEFITS		
JC (Just Compensation) Amount		$163,000.00
REMAINDER:		
Uneconomic Remnant	+	
Excess Acquisition	+	
DEDUCTIONS:		
Amount Previously Paid		
Performance Bond		
Salvage Amount		
Pre Paid Rent		
Other		
ADMINISTRATIVE SETTLEMENT	+	$257,000.00
STATUTORY EVALUATION ALLOWANCE	+	
ESCROW FEE	+	
REAL ESTATE EXCISE TAX	+	
OTHER:	+	

PARCEL NO.	JOB NUMBER WORK ORDER	JOB NUMBER GROUP	WORK OP.	ACCOUNT OBJ / SUB	CONTROL SECTION	ORG. NO.	NON-PART.	TOTAL DOLLARS
1-23283	RW 5043	10	0221	JE 20	179101	303025		$420,000.00
Performance Bond			B/S Account-A592					
					TOTAL ---------->			$420,000.00

ACQUISITION AGENT: Eric Lee — DATE 1/21/13 — Voucher No. — TOTAL AMOUNT PAID $420,000.00

AUTHORIZED AGENT FOR WSDOT — DATE 3/6/13

RES 321 REVISED 04/11

Inventorying Improvements

Looking at the Real Property Voucher the following improvements are inventoried:

Type	Description	Acquisition Value
1. Land	land	$16,400.00
2. Damages	damages to remainder	$146,600.00
3. Administrative Settlement	Admin Settlement	$257,000.00

****When inventorying improvements ensure that the total amount of the improvements inventoried equal the "Total Amount Paid" (shown at the bottom of the Real Property Voucher) and the "Total Acquisition Cost" located in the "Acquisition Data" field.****

Inventorying Improvements

IRIS - Windows Internet Explorer provided by WSDOT

http://webprod4.wsdot.loc/RealEstate/Transaction/Management/property_management/PM_pdetail_pi.asp

File Edit View Favorites Tools Help

Favorites DOL RW Manual Robin Curl FHWA Sharepoint IRIS Problem Log DOR IRIS Oracle Rideshare

IRIS

Project Management ▸ Parcel Summary ▸ Title ▸ Appraisals/AOS ▸ Acquisition ▸ Condemnation ▸ Relocation ▸ Property Management ▸ Diary

Property Inventory | **Maintenance / Demolition**

Region: *	Northwest	**County:** *	King
IC #: *	01-17-09952 01-17-09952	**Lease #:**	**Contract #:**
Property Type: *	Unconstructed R/W	**Site Number:**	- -
Inventory Date: *	03/06/2013	**IC Close Date:**	
Nickname:		**FCR #:**	
Process Location:		**Process Date:**	
Improvements: *	Yes No	**Donated:**	
Federal Participation:	Yes	**Federal Aid%:**	
Fund:	09H	**Agency:** *	405

Improvements/Fixtures/Land Inventory & Disposition

Type	Description	AcquisitionValue	Disposition	SalvageValue	Performance Bond Indication	Performance Bond	Purchaser	SalePrice	Date	
Land	land	$16,400.00								Edit Delete
Damages	damages to remainder	$146,600.00								Edit Delete
Administative Settlement	Admin Settlement	$257,000.00								Edit Delete

Add Improvements/Fixtures Inventory & Disposition

Acquisition Data

Location Data

Property Address1:	1107 1st Ave	**Property Address2:**	
City:	Seattle	**State:**	Washington
Zip:	98101-____		
Location:	1107 1st Ave		
Abbreviated Legal:	Ptn of Common Areas, Watermark Tower Condominium, Vol 65 of Condos; pg 44-50; pnt of Common Areas, Watermark Residential Condominium, Vol 65 of Condos; pg 51-57		
QQ:		**QS:**	
SS:		**TT:**	25
RRR:	04E		
Gov't Lot #:		**Grid #:**	
Latitude:		**Longitude:**	
Land Size:	9940.000	**Measured In:**	SQ FT
Interest Held:	Fee	**Temporary Right Expiration Date :**	
Present Use:	Land		

Comments

Done | Local intranet | Protected Mode: Off | 100%

Inventorying Improvements

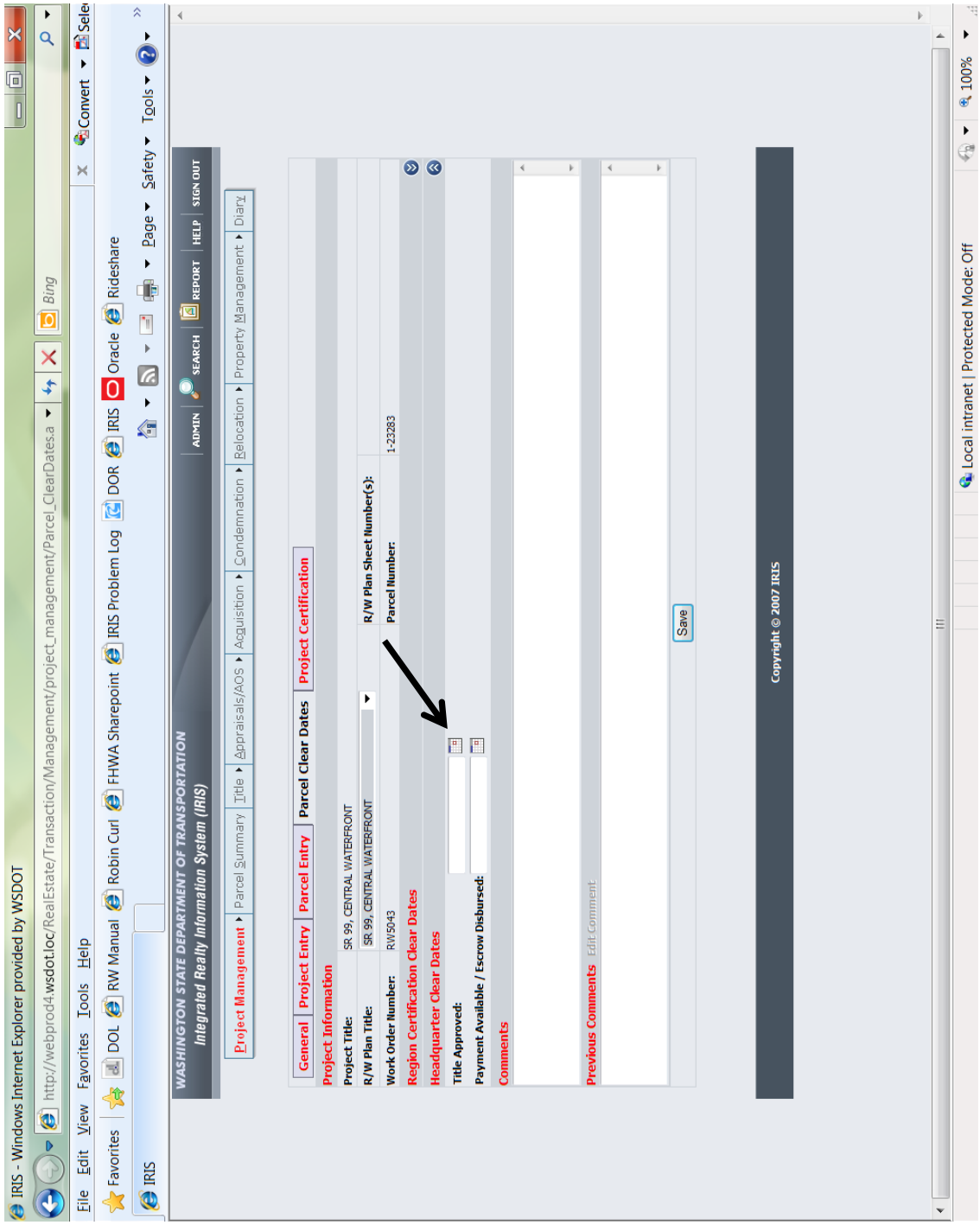
Depending on when the parcel is inventoried, the Property Management Specialist (PMS) may need to revisit the ICN multiple times.

As you can see from the example I gave you, the "Date" field under the "Acquisition Data" tab is blank. The "Date" field is tied to the "Payment Available / Escrow Date" on the Acquisition side of IRIS.

The PMS can either edit the "Acquisition Data" information and manually enter the Date, or delete and re-add the "Parcel Number" to bring the "Date" over from the Acquisition side.

****Remember the Fund, Sheet Number, Federal Aid Number and Federal Aid % do not come over from the Acquisition side, the information will need to be captured before deleting the "Parcel Number".****

Inventorying Improvements



Inventorying Different Property Types from one Parcel Number

In cases where one Parcel has several different "Property Types" each Property Type must be Inventoried separately and the "Total Acquisition Cost" adjusted.

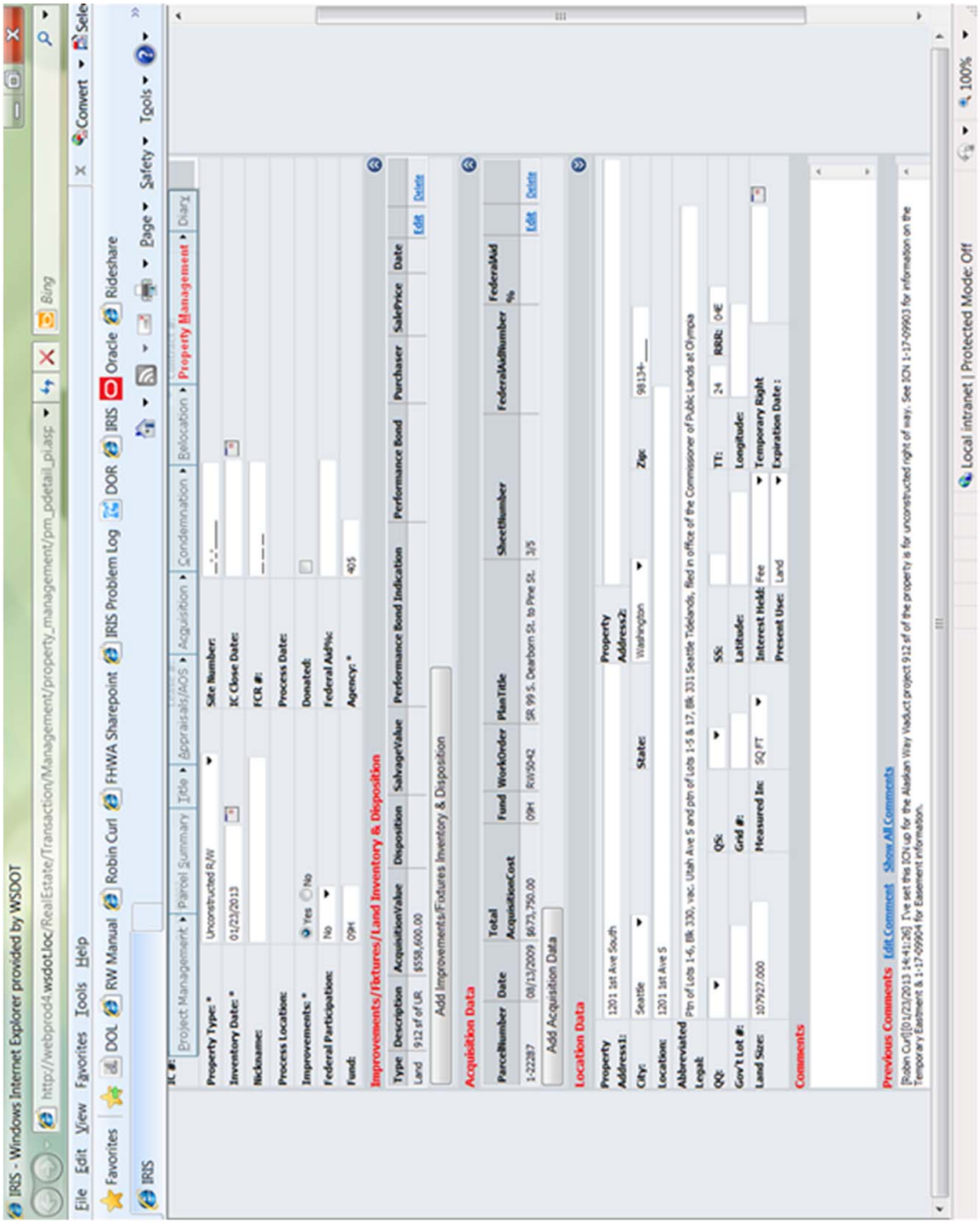
For example: A portion of Parcel 1-22287 is inventoried four times as followed:

ICN 1-17-09902 - "Unconstructed Right of Way" ("Interest Held" is "Fee)
ICN 1-17-09903 - "Easement" ("Interest Held" is "Permanent Easement")
ICN 1-17-09904 - "Easement" ("Interest Held" is "Temporary Easement" with a date entered in the "Temporary Right Expiration Date" field)
1-17-09905 - "Surplus Lands"

With every portion of the parcel inventoried the land size is also reduced from the initial parcel size.

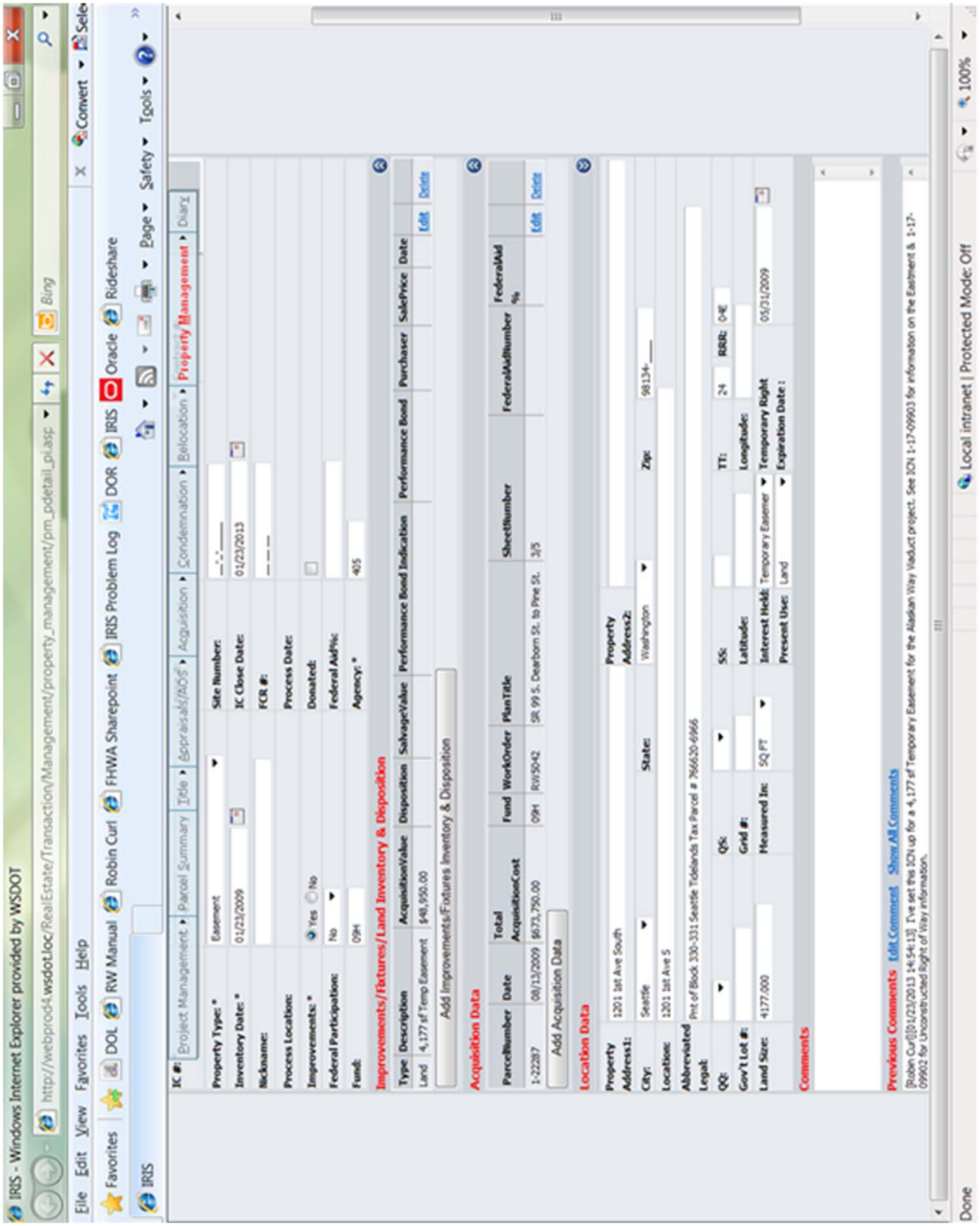
Comments must be entered into IRIS referring to each ICN created for the parcel.

Example of Unconstructed Right of Way inventory

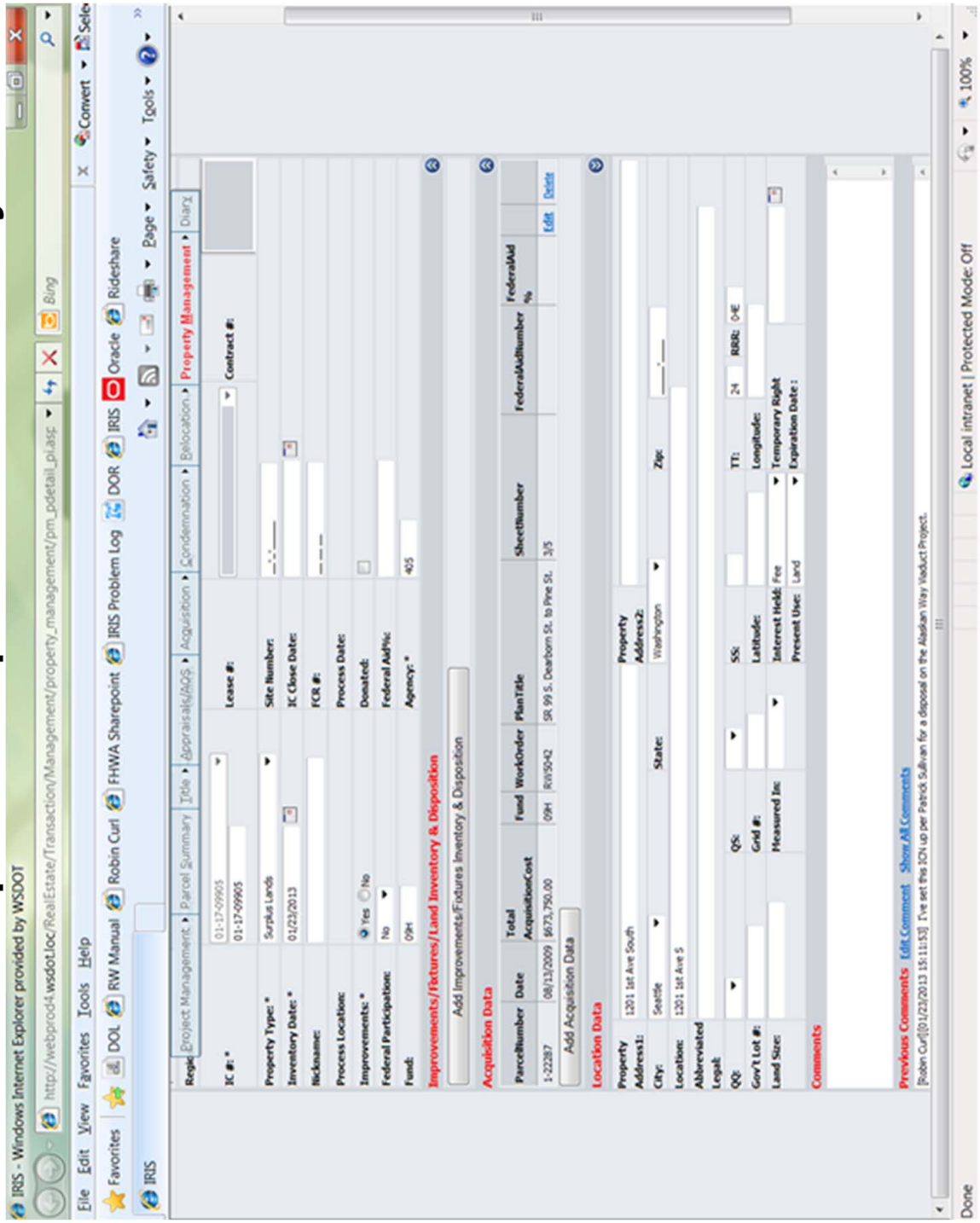


Example of Permanent Easement Inventory

Example of Temporary Easement Inventory



Example of Surplus Land Inventory



IRIS QA Testing

From time to time testing is required by the Regions for changes made to IRIS.

Logging in to the IRIS QA Site:

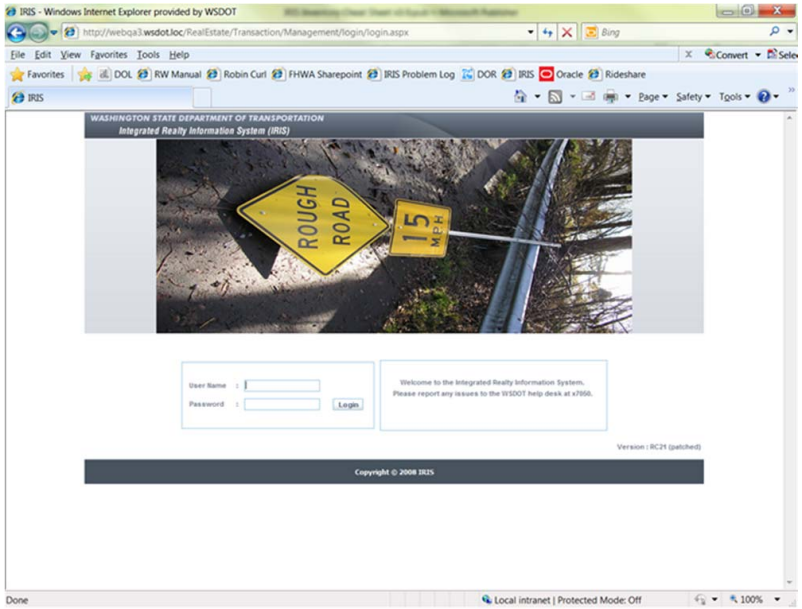
Open your Web Browser (Internet Explorer, etc.)

Go to the website: http://webqa3.wsdot.loc/RealEstate/Transaction/Management/login/login.aspx

Enter your User Name and Password (this is usually your user name twice)

Select "login"

****Note the difference in the pictures on the login screen to help determine which site you're entering information into.*****



Appendix 11-7 Trail Lease Package Requirements

When a Trail Lease is being requested, the file submitted to Headquarters Real Estate Services must include the following nine items.

1. Lease application (see form attached).
2. Region review and Headquarters review. Signed by all necessary reviewers and approving authority. All questions and concerns brought up by the reviewers must be addressed by the approving authority.
3. Diary of right of way activities.
4. WSDOT right of way map with trail location hachured or delineated.
5. Construction plans. Maps and diagrams of the proposed construction. Also include proposed traffic control plans if the construction process interferes with or may pose a threat to the operating right of way.
6. Maintenance plan. Detailed list of all items tenant will maintain and all items WSDOT will oversee the maintenance of.
7. Photos of site/path route.
8. General permits or developer agreements, either issued or in draft form (if applicable).
9. Any additional documentation that identifies or helps solve issues that need to be addressed in the lease (information for property that is being acquired that affect the leased premises; other agreements (GM agreements) or leases that may be affected by the trail lease)

Funding can have significant impacts on state owned or operated right of way. Below is information specifically relating to impacts created by use of RCO funds.

Funding Impact Information

The Washington State Recreation and Conservation Office (RCO), which began in 1964 and was formerly known as the Interagency Committee for Outdoor Recreation, provides leadership, funding, and technical assistance to help build communities. RCO provides grants for parks, trails, boating facilities, water access, firearm and archery ranges, off-road vehicle areas, and athletic fields, in addition to supporting the protection and restoration of Washington's diverse wild areas by protecting and restoring habitats, investing in and tracking salmon health and recovery, and protecting Washington state's diverse biological heritage.

RCO money should not be used in any projects which directly impact WSDOT owned property. WSDOT's Trail Lease states "…TENANT further acknowledges, agrees, and promises not to use Outdoor Recreation Funds as provided for in the Land and Water Conservation Fund Act, 16 U.S.C. 460-l, sections 4-11 (see section 8(f)(3) within state owned right of way; such funds may be used outside of the state owned right of way)". State grant funds, such as those granted through the RCO, may carry significant impacts and risks.

The information below, gathered through conversations with the AG's Office, RCO, and Federal Highways Administration (FHWA), is provided to help WSDOT staff better understand possible RCO grant impacts to state highway right of way and facilities.

- WSDOT allowing construction on WSDOT property is a business decision.
- WSDOT should obtain a copy of the grant, review grant language for intent, and incorporate pertinent grant language into lease document, making lessee liable for all grant terms, not the state.
- Trail Lease language will cover WSDOT legally and not hold the state liable for any RCO related actions; grant recipient is bound to RCO by grant – not WSDOT; language in lease needs to affirm this.
- RCO grant agreement is between the RCO and the grant recipient; RCO would not pursue WSDOT to meet the obligations of the grant recipient.
- WSDOT agreements with grant recipient should be strong so that grant recipient takes full responsibility for all grant compliance issues should impacted right of way needs change. (The grant recipient could not come back to WSDOT to meet any of their grant requirements if the lease is written to prevent this from occurring).
- WSDOT policy and Trail Lease language prevents potential tenants from using the federal Land and Water Conservation Fund Act dollars due to the requirement of continued use and control of property improved with these funds. Therefore, RCO will not approve grants using these federal funds on projects located in the right of way.
- Impact consideration should be given to all projects – not just federal.
- FHWA suggests not to accept any construction using RCO funds due to introducing potential 6f impacts (and possibly other recreational conversion requirements) on future WSDOT projects:
  - WSDOT will need to include additional time and budget for project development to address potential 6f impacts in their future project's NEPA documentation if a lessee uses RCO funds to make improvements within state owned right of way.
  - If a WSDOT future project results in an impact to the RCO funded improvements or if a project restricts access to the recreational site for greater than 180 days, a permanent impact has been made and WSDOT's project would likely need to provide mitigation.

- WSDOT staff reviewing and/or approving RCO funded improvement projects need to have adequate knowledge of the consequences of allowing RCO funded improvements within state-owned right of way to ensure lease language/stipulations provide WSDOT as much protection as possible from incurring mitigation costs if a WSDOT project impacts RCO funded improvements.
- FHWA may address any additional concerns in its standard review.
- Region should be thorough in review of the request for a "simple RCO development" on state-owned property to be sure to weigh future WSDOT project impacts including additional environmental review and mitigation requirements.
- Allowing a lessee to use RCO funds for improvements is a WSDOT business decision, but FHWA recommends against allowing the practice.

12-0 Acronyms
12-1 Policy
12-2 Responsibility
12-3 General Policy
12-4 General Relocation
12-5 Relocation Advisory Services
12-6 Residential Relocation Entitlements
12-7 Nonresidential Relocation Entitlements (Business, Farm, and NPO)
12-8 Mobile Homes
12-9 Personal Property Only (PPO) Relocation
12-10 Voluntary Transactions
12-11 Temporary Relocations
12-12 Temporary Construction Easements (TCE)

12-0 Acronyms

49 CFR 24.2(b)
WAC 468-100-002

Acronyms relating to relocation assistance and the Uniform Relocation Act are located in the Washington Administrative Code and the Code of Federal Regulations. Additional acronyms relative to the Washington State Department of Transportation (WSDOT) are as follows:

AAG	Assistant Attorney General
AG	Attorney General
ALJ	Administrative Law Judge
CFR	Code of Federal Regulations
DLT	Direct Loss of Tangibles (Personal Property)
DV	Determination of Value
EIS	Environmental Impact Statement
HQ RESM	Headquarters Real Estate Services Manager
HUD	Housing of Urban Development
IRIS	Integrated Realty Information System
LPA	Local Public Agency
NPO	Nonprofit Organization
OAH	Office of Administrative Hearings
PPO	Personal Property Only
RAPM	Relocation Assistance Program Manager
RCW	Revised Code of Washington
RES	Real Estate Services
RHP	Replacement Housing Payment
RVI	Replacement Value Insurance
SPP	Substitute Personal Property
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

12-1 Policy

49 CFR 24.1
RCW 8.26.010
WAC 468-100-001

12-1.1 Purpose

To establish uniform procedures in relocation assistance that will assure legal entitlements are provided and to provide fair, equitable, and consistent treatment to persons displaced by projects administered by WSDOT.

12-1.2 Authority

A. Title 42, United States Code Chapter 61, Sections 4601-4665 (42 USC §§ 4601-4665), the Uniform Relocation Assistance and Real Property Acquisition Polices for Federal and Federally Assisted Programs (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended), Public Law 91-646, 84 Stat. 1894 (42 USC 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV(1987 Amendments), Public Law 100-17, 101 Stat. 246-256 (1987 Amendments).

B. Code of Federal Regulations (CFR), 49 CFR Part 24.

C. The Revised Code of Washington (RCW), Chapter 8.26.

D. The Washington Administrative Code (WAC), Chapter 468-100.

12-2 Responsibility

12-2.1 Applicability

49 CFR 24.2(a)(9)
RCW 8.26.020(4)
WAC 468-100-002(9)

A. The provisions of this chapter are applicable to any person who is displaced by any state or federally assisted highway project or program.

B. Parcel files are not closed unless all payments have been made and all assistance and assurances have been provided to eligible displaced persons as required by this chapter.

49 CFR 24.4
RCW 8.26.085
WAC 468-100-004

12-2.2 Assurances

A. WSDOT assures that:

1. The relocation program is realistic and adequate to provide orderly, timely, and efficient relocation of displaced persons as provided in this chapter. Relocation assistance problems will be analyzed in a relocation plan for the project. In hardship cases or for protective buying, an analysis of the relocation problems involved and a specific plan to resolve such problems will be provided for each parcel or for the project. See Chapter 6 for information and procedures for protective buying and hardship cases.

2. Within a reasonable period of time prior to displacement, comparable replacement dwellings will be available or provided for displaced individuals and families as defined in this chapter. Displaced persons will receive written notice providing the address of at least one and if available three comparable replacement dwellings used in determining the replacement housing entitlements.

3. No person lawfully occupying real property will be required to move from the acquired dwelling, business, farm or NPO, without being provided a written assurance at least 90 days prior to the earliest date by which they could be required to vacate the property.

B. WSDOT assures that it will not proceed with any construction project within right of way acquired by the agency, UNLESS:

1. Relocation payments and services are provided as set forth in this chapter.

2. The public is adequately informed of the relocation payments and services available as set forth in this chapter.

12-2.3 Organization

A. WSDOT administers the Relocation Assistance Program for all its own acquisitions and will supervise such program with respect to local agencies engaged in acquisitions for local road and transportation projects in accordance with this chapter.

B. The primary responsibility for the administration and supervision of the program rests with the Relocation Assistance Program Manager (RAPM).

C. One or more individuals whose direct responsibility is to provide relocation assistance are assigned to each right of way project where relocation will occur. These individuals may have responsibility for more than one project where work loads allow.

12-2.4 Transaction Reviews

12-2.4.1 Region Review

The Region Relocation Assistance Supervisor:

A. Verifies that the Relocation Eligibility Report has been completed and transmitted to Headquarters.

B. Verifies that the Relocation Plan has been approved by Headquarters and distributed to appropriate disciplines within the region.

C. Verifies that all the proper notices and relocation brochures have been given to displaced persons. Forwards original signed copies of notices to Headquarters Review for retention in the official parcel file.

D. Assures that all appropriate relocation entitlements have been calculated and presented to the displaced person(s).

- Reviews replacement housing calculation packages.
- Approves residential moving entitlements.
- Reviews all residential, nonresidential, and PPO recommendations and claims before submittal to Headquarters.

E. Determines the need for any revisions or re-computations of relocation entitlements that might arise from matters, such as an administrative settlement, uneconomic remainders, or offer withdrawn.

F. If a claim is considered ineligible for reimbursement, the region is responsible to provide the displaced person a written statement explaining why the claim was ineligible or denied once the determination is made by the region. The written statement must also include language for review and reconsideration of decision and appeal. A copy of the written statement shall be sent to Headquarters for the original file.

Appendix 12-2

G. Verifies that all computer entries have been made.

H. On a monthly basis, sends updated relocation status report to relocation review at Headquarters.

12-2.4.1.1 Headquarters Review

The State Relocation Reviewer:

A. Verifies that all necessary and appropriate documentation has been obtained and transmitted to Headquarters. Notifies Relocation Specialist of any missing documentation, incorrect references to citations, incorrect voucher coding, or if any changes are necessary.

B. Reviews and approves/denies all relocation entitlement calculations, recommendations, and claims submitted by the region in accordance with state and federal regulations. Authorizes approved payments. Review includes verification of all calculations, citations, and computer entries.

C. Assures that advance payments are properly deducted from total relocation entitlement.

12-2.4.2 Condemnations

12-2.4.2.1 General

After an acquisition parcel is turned in for condemnation, all contact by the acquisition section with the owner should be through the owner's attorney and the state's Assistant Attorney General assigned to the case unless direct contact is authorized by the attorneys or the displaced person. The region makes all appropriate contacts with tenants. Relocation efforts should continue with the displaced person unless directed to cease by either attorney or the displaced person.

12-2.4.2.2 Possession and Use Agreements

During the course of negotiations, an owner may sign a possession and use agreement whereby the grantor provides WSDOT with physical possession of the parcel in exchange for payment of just compensation. Although full legal ownership of the parcel is still held by the grantor until final negotiation or court settlement, a replacement housing payment can be made by using a "Provisional

Payment Agreement" (RES-518). If this option is selected, the specialist should work closely with the Attorney General's Office to ensure all necessary deductions are made to the condemnation settlement for any refund of the advance RHP payment due the department.

12-2.4.3 Post-Judgment

12-2.4.3.1 General

As soon as possible after a verdict or judgment is entered in a condemnation case, the region takes appropriate action to complete the relocation process for the eligible displaced person and takes physical possession of the property acquired, if not already done.

12-2.4.3.2 Moving Expense

Moving expense payments are handled and processed as for any other displaced person.

12-2.4.3.3 Price Differential

A price differential previously calculated and delivered to the displaced person by written notice may have to be adjusted when the verdict or judgment differs from the determination of value used as a base for the prior computation. Such judgment will be treated as an administrative settlement for purposes of calculating the actual price differential to be paid to the displaced person.

A. In cases of stipulated judgments, the Attorney General's Office will usually be able to provide enough information to determine the acquisition cost.

B. In case of trial to the court or a jury, the result may be a single dollar figure with no explanation, and the basis for a price differential is derived from that plus any additional information that may be gleaned from the state's appraisal or from the Attorney General's report.

C. In computing price differentials based on judgments (or administrative/stipulated settlements), the following areas are considered:

   1. The state's "acquisition cost" is determined in the same manner as described under the definition of acquisition cost in Section 12-4.1.

   2. In the case of a partial taking or carve out, where the verdict or administrative/stipulated settlement or the voucher does not identify the amount being added for land versus improvements and/or for damages or if no insight is available from the state's attorney or others directly involved, it is necessary to use the proportions as determined from the state's appraisal and apply them to the amount of the settlement that is in excess of the state's appraisal.

   3. In either case, once an award is made a revised entitlement letter will need to be prepared and delivered to the displaced person. See RES-507a.

49 CFR 24.9
WAC 468-100-009

12-2.5 Records

A. The department shall maintain adequate records of its relocation assistance activities in sufficient detail to demonstrate compliance with the statutes and regulations.

1. The official repository for relocation records shall be in Headquarters. This includes documents for local public agency (LPA) relocation work until the project is complete. LPA originals will be returned to region staff upon completion of the project so they can be returned to the acquiring agency.

2. With the exception of LPA originals as discussed above, all records shall be retained in Headquarters for the record retention period established by the department.

3. All original records or copies with original signatures shall be submitted to Headquarters for retention. Where originals are delivered to others, legible copies should be submitted.

B. Many of the relocation records will be kept on various relocation forms. A list of relocation forms is provided in Chapter 13.

C. Relocation records are also maintained in the computer database.

D. Relocation records will be available for inspection in Headquarters during regular business hours. Requests for inspection of records shall be made in writing to the RAPM.

49 CFR 24.9
WAC 468-100-009

12-2.6 Annual Reports

Appendix 12-7

An annual statistical report is submitted every year for the preceding federal fiscal year. The report is forwarded to FHWA not later than October 31.

12-3 General Policy

12-3.1 General Operation

A. **Agreement Not to Rent** – The department can enter into an agreement with a non-occupant owner to not rent the property during negotiations for the purchase of the property. The department will not enter into a signed lease as we would in a Protective Rent situation. The acquisition section will administer according to procedures set forth in Chapter 6 and will utilize form RES-343.

49 CFR 24.10
WAC 468-100-010

B. **Appeal Procedures** – Appeal procedures for requesting a formal adjudicative hearing before the Office of Administrative Hearings are available to displaced persons as described in Section 12-5.5. In addition, WSDOT offers the displaced person review of the region's decision by the RAPM as an informal reconsideration option before proceeding to a formal adjudicative hearing.

49 CFR 24.401(e)
RCW 8.26.045(1)(c)
WAC 468-100-401(5)

C. **Closing Expenses** – Closing expenses (incidental purchase expenses) are reviewed and reimbursed by the department in accordance with Section 12-6.3.

D. **Duplicate Payments Prohibited** – Displaced persons are not entitled to receive any other payment which substantially duplicates the general purpose and effect of any other payment or project cost received by that displaced person as described in this manual. This includes payments received under federal, state, local law, or insurance proceeds which are determined by WSDOT to have the same purpose and effect.

49 CFR 24.3
RCW 8.26.105(2)
WAC 468-100-003

Appendix 12-15

E. **Forms** – A list of all forms pertinent to the Relocation Assistance Program are included in Chapter 13.

F. **Letter Withdrawing Offer** – If a decision is made by the department to withdraw an offer to purchase from a property owner, and relocation is involved, the acquisition specialist should forward a copy of the letter withdrawing the offer to the relocation section (see Chapter 6, Acquisition).

G. **Mobile Home Occupants** – Mobile home occupants are offered replacement housing payments as regulated by Section 12-8.

49 CFR 24.501
WAC 468-100-501

H. **Mortgage Interest Differential Payment (MIDP)** – Increased interest costs are computed and paid in accordance with Section 12-6.3.

49 CFR 24.401(d)
WAC 468-100-401(4)

I. **Moving Cost Payments** – Moving cost payments are determined in accordance with Sections 12-6.5 through 12-9.

49 CFR 24.301
WAC 468-100-301

J. **Ninety-Day Assurance** – Owners and tenants are not required to move without being provided a written assurance at least 90 days prior to the earliest date by which they could be required to vacate the property as specified in Section 12-5.4.5.

49 CFR 24.203(c)
WAC 468-100-203(3)

K. **Notice to Vacate** – A written notice to vacate the property (i.e., 30-Day Notice to Vacate) is provided to the displaced person by Property Management as specified in Chapter 11.

L. **Occupancy of the Displacement Site after WSDOT Acquires Possession** – Rental to the original displaced owner or tenant beyond occupancy as covered in the signed rental agreement is allowed only with prior written approval by the HQ RESM or designee (see Chapter 11).

M. **Personal Contacts** – Personal contacts with displaced owners and tenants are made by Relocation Specialists in accordance with the provisions of this manual as discussed in Section 12-5.1.4. The specialist makes detailed entries in the Diary of Right of Way Activities covering every contact, meeting, etc., with any party in interest. These entries are made as soon as possible after each contact to assure accuracy.

N. **Preliminary Investigation** – Preliminary investigation of project impacts on displaced persons and availability of replacement housing is made by the Relocation Specialist in accordance with Section 12-4.2.

O. **Protective Rent** – If a tenant vacates the property before the department acquires possession, it may be appropriate for the department to enter into a lease and pay protective rent to prevent the property from being rented to another tenant. The acquisition section will administer the protective rent program. Both the acquisition specialist and Relocation Specialist need to coordinate activities. A Relocation Specialist should notify the acquisition section if a tenant wishes to vacate prior to WSDOT possession. See Chapter 6 for procedures.

P. **Reassignment of a Relocation Assistance File** – When a relocation parcel file is reassigned, the current assigned specialist must turn over an organized and updated file with all correspondence to their supervisor or the newly assigned specialist. At a minimum, the file should contain:

- An updated checklist.
- Eligibility Report.
- Current signed diary with a statement that the file is being reassigned to another specialist.
- Correspondence such as emails, letters/notices, notes, etc.
- Documents such as photos, forms, leases, purchase and sale agreements, etc.

Q. **Relocation Assistance** – Relocation assistance offices are located in Headquarters and each region office. Additional offices (field offices) may be provided and operated in accordance with Section 12-5.2. Relocation plans are developed in accordance with Section 12-4.2.

R. **Replacement Housing Payments** – Replacement housing payments are determined and administered in accordance with Section 12-6.3.

12-3.2 Project Regulations

A. **Payments Authorized** – Relocation assistance payments to eligible persons may be authorized when all of the following conditions have been met:

1. **Program Approval and Authorization** – When there has been approval of a program or project and authorization to proceed has been issued.
2. **Person Relocated** – When in fact a person has been or will be relocated by the project or from the right of way approved for such project.
3. **Lawful Costs** – When relocation costs are lawfully incurred.
4. **Costs Recorded as Liability** – When relocation costs are recognized and recorded as a liability of the acquiring agency.
5. **Project Agreement Executed** – After the project agreement (if required) has been executed for the particular project involved.

6. **Federally Assisted Right of Way Projects** – After federal participation in relocation assistance costs has been authorized. This requirement does not apply to projects funded with state funds.

B. **Interest Acquired** – The type of interest acquired does not affect the eligibility for relocation assistance payments provided the interest acquired is sufficient to cause displacement. In like manner, the terms under which a tenant is occupying property does not affect eligibility provided the tenant is actually displaced by the project and the occupancy is lawful.

C. **Losses Due to Negligence** – Losses due to negligence of the relocated person, the person's specialist, or employees are not eligible for payment.

D. **Deductions From Relocation Payment** – The Relocation Specialist must deduct the amount of any advance relocation payment from the relocation payment(s) to which the displaced person is otherwise entitled. WSDOT will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any creditor.

49 CFR 24.403(a)(6)
WAC 468-100-403(1)(f)

E. **Availability of Replacement Housing** – No person to be displaced shall be required to move from the acquired dwelling unless at least one comparable replacement dwelling has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

49 CFR 24.2(6)
WAC 468-100-002(6)

1. The person is informed of its location which is provided to the displaced person in the Notice of Eligibility, Entitlements and 90-Day Assurance Letter.

2. The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property.

3. Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

4. **Comparable Replacement Dwelling – Short Sale Homes or Bank/REO (Real Estate Owned) Homes** – It is common to see short sale listings and bank or REO homes listed on NWMLS or other MLS systems. The difference between the two types of listings are:

   - **Short Sale Homes** – When dealing with short sales, there is a third party (bank) involved in the transaction. Once an offer is made to the homeowner on a short sale property and there is mutual acceptance between the owner and the buyer, they are then required to get acceptance on the offer from the bank. This process can take months to complete and the average short sale transaction is about 6.5 months. If the home has multiple mortgages then all banks must approve the offer. Short sale homes are not considered available by WSDOT standards and should not be used as the comparable home selected by the department to compute the replacement housing payment.

- **Bank/REO (Real Estate Owned) Owned Homes** – Before the home becomes a bank foreclosure sale or REO, it is auctioned through the county. If it does not sell at auction, it becomes an REO home and is then listed by a real estate agent for sale on behalf of the bank. If a home is bank/REO owned, the process can be quicker than a short sale, but you are still dealing with a bank rather than an individual home owner. This can delay the process, so these homes should not be used as comparables selected by the department to compute the replacement housing payment. Most foreclosures can be completed with the 30- to 45-day closure period just like any other home transaction. Once the turnaround time is confirmed, a bank/REO home can be used as a comparable dwelling. Remember, a bank/REO property must still pass all DSS standards in order for the displaced person to be eligible for their replacement housing payment.

The specialist should advise the displaced person if they choose to purchase a bank/REO property or even a short sale and it takes longer than expected and if the ad date is approaching, they could be required to move once their 90-day assurance expires and the acquiring agency will not approve costs associated with a double move (i.e., storage, per diem, temporary housing).

F. **Federally Assisted Projects With a ROW Phase** – The costs of providing relocation payments and services required by this chapter are eligible for federal participation in the same manner and to the same extent as other project costs.

G. **Administrative Costs** – Only those costs directly chargeable to a given transportation project are charged to such project.

H. **Refusal of Assistance** – A displaced person can refuse relocation services and still be eligible for payments. There is no requirement that a displaced person accept the services of WSDOT in relocating if not desired. However, it is necessary that the displaced person make application within the required time limits to qualify for relocation payments and that, in a residential situation, the replacement dwelling meet the department's standards for decent, safe, and sanitary housing.

I. **Property Not Incorporated Into Right of Way** – If relocation is made necessary by an acquisition for the project, even though the property acquired is not incorporated within the final right of way, monetary relocation entitlements may be approved by the RAPM. The Region Relocation Supervisor must provide a detailed memorandum (with map) setting forth the circumstances for the request to the RAPM. A copy of the Appraisal and Determination of Value is also requested. If federal funds are proposed to be used for relocation or acquisition costs for property not incorporated into the final right of way, they can only be used for material sites, property acquisitions to a logical boundary, disposal of hazardous materials, environmental mitigation, and easements for permanent or temporary use.

J. **No Waiver of Relocation Assistance** – WSDOT shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and entitlements provided by the Uniform Act and governing regulations.

49 CFR 24.207(f)
WAC 468-100-207(6)

12-3.3 Disaster Project Regulations

A. **General** – The requirement that no person shall be required to move unless at least one comparable replacement dwelling is made available may be waived in any case where it is demonstrated that a person must move because of:

49 CFR 24.204(b)
RCW 8.26.075(3)
WAC 468-100-204(2)

1. A major disaster as defined in the Disaster Relief Act of 1974 (42 U.S.C. 5122); or
2. A presidentially declared national emergency; or
3. Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

B. **Basic Conditions of Emergency Move** – Whenever a person is required to relocate for a temporary period (defined as lasting no longer than a 12-month period) because of an emergency as described in paragraph A of this section, WSDOT shall:

49 CFR 24.204(c)
WAC 468-100-204(3)

1. Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling.
2. Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation.
3. Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied replacement dwelling.)

C. **Tenure of Occupancy**

1. Individuals and families whose homes have been damaged or destroyed by a major disaster and who have not been able to reoccupy their homes by the start of negotiations for the parcel may be considered to be in constructive occupancy and funds may be authorized for relocation payments to such individuals and families, provided that location approval for the project had been given by the Secretary of WSDOT prior to the major disaster.

D. **Computation of Replacement Housing Payment for a 180-Day Owner Who Purchases**

1. **Fair Market Value of Acquired Residence** – The fair market value of damaged or destroyed residences is as of the usual date of valuation for a highway project.

2. **Computation** – The replacement housing payment is the amount, if any, which when added to the amount for which WSDOT acquired the damaged or destroyed dwelling equals the lesser of:

   a. The actual amount the owner paid for a decent, safe, and sanitary dwelling; or

   b. The amount determined by WSDOT as necessary to purchase a comparable dwelling.

49 CFR 24.3
WAC 468-100-003

3. **Duplicate Payments** – Any proceeds received for payment of damages to the displaced person's residence as a result of the major disaster, from any source, such as flood insurance or cancellation of a portion of a Small Business Administration (SBA) loan is deducted from the replacement housing payment for which the displaced person is eligible.

12-3.4 Deviation From Procedures

Any deviation from procedures outlined in this chapter will require the region or local agency to submit a request to the RAPM outlining the issues. The request must include sufficient documentation as to why the procedure cannot be followed and the alternative solution. ***Caution:*** If a project is federally funded, any deviation from procedures without approval will jeopardize federal funding.

12-4 General Relocation

49 CFR 24.2
RCW 8.26.020
WAC 468-100-002

12-4.1 Definitions

Definitions relating to relocation assistance and the Uniform Relocation Act can be located in WAC 468-100-002. Additional definitions and clarification are as follows:

A. **Acquired** – For the purpose of this chapter, "acquired" means WSDOT obtained legal possession of the real property. The date of such possession is the date on which final payment for the property is made available to the owner(s) or to the court. Where WSDOT has obtained early possession under a Possession and Use Agreement, legal possession is the time specified in the pertinent document or, if not specified in such document, upon making payment as required by such document.

B. **Acquisition Cost** – For the purpose of computing replacement housing payments, the "acquisition cost" is the cost WSDOT pays for the property acquired. The amount is determined from the Real Property Voucher. The amount of any administrative settlement is included and remains a part of the final settlement. Any amount paid by the displaced person for salvage

rights is considered an expenditure by the displaced person toward the purchase of replacement housing. The amount of the "final settlement" in the case of a donation is considered to be fair market value. For court award cases or cases involving an administrative settlement, the amount of the just compensation is analyzed to determine acquisition cost.

C. **Business** – In addition to the definition found in WAC 468-100-002, a business is also referred to as "nonresidential."

D. **Carve Out** – A "Carve-out" is a term commonly used to describe the method for determining what portion of property occupied by a residential owner of 180 days or more is to be used in computing a replacement housing payment if the displaced person is situated on a site either larger than typical for residential purposes, or whose property is actually occupied by or used for other purposes, or has a major exterior attribute not typical of the area.

E. **Certified Copy** – A "certified copy" is a copy (often a photocopy) of a "filed" document, legal or other, in its entirety (everything within a staple) that is sworn to be a true and correct copy by the individual who prepared it, i.e., accountant, attorney, business owner. The statement can be as simple as the following: "I hereby certify that this document is a true and correct copy."

F. **Financial Means** – The following criteria are used in determining financial means:

1. A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in Section 12-6.3, all increased mortgage interest costs as described at Section 12-6.3, and all incidental expenses as described at Section 12-6.3, plus any additional amount required to be paid under Section 12-6.4, Housing of Last Resort.

2. A replacement dwelling rented by an eligible displaced person is considered to be within that person's financial means if, after receiving rental assistance under this part, the monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at Section 12-6.3.

3. For a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within a person's financial means if WSDOT pays that portion of the monthly housing costs of a replacement dwelling which exceed 30 percent of such person's gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total of the amounts designated for shelter and utilities. Such rental assistance must be paid under Section 12-6.4, Housing of Last Resort.

G. **Mortgage** – Classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property under the laws of the state of Washington together with the credit instruments. A real estate contract is considered to be a mortgage for the purposes of this chapter. A bona fide mortgage is a mortgage which is a valid lien on the real property for not less than 180 days prior to the initiation of negotiations.

H. **Moving Expense Payments** – The amount necessary to pay or reimburse an eligible displaced person, business, farm or NPO operation for certain expenses related to moving their personal property located on the displacement property.

I. **Nonresidential** – The term nonresidential includes a business operation, farm operation, or nonprofit organization (NPO).

J. **Personal Property Only (PPO)** – A move of personal property from the acquired property for project purposes where there is not a need for a full relocation of a residence and/or a nonresidential operation.

K. **Place of Permanent or Customary and Usual Abode (Permanent Place of Residence)** – A dwelling, legally used and occupied as living quarters or residence by a person or family with apparent intent to continue such use and occupancy. If a question arises, the specialist will need to obtain legal documents to support residency, i.e., utility bills, driver's license, voter registration, auto registration.

L. **Replacement Housing Payment (RHP)** – Any one or certain combinations of payments authorized to be paid to eligible displaced persons to enable such displaced persons to obtain replacement housing. There are five types of authorized payments, as follows:

1. **Incidental Purchase Expense** – The amount necessary to pay or reimburse an eligible displaced person for certain actual costs incurred by the displaced person incidental to the purchase of an eligible replacement dwelling, including but not limited to recording fees, escrow fees, title insurance premiums, appraisal fees, credit report fees, home inspection fees, and transfer taxes. (Does not include prepayment of any expenses. See Section 12-6.3.)

2. **Mortgage Interest Differential Payment (MIDP)** – The amount, as determined by WSDOT, necessary to compensate an eligible 180-day owner occupant for an increased interest cost required to obtain a mortgage for the purpose of purchasing an eligible replacement dwelling. In addition, such finance charges as may be imposed as a condition to the making of such a mortgage.

3. **Price Differential** – That amount, in addition to the just compensation paid by WSDOT, which is necessary to enable an eligible displaced person to purchase an eligible replacement dwelling. The computation is based on the most comparable dwelling selected by the department.

4. **Rent Supplement** – The amount, determined by WSDOT, necessary to compensate an eligible displaced person for the increased cost of renting an eligible replacement dwelling. The computation is based on the most comparable dwelling selected by the department.

5. **Down Payment Assistance** – The amount necessary to enable an eligible displaced person to make a down payment (including eligible incidental purchase expenses) on the purchase of an eligible replacement dwelling. Payment is limited to the maximum rent supplement calculated for the displaced person. A 180-day owner occupant is not eligible for this type of payment.

M. **Uneconomic Remnant** – The term "uneconomic remnant" refers to a remainder of the owner's real property which WSDOT has determined will have little or no value or utility to the owner after the department's acquisition of a portion of the tract.

N. **Utilities** – A privately, publicly, or cooperatively owned line, facility or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected to highway drainage, or any other similar commodity (23 CFR 645.105).

12-4.2 Relocation Planning (Environmental NEPA/SEPA Stage)

49 CFR 24.205
RCW 8.26.065
WAC 468-100-205

12-4.2.1 Preliminary Plans

49 CFR 24.205(a)
RCW 8.26.065(1)
WAC 468-100-205(1)

Detailed information and analysis of displacements may be required at various stages prior to development of a Relocation Project Plan as required by Section 12-4.2.2. Some examples of preliminary stages are Environmental Impact Statements (EIS), Environmental Assessment, Discipline Report, and so on. Information included in the document or report may be obtained by visual inspection of the area and from readily available secondary or community sources. Reports at this level should not include parcel specific information such as names and possible addresses of potential displacements. This information, if collected, should be kept in a separate project file. It also should be noted that secondary information collected during this phase of the project may cover many different alternatives prior to the selection of the preferred alternative. The document or report usually requires the following information:

A. Estimate of households to be displaced, including the family characteristics (e.g., minorities, income levels, the elderly, large families, owners or tenants).

B. Divisive or disruptive effect on the community, such as separation of residences from community facilities or separation of neighborhoods.

C. Impact on the neighborhood and housing where relocation is likely to take place.

D. An estimate of the businesses to be displaced and general effect of business dislocation on the economy of the community.

E. A description of housing available for sale in the area, not including short sales and bank/REO owned properties, and the ability to provide replacement housing for the types of families to be displaced.

F. A description of special relocation advisory services that will be necessary for identified unusual conditions.

G. A description of the actions proposed to remedy insufficient replacement housing including, if necessary, housing of last resort.

H. Results of consultation with local officials, social agencies, and community groups regarding the impacts on the community affected.

49 CFR 24.205(a)
RCW 8.26.065(1)
WAC 468-100-205(1)

12-4.2.2 Project Relocation Plans (Right of Way Stage)

Project relocation plans are required on all projects that will cause the displacement of individuals, businesses, or personal property. The plan itself should provide detailed first hand information regarding the affected occupants of the project. This plan will provide important displacement information as well as estimated relocation costs for the project. A relocation plan is a great planning and communication tool and is considered a framework for the implementation of the relocation program.

12-4.2.2.1 General Requirements

A. Negotiations are not initiated on any project which will cause the relocation of any person until the Region Relocation Supervisor has submitted a Relocation Project Plan to the RAPM for review and approval.

B. Prior to submitting a request for funds (request for work order authorization) the Region Relocation Supervisor prepares a relocation plan in coordination with personnel assigned to prepare funding estimates. Such plan is submitted to the RAPM for review and approval. Upon approval by the RAPM, a copy of the approved plan is returned to the region showing such approval and a copy is provided to Headquarters Appraisal, Property Management, and Acquisition/Title. The Region Relocation Supervisor should distribute an approved copy of the plan to each discipline within their region.

C. The Relocation Specialist should deliver a relocation brochure to displaced person at the time the specialist is collecting the information on the occupancy survey for the preparation of the relocation plan. If appropriate, the Relocation Specialist may also deliver a General Notice of Relocation Rights letter. If the timing is not appropriate it should be given out closer to the initiation of negotiations in accordance with Section 12-5.4.

12-4.2.2.2 Project Relocation Plan Contents

A Relocation Project Plan covers the methods and procedures by which the needs of every individual to be displaced will be evaluated and correlated with available decent, safe, and sanitary (DSS) housing within those individuals' financial means and will cover information regarding business, farm, and NPO displacements that is required by federal regulations. The input for the plan is developed from

the Occupancy Survey prepared by the region Relocation Specialist on each acquisition parcel requiring the displacement of persons or personal property from the project. The plan contains a tabulation of data, photographs, and narrative. Contact Headquarters for a sample of an appropriate relocation plan.

A. **General**

1. The plan should contain a statement of "Assurances" that the department will inform the public of relocation payments and services that will be available and that the department will provide such payments and services. In addition, this statement will advise that no person lawfully occupying real property will be required to move from the acquired dwelling, business, farm or NPO operation without being provided a written assurance at least 90 days prior to the earliest date by which they could be required to vacate the property. No person to be displaced from a residential dwelling shall be required to move unless at least one comparable replacement dwelling is made available.

2. A description of the project including information on limits, area location, purpose of the project, type and extent of work, and any other pertinent information deemed appropriate by the plan author.

3. A brief discussion of the number of parcels to be acquired and the resulting number of displacements by type (residential owner, residential tenant, business, and/or personal property only).

B. **Inventory of Individual Needs (Occupancy Survey)** – An inventory of the characteristics and needs of individuals, families, businesses, and/or personal property to be displaced. Photos of the subject dwelling should be included as an attachment or incorporated into the plan. The completed occupancy surveys should be included as an attachment to the plan. Recent census and other valid survey data obtained from city and county planning departments, redevelopment agencies, precinct registers, etc., may be used to assist in preparing the inventory. The survey process is carried out to the depth necessary to fully identify the characteristics and needs of the displaced person.

Residential Displacements

1. This inventory is based upon a complete occupancy survey. See Chapter 13 for the residential occupancy survey form. This shall include a personal interview with the displaced person. The write up for each potential displacement should include specific information as obtained during the occupancy survey.

2. Housing needs are determined by analysis of needs for Decent, Safe and Sanitary (DSS) replacement housing. This does not necessarily mean a replacement in kind for the dwellings to be acquired. It means providing DSS housing that meets the needs of the occupants being displaced. The financial means of the displaced person are also considered and discussed in the report.

3. The report should include an estimate of the number of residential households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.

Nonresidential Displacements

1. The relocation plan should determine, for nonresidential (businesses, farm, NPO) displacements, the relocation needs and preferences of each to be displaced. It should also explain the relocation payments and other assistance for which the business, farm, or NPO may be eligible to receive. This shall include a personal interview with each business. See Chapter 13 for the nonresidential occupancy survey form.

2. At a minimum, interviews with displaced business owners and operators should include the following items:

   a. The business's replacement site requirements, current lease terms and other contractual obligations and financial capacity of the business to accomplish the move.

   b. Determination of the need for outside specialists that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.

   c. An identification and resolution of personalty/realty issues. Every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.

   d. An estimate of the time required for the business to vacate the site.

   e. An estimate of the anticipated difficulty in locating a replacement property.

   f. An identification of any advance relocation payments required for the move, and WSDOT's legal capacity to provide them.

3. The report should also include an estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

C. **Inventory of Available Housing and Business Sites** – A reliable estimate of comparable replacement housing currently available on the housing market (not including short sales and bank/REO owned homes) and an estimate of the availability of replacement business sites for the general project area.

1. The types of buildings and the adequacy of supply of DSS housing as related to the needs of the persons or families to be relocated. Further discussion of type of neighborhood, proximity of public transportation, commercial shopping areas, and distance to any pertinent social

institutions, such as church, community facilities, is desired. The use of maps, plats, charts, etc., is useful at this stage. This estimate is developed to the extent necessary to assure that the relocation plan can be expeditiously and fully implemented.

2. Data on the availability of housing is gathered by any reasonable method such as: updating and using data previously gathered; using sources such as multiple listing bureaus, internet websites such as Craigs List, individual brokers, real estate management companies, associations of landlords, rental agencies; and direct contact with apartment owners or managers, local planning offices, other governmental offices which regulate construction of homes and other buildings, and public utility companies which continuously study population growth and/or trends. Newspaper advertising and other printed resources could also be utilized.

3. The inventory of available residential housing should summarize:

   a. The number of comparable replacement dwellings, not including short sales and bank/REO owned homes, in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. Remember short sales and bank/REO owned homes should not be selected as comparable dwellings by the acquiring agency as they are time consuming and not considered available to the displaced person within a reasonable amount of time. When an adequate supply of comparable housing is not expected to be available, WSDOT should consider housing of last resort actions.

   b. The monthly (or annual) rate of "turn over" in the sale and rental markets.

   c. The rate at which new housing is being added.

   d. A projection of the amount of housing which will become available within the lead time during which acquisition and right of way clearance will take place.

4. The inventory of available nonresidential sites should summarize:

   a. The availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the business should be considered and addressed.

   b. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.

D. **Analysis of Inventories** – An analysis and correlation of the above information is used to develop a relocation plan which:

1. Discusses the various relocation problems, which may include cases of low income and minority groups.
2. Provides an analysis of current and future federal, state, and community programs in the project areas, and nearby areas, which could affect the supply and demand for housing.
3. Provides an analysis of said problems and offers potential resolutions to these problems.
4. Estimates the amount of lead time required and demonstrates its adequacy to carry out a timely, orderly, and humane relocation program.

E. **Sources of Information** – Identification of the names/sources from which information was obtained and relied upon for the report.

F. **Project Relocation Assistance Office** – A brief discussion addressing the intended means by which displaced persons and adjacent occupants will have reasonable access to adequately staffed offices and how such offices will be operated, staffed, and equipped to provide relocation assistance services. This discussion should encompass the need or lack of need for project relocation assistance offices, the hours of operation, the location of said office and the resources to be available at said office.

G. **Alternate and/or Housing of Last Resort Needs**

1. Discuss the impact of the project on available replacement housing within the financial means of the displaced person.
2. Explain that either:
   a. There is an adequate, continuing supply of replacement housing available within the financial means of the displaced person, or
   b. A "Housing of Last Resort" will be prepared on a case-by-case basis or is incorporated into this report.

H. Maps, plats, charts pictorial, and/or graphic data which further illustrates the needs of the displaced person or describes the availability or lack of availability of suitable replacement housing may be included with the report. Approved right of way plans are not included as a part of this report but are available in the appropriate region and Headquarters offices.

I. Include a summary of total estimated relocation project costs, i.e., residential, nonresidential, and personal property.

12-5 Relocation Advisory Services

49 CFR 24.205(c)
RCW 8.26.065(2)
WAC 468-100-205(3)

12-5.1 General

WSDOT has established and carries out a Relocation Assistance Advisory Services Program so that displaced persons will receive uniform and consistent services and payments regardless of race, color, religion, sex, or national origin. Services are provided by personal contact by the region Relocation Specialist. If personal contact cannot be made, the Relocation Specialist documents the file to show that reasonable efforts were made to achieve personal contact.

12-5.1.1 To Whom Provided

Relocation assistance advisory services are offered to:

A. Any "displaced person" as defined in WAC 468-100-002(9).

49 CFR 24.2(a)(9)

B. Any adjacent occupant when WSDOT determines that such person or persons are caused substantial economic injury because of the acquisition.

C. Any person who, because of the acquisition of real property used for the person's business or farm operation, moves from other real property used for a dwelling, or moves personal property from such other real property.

12-5.1.2 Minimum Advisory Services

The Relocation Specialist provides relocation assistance advisory services to include such measures, facilities, or practices as may be necessary or appropriate. The amount and extent of the advisory services are administered on a reasonable basis commensurate with the needs of the displaced person.

A. For all displacements, the Relocation Specialist shall:

1. Determine the need, if any, of displaced persons for relocation assistance by completing the appropriate occupancy survey. The form should be completed by the Relocation Specialist during the on site visit with the displaced person. The specialist should ask all questions on the form. If the displaced person advises during the interview that the question is not applicable the specialist should note that on the form.

2. Explain the types of relocation payments, move options, and the eligibility requirements to receive relocation payments and assist in completing any required forms.

3. Advise displaced persons that they will be provided with a written 90 Day Assurance of the earliest date they will be required to vacate the displacement property.

49 CFR 24.203(c)
WAC 468-100-203(3)

4. Advise displaced persons that no payments received under the Uniform Act shall be considered as income for the purposes of the Internal Revenue Code of 1954 which has been redesignated as the Internal Revenue Code of 1986 or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under any state or federal law.

49 CFR 24.209
RCW 8.26.115
WAC 468-100-209

49 CFR 24.10
WAC 468-100-010

5. Advise that all displaced persons have the right to appeal department determinations regarding relocation assistance or relocation payment amounts and as an option may seek informal review by the RAPM of the Relocation Specialist's decision, and reconsideration of the RAPM's decision by the WSDOT Relocation Review Board prior to commencing a formal appeal.

B. For residential displacements, the Relocation Specialist shall:

49 CFR 24.204
WAC 468-100-204

1. Provide current information regarding the availability, purchase prices and/or rental costs of comparable decent, safe, and sanitary housing, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available. As necessary provide additional available comparable replacement dwellings.

49 CFR 24.401
49 CFR 24.402(c)
WAC 468-100-401
WAC 468-100-402(3)

2. Discuss Decent, Safe and Sanitary (DSS) replacement requirements with the displaced person. The DSS inspection does not replace a professional home inspection. Advise the displaced person (owner occupant) that WSDOT strongly recommends they obtain a professional home inspection by a qualified home inspector when purchasing a replacement dwelling. If the displaced person is a 180-day owner occupant, they should be advised the home inspection is 100 percent reimbursable by the department. The Purchase and Sale Agreement for the replacement dwelling should be contingent on both the home inspection and the DSS inspection. For a displaced residential tenant who elects to purchase a replacement home using Down Payment Assistance, and for a 90-day owner occupant, the home inspection is reimbursable however it is part of their original RHP and not paid in addition to as is with a 180-day owner occupant.

3. Inform the displaced person that the actual RHP is based on a dwelling similar to the displacement dwelling occupied and acquired by the agency for construction of the project. If the displaced person chooses to purchase a replacement dwelling that is not similar to the displacement dwelling than the RHP will be adjusted accordingly. For example, a single family dwelling is not considered similar to a multifamily dwelling and therefore not reasonable to apply the full calculated RHP to the purchase of the replacement dwelling.

49 CFR 24.205(c)(2)(ii)(B)
WAC 468-100-205(4)(b)(ii)

4. As soon as feasible, WSDOT shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment and the basis for the determination so that the person is aware of the maximum replacement housing payment for which he or she may qualify.

5. Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. If such an inspection is not made, WSDOT shall notify the person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

49 CFR 24.205(c)(2)(ii)(C)
WAC 468-100-205(4)(b)(iii)

6. Whenever possible, minority persons shall be given reasonable opportunities to relocate to Decent, Safe and Sanitary (DSS) replacement dwellings, within their financial means. Specialist shall not "steer" the displaced persons to minority concentrated areas only. This policy, however, does not require WSDOT to provide a person a larger payment than necessary to enable a person to relocate to a comparable replacement dwelling.

49 CFR 24.205(c)(2)(ii)(D)
WAC 468-100-205(4)(b)(iv)

7. Supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons, and technical help to persons applying for such assistance.

49 CFR 24.205(c)(2)(v)
WAC 468-100-205(4)(e)

8. Any displaced person that may be eligible for government housing assistance at the replacement dwelling shall be advised that the requirements of such government housing assistance program dictates the comparable dwelling made available to them.

49 CFR 24.205(c)(2)(ii)(F)
WAC 468-100-205(4)(b)(vi)

9. Offer to provide transportation to displaced persons to search for or view replacement housing.

49 CFR 24.205(c)(2)(ii)(E)
WAC 468-100-205(4)(b)(v)

10. Provide other advisory services to displaced persons to minimize hardships to such persons in adjusting to a new location as appropriate.

49 CFR 24.205(c)(2)(iv)
WAC 468-100-205(4)(d)

11. For a tenant displacement, the Relocation Specialist needs to determine if the tenant paid a damage deposit, first and/or last months rent to their landlord. This information should be recorded on the Residential Occupancy Survey (RES-532) and provided to the acquisition specialist. Further, if there is prorated rent from the time WSDOT comes into ownership of the property the Relocation Specialist will need to advise the tenant that they will need to get any of these refunds from their current landlord, not WSDOT.

12. Explain the moving options available and the differences between the commercial move and the self move options, i.e., fixed residential moving cost schedule (room count) and actual costs.

49 CFR 24.301(b)
WAC 468-100-301(2)

13. Advise the displaced person if they choose to purchase a bank/REO property or even a short sale and it takes longer than expected and the ad date is approaching, they could be required to move once their 90-day assurance expires and the acquiring agency will not approve costs associated with a double move (i.e., storage, per diem, temporary housing).

C. For nonresidential displacements, the level of advisory services may be different for each displaced business, farm, or nonprofit organization (NPO) depending on the complexity of the displacement. The Relocation Specialist shall:

1. Provide current and continuing information on the availability, location, purchase prices, and rental costs of suitable commercial and farm properties. The Relocation Specialist should advise the displaced person to seek the services of a local commercial real estate agent.

2. Assist the person displaced from the person's business, farm operation, or NPO in obtaining and becoming established in a suitable replacement location. This should include advice regarding potential moving and reestablishment claims based on the selection of a suitable replacement site. At a minimum, the specialist should explain all categories of potential reimbursements available under reestablishment expenses.

3. Advise displaced business owners that professional services obtained by them must be preapproved by WSDOT as the determination will be made based on what is reasonable and necessary for their type of relocation. Not all businesses require professional services. Advise displaced business owners that prior to entering into a contractual obligation for professional services, that they must obtain a minimum of two "Scopes of Work" estimates. As part of advisory services, the Relocation Specialist should review the Scopes of Work to determine which items listed are considered eligible for reimbursement and advise the business appropriately. Advise displaced person that professional services are categorized into three sections:

49 CFR 24.301(g)(12)
WAC 468-100-301(7)(l)

a. Professional services to plan the move, plan the placement of the personal property at the replacement location, and the actual move of the personal property.

49 CFR 24.303(b)
WAC 468-100-303(2)

b. Professional services performed prior to the purchase or lease of the replacement site to determine suitability of the replacement site.

49 CFR 24.304(7)
WAC 468-100-306(1)(g)

c. Professional services obtained to reestablish at the replacement site.

4. Encourage the business to work closely with their Relocation Specialist throughout the entire relocation.

5. As soon as feasible, discuss completing the site search log and discuss and document approved hourly rates for specific activities of the various employees (different rates may be considered reasonable for different types of activities). The Relocation Specialist and Region Relocation Supervisor need to agree upon and pre-approve a reasonable rate for the person performing the site search tasks.

6. Provide business owner with a large envelope with form RES-545 – Nonresidential Obsolete Printed Items, to be completed and returned as soon as possible. Obsolete printed items include items such as letterhead, business cards, checks, etc., that become obsolete due to the displaced business's change of address to the replacement location. Explain they will need to supply a copy of each item that will need to be reprinted due to the move in order to be reimbursed for printing costs. Prior to the move, the Relocation Specialist must complete an inventory of each item considered obsolete. Photographs may be appropriate in some cases. Discuss with the business owner options available other than reprinting, for example stickers to be placed over address. Go Green!

7. It may be necessary to refer the business to an industry professional for technical or code issues.

8. If a business has questions regarding relocation funds not being considered income, advise them to speak with a tax accountant. WSDOT cannot provide legal or tax advice.

49 CFR 24.209
RCW 8.26.115
WAC 468-100-209

9. Clearly explain Substitute Personal Property (SPP) and Actual Direct Loss of Tangibles (DLT) early in the process and prior to obtaining professional move bids to the business owner so they can make informed decisions regarding their relocation.

10. The Relocation Specialist and the business owner need to be present during the appraisal walk through to discuss Realty vs. Personalty issues. In addition the displaced business needs to understand the importance of the differences between realty and personalty. If there are questionable items, the Relocation Specialist and the appraiser need to discuss what is the appropriate way to handle the item in question. In order to avoid confusion at a later date, the Appraiser should detail the items on the Realty vs. Personalty Report (RES-217). If the item is not discussed in the appraisal, it does not automatically make the item personal property and eligible for relocation assistance. If not addressed, the Relocation Specialist will need to consult with the appraiser to get a determination as to the status of the item. When a displaced business wants to keep an item that is considered real property, it should be handled according to procedures set forth in Chapter 6 addressing the salvage of real property.

11. Explain all move options to a displaced business and the differences between the commercial move and the self move—based on the lowest acceptable bid or specialist estimate or actual costs supported by receipts/invoices. Advise the displaced business owner if they elect to go with the fixed payment in lieu of all other relocation expenses, they should wait to make the decision until after all appropriate move estimates have been obtained so they can make an informed decision. Clearly explain that if the displaced business owner elects the fixed payment that he or she cannot receive payment for any of the other moving and related expenses.

49 CFR 24.301
49 CFR 24.303
49 CFR 24.304
WAC 468-100-301
WAC 468-100-303
WAC 468-100-306

12-5.1.3 Exchange of Information With Other Agencies

Relocation specialists maintain personal contact and exchange information with other local agencies providing services useful to persons who will be relocated.

A. Such agencies may include but are not limited to social welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Department of Housing and Urban Development, Veterans Administration, and Small Business Administration.

B. Contact is maintained with local sources of information on private replacement properties, including real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

C. Contact is maintained with the Department of Housing and Urban Development and Veterans Administration relative to properties owned by those agencies that may be available for sale.

12-5.1.4 Relocation Assistance Diaries

Diaries are often the only written documentation that is available to show that right of way transactions are done in compliance with the Uniform Act and 49 CFR Part 24. Therefore, diaries need to provide a complete record of the transaction. They need to be well organized and factual, and they should be written for someone unfamiliar with the transaction. Also, the diary shall reference any appropriate documents in the file such as brochures and forms provided to property owners/tenants or estimates obtained to support an administrative record.

Each diary entry shall clearly show the month, day, and year of the contact; the name of the individual who made such a contact; how the contact was made (i.e., in person or by phone) and the name(s) of the individual(s) contacted. Each diary entry shall provide a summary of the contact. It is not sufficient to enter a simple posting of events as they occurred. For example, merely recording that the specialist presented an offer or that “discussions were held” on a given date tells too little. The entry should indicate, at the very least, where the event took place, what the owner’s reaction was, what questions the owner asked and what answers the specialist supplied. These elements are at the very heart of the negotiation process, and when an acquisition becomes difficult or negotiations break down, a well-written diary may be the most important document protecting the acquiring agency’s interests.

Multiple contacts should be stated in separate paragraphs. These entries need to be made as soon as possible to insure accuracy. Upon completion of activity entry, the specialist should type their initials after each entry. Electronic diaries are recommended and they should not have any spelling errors.

Diary entries need to be limited to a recitation of the facts because the diary is subject to the rights of discovery by all parties in any court proceeding or appeal case. All persons who participate in relocation activities with displaced persons, whether staff or consultant shall maintain an appropriate diary or log of such

activities and discussions with the displaced persons. If more than one specialist is working on a file it is recommended that all specialists contribute to the same diary. The specialist must initial after each diary entry and all specialists should sign the diary when the relocation is complete.

A collection of emails pertaining to the acquisition and relocation of a parcel does not constitute a diary. Information taken directly from email correspondence often contributes to a good diary, but care should be taken to exclude extraneous information.

Remember if it is not in the diary, it is difficult to prove it happened. Should a relocation claim be appealed, the lack of information in the diary will create a burden to prove that those discussions and activities did happen.

A. Residential diary entries include, but are not limited to the following:

1. Proper displaced person information including name, a contact phone number, address of displacement site, current mailing address, project name, parcel number, and current work order number and control section.
2. Specialist assigned and date of assignment.
3. Date and time of all telephone contacts.
4. Date, time, place, and name of all individuals present at face-to-face meetings, including what was discussed and any resolutions.
5. Preparation and presentation of all official relocation notices, notification of and any other general correspondence mailed to the displaced person. If notice was mailed by certified mail, include certified numbers.
6. Date when items were received from the displaced person, i.e., signed documents, letters requesting information, phone calls, emails.
7. Statement that the relocation program was discussed with displaced person verbally and that displaced person was given a relocation brochure.
8. Statement on how the specialist arrived at the room count entitlement. ***Example:*** living room = 1 room, kitchen = 1 room, 2 bedrooms = 2 rooms, garage = 3 rooms, total = 7 rooms, $1,800. There should be a statement included in the diary that states the calculation has been approved by the Region Relocation Supervisor.
9. Discussion of comparable search information. Where did specialist obtain the information for the comparable home search? What search criteria was used? How many comparable homes were available? Of those, how many were selected to view?
10. Information or statement in relation to viewing the selected comparable homes and which of the three comparable homes the specialist selected as the most comparable and why. Also, a statement should be included that an interior inspection of the most comparable home was completed or if the interior was not inspected why it was not inspected.

11. Include the specialist's line of thinking. Why is the specialist making certain considerations for this displaced person? Why might the specialist be considering a 4-bedroom comparable home versus a 3-bedroom comparable home?

12. Carve out issues. If applicable discuss why a carve out is necessary, i.e., mixed use property, large outbuilding, pool.

13. Statement that advisory services were offered to the displaced person, such as transportation if needed or any community or social service contacts that may need to be made. In the case of an owner occupant, the specialist will need to include a statement in the diary that the specialist advised the displaced person to get a professional home inspection of the replacement home and that the costs will be reimbursed by WSDOT.

14. Any issue brought up by the displaced person that requires further research or consultation with others.

15. Questions asked by the displaced person and response given by the specialist.

16. DS&S inspection. List who was on site during the inspection; make sure you turn on stove, furnace, check smoke detectors, flush toilets, turn on faucets, check under sinks for leaks, etc., in front of displacee/agent/owner, etc. Discuss any issues at this time. Note that you explained that the agency recommends and will pay for a home inspection requested by the displaced person and the displaced person's response.

17. Confirm with acquisition and record the final settlement amount in the diary. If the acquisition payment involves an administrative settlement, a copy needs to be included in the actual Price Differential payment package that is sent to Headquarters for review.

18. Clearly identify the vacate date.

19. Documentation of all relocation claims submitted by the displaced person.

20. Send an updated diary to Headquarters with any request for approval or claim. Failure to include an updated diary could delay the processing of the claim.

21. Initials of the Relocation Specialist need to be either typed or hand written after each diary entry.

22. Final statement stating that the relocation is complete. Date, sign, and send final diary with original signature to Headquarters.

B. Non-Residential diary entries include, but are not limited to the following:

1. Proper displaced person information including name, name of business/non-profit organization/farm, a contact phone number, address of displacement site, current mailing address, project name, parcel number, and current work order number and control section.

2. Relocation specialist assigned and date of assignment.
3. Date and time of all telephone contacts.
4. Date, time, place, and name of all individuals present at face-to-face meetings. Include what was discussed and any resolutions.
5. Preparation and presentation of all official relocation notices, notification of and any other general correspondence mailed to displaced person. If notice was mailed by certified mail, include certified number.
6. Date when items were received from displaced person, i.e., signed documents, letters requesting information, tax information, phone calls, emails, etc.
7. Statement that relocation program was discussed with displaced person verbally and that they were given a relocation brochure. This discussion should discuss reestablishment and show what the difference between actual move costs versus a fixed payment.
8. When dealing with non-residential moves sometimes many different specialists and vendors are contacted. A record of all contacts made is important.
9. Date of occupancy survey, determination of number of businesses, identification of personalty versus realty.
10. Diary shall include at least one entry where the specialist describes the advisory services provided, i.e., preapproval process, claim process, importance of working with specialist, reason for viewing tax records.
11. Statement that moving options were discussed in detail, that the fixed payment was explained, that the moving and related expenses that the agency will not pay if the displaced business chooses the fixed payment were explained in detail, substitute personal property (SPP) options, direct loss of tangible personal property (DLT) options, obsolete items, site search costs, etc. Statement that reestablishment items were discussed in detail.
12. Vacate date clearly stated.
13. Documentation of all relocation claims submitted by displaced person.
14. Send an updated diary to Headquarters with any request for approval or claim. Failure to include an updated diary could delay the processing of the claim.
15. Initials of the Relocation Specialist need to be either typed or hand written after each diary entry.
16. Final statement stating that relocation is complete. Date, sign, and send final diary with original signature to Headquarters.

12-5.2 Project Relocation Assistance Offices

12-5.2.1 General Criteria

A. When the volume of work or needs of the displaced person are such as to justify the establishment of a project relocation office, such an office will be established and located reasonably convenient to public transportation or within walking distance of the project.

B. The determination whether or not to establish a project relocation office is made by the region on an individual project basis based on criteria which include, but are not limited to:

1. The number of displaced persons to be served.
2. The distance and availability of transportation between the project and the Region Real Estate Service Office.
3. The nature of the relocation problems in terms of income level, displaced person's needs and characteristics, and special replacement housing problems.

12-5.2.2 Information Available at Project Office

The following information will be made available for the displaced person of each project at both the region office and/or the project office:

A. Copies or reprints of any published public announcements addressing relocation assistance services and payments.

B. Current lists of suitable replacement dwellings available to displaced persons without regard to race, color, religion, sex, or national origin. Lists may come from a variety of sources including newspaper listings, apartment directories, multiple listing services, real estate and property management companies, etc.

C. Current lists of comparable commercial properties and locations for displaced businesses.

D. Current data for such costs as security deposits, closing costs, typical down payments, interest rates, and terms.

E. Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area where applicable.

F. Schedules and costs of public transportation where applicable.

G. Copies of the department's brochure explaining its relocation program.

H. Copies or excerpts from local housing, building, and/or occupancy codes.

I. Other information of value to displaced persons in the particular area.

12-5.2.3 Office Hours

Project offices will be open during hours convenient to the persons to be relocated including evening hours when needed. Hours of operation will be addressed in the relocation plan.

12-5.3 Public Information

12-5.3.1 General Hearings

In order to assure that the public has adequate knowledge of the department's Relocation Assistance Program, such program and its related procedures are discussed at all public hearings. The Regional Administrator may require the presence of RES personnel at any hearing in order to assure that the Relocation Assistance Program is adequately explained.

A. Brochures, pamphlets, or flyers describing the relocation program are made available, without cost, to all persons attending such hearings. The brochures provide the address of the department's region office where copies of the department's regulations implementing the Relocation Assistance Program may be obtained.

B. If there are extensive relocation problems, which cannot be covered at typical or regular hearings on highway location and other engineering matters, a separate public hearing on relocation assistance will be held, as arranged by the Region Real Estate Services Manager.

12-5.3.2 Corridor Hearings

A. Right of way personnel may be called upon by the Regional Administrator to assist with the development of needed information and/or for the presentation of information at any corridor hearing. Such information may include, but is not necessarily limited to the following data:

   1. Regional and community growth including general plans and proposed land use, total transportation requirements, and status of the planning process.

   2. Public facilities and services including religious, health and educational facilities, public utilities, fire protection, and other emergency services.

   3. Community cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

   4. Displacement of people, businesses, and farms including relocation assistance, availability of adequate replacement housing, and economic activity (employment gains and losses, etc.).

   5. The estimated costs of the alternatives considered.

   6. Responses to questions or problems raised during the previous hearings.

B. Discussion on relocation assistance includes but is not necessarily limited to:

1. The availability of relocation assistance services, eligibility requirements, and payment procedures.

2. The estimated number of individuals, families, businesses, farm, and nonprofit organizations that are to be relocated by each of the alternatives under consideration at the hearings.

3. An estimate of the availability of decent, safe, and sanitary replacement housing, within the financial means of the individuals and families affected; a projection of the availability of such DSS housing to the anticipated year of right of way acquisition; any alternative plans considered for rehousing displaced persons; and assurance that housing needs of the displaced persons will be met.

12-5.3.3 Highway Design and/or Access Hearings

The discussion on relocation assistance at the design or combined hearing supplements the information contained in the Relocation Assistance Program Brochure. Such discussion on relocation includes but is not necessarily limited to:

A. Assurance that no person is required to move from a residence required for a public works project or program unless a comparable replacement dwelling is available or provided for any person meeting the criteria for a displaced person.

B. The eligibility requirements and payment procedures including:

1. Eligibility requirements and payment limits for moving costs.

2. Eligibility requirements and payment limits for replacement housing payments.

3. Eligibility requirements and payment limits for nonresidential reestablishment costs.

4. Appeal procedures.

C. The services available under the state's relocation assistance advisory program, the address and telephone number of the local relocation office, and the name of the Relocation Specialist in charge.

D. An estimated number of dwelling units presently available to meet replacement housing requirements.

E. An estimate of the time necessary for relocation and the number of dwelling units meeting the replacement housing requirements that will become available during that period.

12-5.4 Relocation Written Notices

49 CFR 24.203
WAC 468-100-203

12-5.4.1 General

A. Appropriate relocation assistance notices will be provided to each residential occupant (family or individual); non-occupant owner of an occupied dwelling unit; business or farm owner or operator; or owner of personal property that may be directly or constructively displaced by the program or project. A notice is not furnished where there is no displacement.

49 CFR 24.5
WAC 468-100-005

B. Written notices will be presented in letter format using the basic formats found in Chapter 13 and shall include the name and telephone number of the specialist who may be contacted for answers to questions or other needed help. The letters may be revised to reflect appropriate information for any specific relocation situation. Each notice shall be written in plain, understandable language. Translation and Counseling: Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. A certified translator must be used for those documents needing translation. Contact Headquarters Relocation for additional information.

C. Where certain relocation notices fulfill statutory requirements, the displaced person will be requested to sign a copy of the letter as evidence that the notice has been given and received. If the displaced person refuses to sign the notice, the Relocation Specialist should note the refusal on the copy of the notice and transmit this copy to Headquarters for inclusion into the official file. The Relocation Specialist should also note the refusal in the Diary. The RAPM may request further effort be made to present any notice letter to the displaced person(s).

D. If the written notice cannot be delivered in person, it must be sent by certified or registered first-class mail, return receipt requested, and documented in the official file. The electronic return receipt or copy of front and back of the green card needs to be attached to the copy of the letter sent to Headquarters for inclusion in the official file.

49 CFR 24.5
WAC 468-100-005

E. A non-occupant owner is considered, for purposes of the Relocation Assistance Program, to be displaced whenever there will be a displacement of persons or personal property from the property he owns.

F. These letters are partially intended to provide the displaced person with a written reference to certain basic information that will be or has been explained in a personal contact by a qualified representative of the department. No letter can answer all the questions in a given case. Much importance is placed on the detailed description in the relocation brochure and on the expertise of the Relocation Specialist handling the case. The Relocation Specialist should advise the displaced person of the importance of reading and understanding the information in the brochure and of asking any questions the displaced person may have regarding the information in the brochure. The specialist should note in the diary that the displaced person was so advised, including whether the displaced person did or did not have any questions and what those questions were.

49 CFR 24.203(d)
WAC 468-100-203(4)

12-5.4.2 Notice of Intent to Acquire

A. If the RAPM authorizes the establishment of eligibility for relocation entitlements prior to the initiation of negotiations for acquisition of a parcel, a Notice of Intent to Acquire, along with the Relocation Assistance Program Brochure, may be furnished to displaced persons. When a Notice of Intent to Acquire is issued, for purposes of this chapter, the date of initiation of negotiations for the parcel is considered to be the date of such notice.

B. This notice is not issued prior to authorization for the initiation of negotiations on the project or prior to authorization for acquisition of individual parcels in the case of protective buying or hardship acquisition.

C. The notice advises owners and occupants concerning the following:

1. The area of their eligibility for and the requirements to receive moving and replacement housing payments.

2. That any occupant contemplating moving should, to ensure eligibility for moving and replacement housing payments, notify the department before moving.

3. The anticipated date of actual initiation of negotiations.

4. How additional information pertaining to relocation assistance payments and services can be obtained.

D. If a Notice of Intent to Acquire is furnished to a property owner, it is also furnished to any tenants within 15 days and the owner is simultaneously notified of such action by furnishing such owner with a copy of the tenant's notice.

49 CFR 24.203(a)
WAC 468-100-203(1)

12-5.4.3 General Notice of Relocation Rights

A. This is a notice that is required by statute.

B. The letter format for this notice will depend on the type of displacement that will occur. An appropriate notice letter, to be selected from the formats found in Chapter 13, must be provided to the person(s) to be displaced by the project.

C. Delivery of the General Notice letter can occur either of two ways:

1. This notice can be presented to persons to be displaced at the time the Relocation Specialist makes the initial contact to gather information for the Relocation Plan. A Relocation Assistance Program Brochure should be provided to the displaced person at the same time. This method may not be appropriate if the project will not be constructed for a while.

2. This notice can be presented to persons to be displaced at or near the initiation of negotiations by either the Relocation Specialist or upon request, by the acquisition agent.

Note: **Lawfully Present in the United States Certification** – WSDOT suggests certification be obtained during the relocation planning phase or, at the latest, the delivery of the General Notice of Relocation Rights letter.

49 CFR 24.208
WAC 468-100-208

D. The notice must include the following information:

1. A statement that the person(s) may be displaced from a public project and a general description of the types of relocation payments, the basic conditions of eligibility and how the payments can be obtained.

2. A statement that the person(s) to be displaced will be given reasonable advisory assistance including referrals to replacement properties, help in filing claims and other necessary assistance.

3. Advice that the person(s) will not be required to move without at least 90 days written notice/assurance and that a person displaced from a residential dwelling will not be required to move until at least one comparable replacement dwelling is made available to the displaced person(s).

4. A statement that the person(s) to be displaced have a right to appeal department determinations regarding relocation eligibility or entitlement amounts and may also have department determinations reviewed or reconsidered before proceeding to an appeal.

5. A statement that informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

49 CFR 24.203(a)(4)
49 CFR 24.208
WAC 468-100-203(3)(d)
WAC 468-100-208

12-5.4.4 Relocation Assistance Program Brochure

This "notice" provides additional and more detailed information about the Relocation Assistance Program. It should be provided to each displaced person at the time the General Notice is provided. There are three brochures; one for Residential displacements, one for Business/Farm/NPO displacements, and one for PPO displacements. WSDOT brochures should not be distributed by LPA's on non-WSDOT projects. Generic brochures for their use have been created and are available on our RES Web page. The acknowledgment on the General Notice also states the brochure has been provided.

12-5.4.5 Notice of Relocation Eligibility, Entitlements, and 90-Day Assurance

49 CFR 24.203(b)
WAC 468-100-203(2)
49 CFR 24.203(c)
WAC 468-100-203(3)

A. This notice combines two notices that are required by statute.

B. This notice advises the displaced person(s) that they are now eligible for relocation assistance and entitlements because initiation of negotiations has begun. This notice should be provided to each displaced person as soon as possible after the date of initiation of negotiations or, if possible, at the same time of said initiation.

C. The department also uses this notice to provide displaced persons with a description of the relocation entitlements, which they are eligible to receive as well as other information as follows:

1. For a 180-Day Owner Occupant:

   a. Date of initiation of negotiations.

   b. Date the displaced person first occupied the parcel.

   c. Amount of Maximum Price Differential.

   d. Addresses of Available Comparable Dwellings.

   e. How the Price Differential was calculated.

   f. Other Replacement Housing Entitlements.

      (1) Mortgage Interest Differential Payment (MIDP).

      (2) Incidental Purchase Expenses.

   g. Moving Entitlements.

   h. How to claim the entitlements.

   i. Ninety-Day Assurance ***(Note: This is a required notice.)***

      (1) States the earliest date an occupant could be required to move.

      (2) The 90-day period cannot begin until the department has made at least one comparable replacement dwelling available to the displaced person.

   j. The Right of Appeal.

49 CFR 24.203(C)
WAC 468-100-203(3)

2. For a 90- to 179-Day Owner Occupant, a 90-Day Tenant or less than 90-Day Occupant/Subsequent Occupant:

   a. Date of Initiation of Negotiations.

   b. Date of Occupancy by the Displaced Person.

   c. Amount of Maximum Rent Supplement.

   d. Addresses of Available Comparable Dwellings.

   e. How the Rent Supplement was calculated.

   f. Down Payment Assistance Option.

   g. Moving Entitlements.

   h. How to claim entitlements.

   i. Ninety-Day Assurance ***(Note: This is a required notice.)***

(1) States the earliest date an occupant could be required to move.

(2) The 90-day period cannot begin until the department has made at least one comparable replacement dwelling available to the displaced person.

j. The Right of Appeal.

k. In the case of a tenant occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. Region RESM will assign a specialist to deliver the prepared lease should the displaced person not be able to move from the acquired property and stays on as a tenant as may be allowed by law after acquisition of the property by WSDOT.

l. The department is not required to restart the 90-Day Assurance clock if the original most comparable replacement dwelling is sold. However, if the original comparable dwelling is no longer available, the department must assure itself that equally comparable dwellings are still available in the same price range.

3. Business, Farm, or NPO:

a. Actual Move Costs.

(1) Personal Property Move Expenses.

(2) Other Related Move Expenses.

(3) Equipment Disconnect and Reconnect Expenses.

b. Reestablishment Costs.

c. Fixed Payment Entitlement Amount (In Lieu) if selected in place of actual costs and reestablishment.

d. Ninety-Day Assurance ***(Note: This is a required notice.)***

49 CFR 24.203(C)
WAC 468-100-203(3)

(1) States the earliest date an occupant could be required to move.

e. Right of Appeal.

f. In the case of a tenant business occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. Region RESM will assign a specialist to deliver the prepared lease should the displaced person not be able to move from the acquired property and stays on as a tenant as may be allowed by law after acquisition of the property by WSDOT.

4. Personal Property Only:

   a. Actual Move Costs.

      (1) Personal Property Move Expenses.

49 CFR 24.203(C)
WAC 468-100-203(3)

   b. Ninety-Day Assurance ***(Note: This is a required notice.)***

      (1) States the earliest date an occupant could be required to move their personal property.

   c. In the case of a tenant occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. Region RESM will assign a specialist to deliver the prepared lease should the displaced person not be able to move from the acquired property and stays on as a tenant as may be allowed by law after acquisition of the property by WSDOT.

D. At the time of delivery of this notice, the Relocation Specialist should also provide the displaced person with a Substitute W-9 and SWV form to complete in accordance with procedures set forth in Chapter 10.

12-5.4.6 Other Notices

A. **Notice of Revised Maximum Price Differential**

1. If an owner occupant does not seek or is not actively seeking replacement housing at the time the Notice of Eligibility is delivered, it may become necessary to recalculate the price differential entitlement because the offered replacement dwelling(s) may not be available any longer. In most cases the specialist can check the market to see if other comparable dwellings are available for sale in the area within the same price range. If there are comparables dwellings available the specialist should supply the list of the properties to the displaced person and inform them in writing their price differential will not be recalculated. If the price differential must be recalculated, a revised notice must be presented to the displaced person.

2. If the owner occupant receives an administrative settlement for the displacement dwelling, the price differential must be adjusted accordingly and a Revised Notice of Maximum Price Differential must be presented to the displaced person. For example, if the administrative settlement is more than the price of the available most comparable replacement dwelling on which the entitlement was calculated, the displaced person is no longer entitled to a price differential payment as the acquisition price of the displacement property is greater than the asking price of the available most comparable. In another situation, if a displaced person received an administrative settlement that is more than the initial offer but less than the most comparable replacement dwelling on which the entitlement

was calculated, the displaced person is only entitled to a portion of their calculated price differential. See Chapter 13 for the correct RES form. In accordance with Chapter 6, the Relocation Specialist should receive notification from the acquisition specialist if an administrative settlement is given.

3. If an owner occupant decides to become a tenant, a revised notice should be presented which states the maximum entitlement for a rent supplement. See Chapter 13 for the correct RES form.

B. **Notice of Revised Maximum Rent Supplement**

1. If a tenant does not or is not actively seeking replacement housing at the time the Notice of Eligibility is delivered, it may become necessary to recalculate the rent supplement entitlement because the offered replacement dwelling(s) may no longer be available. In most cases the specialist can check the market to see if other comparable dwellings are available for rent in the area within the same price range. If there are comparables dwellings available the specialist should supply the list of the properties to the displaced person and inform them in writing their rent supplement will not be recalculated. If the rent supplement must be recalculated, a revised notice must be presented to the displaced person.

C. **Notice of Non-Eligibility**

1. If the department withdraws an offer to purchase for any reason, the Relocation Specialist must provide a written letter to all displaced persons associated with the property that were previously provided with a Notice of Relocation Eligibility explaining the person(s) are no longer eligible for relocation assistance.

D. **Relocation Determinations**

1. Any time a relocation determination is made in the eligibility letter or subsequent letter or email that disapproves all or part of a payment claimed, the Relocation Specialist must provide the displaced person a written statement why the claim was denied, cite the appropriate CFR, RCW, and/or WAC and include the appropriate language for review, reconsideration and appeal of the relocation determination. Refer to the language for review, reconsideration and appeal used in the eligibility letter.

49 CFR 24.207(e)
WAC 468-100-207(5)

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12-5.4.7 Lawfully Present in the United States Certification

49 CFR 24.208
WAC 468-100-208

Each person seeking relocation payments or relocation advisory services shall certify that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States of America by reading and signing RES-547. This document must be signed by the displaced person(s) prior to the delivery of the notice of eligibility. WSDOT suggests certification be obtained during the relocation planning phase or, at the latest, the delivery of the General Notice of Relocation Rights letter.

49 CFR 24.10
RCW 8.26.085(1)(c)
RCW 34.05
WAC 468-100-010
WAC 468-10
WAC 10-08

12-5.5 Appeals/Reconsideration

A. **General (Notice of Denial of Claim)** – Any person aggrieved by a determination as to eligibility for, or the amount of any payment for relocation assistance authorized by Chapter 8.26 RCW, and the regulations at Chapter 468-100 of the Washington Administrative Code (WAC) has the right to request an adjudicative hearing before an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH). WAC 468-100-010 sets forth WSDOT's rules regarding appeals and the hearing process. The typical (or maybe usual) steps leading up to a hearing at OAH include: (1) the aggrieved person files a request to have a determination made by the regional staff or specialist regarding relocation assistance reviewed by the RAPM, (2) the aggrieved person requests an adjudicative hearing. It is not mandatory that the aggrieved displaced person follows step 1 before filing a request for an adjudicative hearing before an ALJ at OAH.

49 CFR 24.207(e)
WAC 468-100-207(5)

1. **General Procedures for Determination of Relocation Benefits** – The WSDOT local regional staff (regional staff) works individually with the displaced person and communicates WSDOT's determination regarding eligibility for, or the amount of, payment for relocation assistance to the displaced person, or to the displaced person's attorney. If a claim is considered ineligible for reimbursement, the Region is responsible for providing the displaced person a written statement why the claim was ineligible or denied. This can be accomplished by providing the displaced person with a Claim Determination Letter (RES-549). In doing so, the letter must include language setting forth the displaced person's options for review/reconsideration of the local regional staff's decision and appeal of the local regional staff's decision. Thereafter, if the displaced person wants to challenge the regional staff's determination, the displaced person has the option of seeking review of that determination by the RAPM, or filing a request for an adjudicative hearing to be heard before an ALJ at OAH. If the displaced person elects to have the RAPM review the determination and then disputes the RAPM's determination, the displaced person has the option of filing a request for an adjudicative hearing to be heard before an ALJ at OAH. The displaced person requests an adjudicative hearing by submitting a request in writing to the WSDOT Secretary of Transportation. The process is further explained in the procedures set forth below.

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B. **Informal Reconsideration Review by RAPM**

1. **Request for Review by the Displaced Person** – If the displaced person opts to have the RAPM review the regional staff's decision, the displaced person must file a written request for review of the regional staff's decision. The displaced person must file the written request with the RAPM within 30 days following receipt of the regional staff's determination of the displaced person's claim. Review proceedings are initiated upon receipt by the department of a statement or letter from the displaced person or the displaced person's representative or attorney.

a. **Form of Statement or Letter** – No specific form or format is required; however, the displaced person's statement or letter, at a minimum, should include:

(1) Date of statement or letter.

(2) Name of the displaced person(s).

(3) Project title.

(4) Parcel number.

(5) An explanation of what the displaced person is claiming; all facts, reasons, and any supporting documents explaining why the displaced person believes the claim should be paid; or why the displaced person is otherwise aggrieved.

(6) Address, telephone number, and signature of the displaced person or the displaced person's representative or attorney.

2. **Reconsideration Review Decision by RAPM** – The RAPM shall review the WSDOT file and the statement or letter and any supporting documents submitted by the displaced person. The RAPM shall issue a written decision on the displaced person's request for review of the regional staff's determination. If the RAPM finds that the displaced person's request for a review is unclear or insufficient the RAPM may require the displaced person to correct, clarify or amend the request for review, statement or letter submitted by the displaced person or to provide additional information or documentation within a reasonable time. The RAPM will specify in writing to the displaced person a reasonable timeframe within which the displaced person should send the requested information. If the displaced person fails to make any required corrections, amendments or clarifications or fails to provide any of the additional information or documentation requested within the time specified by WSDOT, the RAPM shall respond to the original request according to its merits. This response shall notify the aggrieved person that the aggrieved person has the option of requesting an adjudicative hearing to be held before an ALJ at OAH.

C. **Adjudicative Hearing Procedures/Administrative Law Judge** – As set forth in WAC 468-100-010, the adjudicative hearing will be carried out under the provisions of WAC 468-100-010, WAC 468-10, and WAC 10-08:

1. The RAPM:

a. Notifies the Attorney General's Office that an adjudicative hearing in front of an ALJ at OAH has been requested by the displaced person and makes a request that an Assistant Attorney General (AAG) be assigned to the relocation appeal case.

b. Once an AAG has been assigned to the hearing he or she will contact OAH to request the assignment of an ALJ for an adjudicative hearing. Ordinarily the hearing will be held in the county were the displacement occurred.

2. Office of Administrative Hearings:

   a. Provides direct notification to the assigned AAG and to the displaced person or the displaced person's representative or attorney as to the date of the prehearing conference and actual hearing date and time.

   b. After the hearing, issues an Initial Order, which is generally called the Proposed Decision and Order.

   c. Either party—the displaced person or WSDOT—may file a Petition for Review of the ALJ's Initial Order by filing a petition for review of the Initial Order with the Secretary of Transportation within 20 days of the date of service of the Initial Order.

   d. If neither party files a petition for review of the ALJ's Initial Order within 20 days of its service, the Initial Order becomes WSDOT's final order.

3. The Attorney General's Office:

   a. Deals directly with OAH.

   b. Prepares for hearing with the assistance of the Real Estate Services office.

   c. Presents the case in front of the ALJ.

   d. Notifies the RAPM of the Initial Order issued by the ALJ.

4. Petition for Review of the Administrative Law Judge's Initial Order by Secretary of WSDOT:

   a. If a petition for review of the Initial Order is filed, the Secretary of Transportation or the Secretary's designee (WSDOT reviewing officer) will review the ALJ's Initial Order and issue a written Final Decision and Order.

   b. The AAG assigned to advise WSDOT reviewing officer must be an AAG who has not been previously involved in the matter.

12-5.6 Civil Rights

A. The department takes affirmative action to ensure that replacement housing resources are, open to all races and sexes without discrimination. This is determined at the time the Relocation Specialist is searching for available replacement housing.

B. The department fully informs displaced persons of procedures for hearing fair housing discrimination complaints.

   1. The displaced person is advised of the department's procedure at the time of initial contact.

2. Upon receipt of a fair housing discrimination complaint, the Relocation Specialist refers the displaced person to the Division of Equal Opportunity and Fair Housing, Department of Housing and Urban Development, or to the nearest area office of the Washington State Human Rights Commission.

C. The department fully informs displaced persons of their fair housing rights and options in selecting replacement housing in areas of their choice and the available assistance from the department in ensuring displaced persons that their fair housing rights are protected by the Washington State Human Rights Commission under Title 49.60 Revised Code of Washington in accordance with Title VIII of the Civil Rights Act of 1968 and the Housing and Community Development Amendment Act of 1974. This information is given to the displaced person at the time of initial contact.

D. The department, to the extent possible, assists displaced persons in ensuring against discriminatory practices in the purchase and rental of residential units on the basis of race, color, religion, sex, or national origin.

12-6 Residential Relocation Entitlements

12-6.1 Eligibility

A. Individuals and families displaced from a dwelling acquired for a highway project or program are eligible for replacement housing payments and moving payments in addition to the advisory services described in Section 12-5.

B. The type of Replacement Housing Payments for an individual or family depends on the type and length of occupancy.

1. **A 180-day Owner** – A person who owns and occupies the displaced dwelling for at least 180 days prior to initiation of negotiations would be eligible for a price differential or a rent supplement. This includes those persons defined as owners of dwellings and includes life estates and other ownership interests. These persons should be handled in the same manner as a 180-day owner occupant.

49 CFR 24.2(a)(20)
WAC 468-100-002(20)

2. **A 90- to 179-day Owner** – A person who owns and occupies the displaced dwelling for at least 90 days but less than 180 days prior to initiation of negotiations would be eligible for a rent supplement or down payment assistance.

3. **A 90-day Tenant** – A person who rents and occupies the displaced dwelling for at least 90 days prior to initiation of negotiations would be eligible for a rent supplement or down payment assistance.

4. **Less Than 90-day Occupant (Subsequent Occupant)** – A person who fails to meet the length of occupancy requirements as stated above in items 1 thorough 3 would be eligible for a replacement housing payment if the provisions of Housing of Last Resort apply.

49 CFR 24.403(d)
WAC 468-100-403(4)

C. The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status and has certain options regarding their status.

1. A 180-day owner may elect to become a tenant and receive a rent supplement; or a 180-day owner may elect to remain an owner, purchase a dwelling and receive a price differential. The rent supplement cannot exceed the maximum price differential payment the displaced person would have received as a 180-day owner who elected to purchase and occupy a comparable replacement dwelling. A 180-day owner is not eligible for down payment assistance.

49 CFR 24.402
49 CFR 24.402(b)
49 CFR 24.403(c)
WAC 468-100-402
WAC 468-100-402(2)
WAC 468-100-402(3)

2. A 90- to 179-day owner may elect to become a tenant, and receive a rent supplement; or a 90- to 179-day owner may elect to remain an owner, purchase a dwelling and receive down payment assistance. The rent supplement is calculated and subject to the statutory maximum. The replacement housing payment is calculated in the same manner as the rent supplement but subject to a decision by the RAPM and may be increased to within the range of the maximum down payment assistance available to an 180-day.

   Incidental expenses will be paid in addition to the calculated rent supplement if the 90- to 179- day owner elects to use down payment assistance.

49 CFR 24.402(c)
RCW 8.26.055(2)
WAC 468-100-402(3)

3. A 90-day tenant may elect to become an owner, purchase a dwelling and receive down payment assistance. The entire rent supplement, subject to the maximum amount allowable, can be applied to the purchase of the replacement dwelling. Eligible incidental expenses can be paid out of the calculated rent supplement if they elect to use down payment assistance.

4. A less than 90-day occupant (subsequent occupant) may elect to become an owner and receive down payment assistance. This should be handled under the Housing of Last Resort provision.

D. Only one Replacement Housing Payment is authorized for each dwelling unit except in case of multifamily occupancy of a single family dwelling or possibly a mobile home and lot situation.

E. **Trust Situations** – In "trust" situations, the acquisition specialist is responsible for obtaining a copy of the trust agreement, including any attachments or exhibits, and any amendments to the trust concerning the property to be acquired by WSDOT and work with Headquarters Title to determine the occupancy status of the displaced persons. It may be necessary to obtain an AG opinion prior to making a determination. This process is addressed in Chapter 6.

12-6.2 Decent, Safe, and Sanitary Standards (Replacement Dwelling Inspection Report)

49 CFR 24.403(b)
WAC 468-100-403(2)

49 CFR 24.2(a)(8)
WAC 468-100-002(8)

Decent, Safe, and Sanitary Standards (DSS) are defined in the regulations. A DSS inspection is required to make sure that to the best of the specialist's knowledge and abilities the replacement dwelling meets the agency's minimum standards for qualified replacement housing. This inspection must be performed even if the displaced person is only claiming incidental expenses. Once the inspection is complete, a Replacement Dwelling Inspection Report (RES-525) plus any photographs or requested supporting documentation must be forwarded to Headquarters. The Relocation Specialist should strongly advise or require the displaced person to obtain a professional home inspection from a qualified inspector per the displaced person's situation as our department's DSS replacement dwelling inspection does not take the place of a professional home inspection. The cost of a professional home inspection is a reimbursable incidental expense. The Relocation Specialist will need to obtain a copy of the report and will need to review it for the DSS items listed on the replacement dwelling inspection report prior to signing off and stating the displaced person qualifies for their replacement housing payment.

Note: If the displaced person elects to move out of state, contact Headquarters Relocation and they will provide you with a contact name and number of the respective state DOT for a complimentary inspection. Also, if a displaced person wants to make an offer to purchase a replacement dwelling and the dwelling and the utilities are not active then WSDOT can make a payment on behalf of the displaced person to the utility company to have the utilities turned on so the specialist can complete the DSS inspection. This is considered an expense incidental to the purchase or lease of a replacement site.

A. **Local Codes** – A decent, safe, and sanitary dwelling is one which conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations. The project file should contain an actual copy of the local codes for the county/city in which the project is located. The parcel file only needs to reference the information and state it can be located in the general project file. A copy of this information should be sent to Headquarters.

B. **Minimum Standards** – In those cases where local codes do not exist, do not address, or are less restrictive than the minimum standards listed hereinafter, the following minimum housing/dwelling standards shall apply:

   1. **Water** – Such dwelling unit, excluding a rental sleeping room, shall have a continuing and adequate supply of potable safe water. If the replacement dwelling has a private well, the specialist must obtain documentation indicating when the last water test was done or if the dwelling has a community well, the specialist must obtain and attach a copy of the Health Department water test results to the Replacement Dwelling Inspection Report (RES-525).

2. **Kitchen** – Such dwelling, excluding a rental sleeping room, shall have a kitchen or an area set aside for kitchen use, which contains:

   a. A sink in good working condition and connected to hot and cold water and an adequate sewer system. The Relocation Specialist should turn on faucet to make sure there are no leaks.

   b. Utility service connections and adequate space for the installation of a stove and refrigerator.

3. **Heating System** – Such dwelling unit or rental sleeping room shall have an adequate heating system in good working order, which will maintain a minimum temperature of 70 degrees Fahrenheit in the living area except in those areas where local climatic conditions do not require such as system. The Relocation Specialist should turn on furnace to verify working regardless of time of year.

4. **Bathroom Facilities** – Such dwelling unit or rental sleeping room shall have a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system. For rental sleeping rooms, the dwelling shall also provide a lockable bathroom door if such bathroom is separate from the sleeping room. The Relocation Specialist should flush toilet and turn on faucets to make sure there are no leaks.

5. **Electric System** – Such dwelling unit or rental sleeping room shall have an adequate and safe wiring system for lighting and other electrical services. The Relocation Specialist should verify all outlets and light switches have plate covers.

6. **Structurally Sound** – Each building used for dwelling or rental sleeping room purposes shall be structurally sound, weather-tight, in good repair, and adequately maintained. The Relocation Specialist should make sure there are no broken windows, broken locks, rotten stairs, etc.

7. **Egress** – Each building used for dwelling or rental sleeping room purposes shall have a safe, unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building has access either directly or through a common corridor to a means of egress to open space at ground level. In multidwelling buildings of three stories or more, the common corridor on each story has at least two means of egress. The Relocation Specialist should open windows to make sure they are operational.

8. If the displaced person has a disability, the replacement dwelling shall be adequate in terms of access and livability with respect to the person's limitations and meet the American Disabilities Act (ADA) requirements. The specialist should identify ADA items such as grab bars in the bathroom, ramp in lieu of stairs, etc., at the displacement dwelling to

determine the needs at the replacement dwelling. Required ADA items need to be supported by adequate documentation from the displaced person's medical provider. Reasonable and necessary costs of approved ADA items are in addition to the replacement housing payment and move costs and considered 100 percent reimbursable.

9. **Sleeping Rooms** – The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes. In addition, WSDOT shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes. In the absence of local codes, the following procedures should be followed:

   a. **Number of Persons Per Sleeping Room** – The dwelling unit must have not less than 120 square feet of floor area, sleeping areas must have a minimum of 70 square feet, with an additional 50 square feet for each occupant in excess of two persons. Efficiency apartments (studios) must have a living room that is at least 220 square feet, and an additional 100 square feet for each occupant in excess of two.

   b. **Sharing Sleeping Rooms With Opposite Gender** – Children of the opposite gender, at the option of the family, may share the same bedroom or living/sleeping room in order to obtain replacement housing within their financial means.

C. **Exceptions** – The RAPM may grant exceptions to decent safe and sanitary standards when requested in writing by the displaced person. Such exceptions are limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions do not affect the computation of the replacement housing payment.

D. The purpose of the DSS inspection on the replacement dwelling is to determine eligibility for replacement housing payments and is not intended to be, nor constitutes, warrants or guarantees that the replacement dwelling is free from defects. The Relocation Specialist should advise the displaced person to obtain a home inspection on the replacement dwelling prior to making the purchase. The cost of the home inspection is reimbursable as an incidental purchase expense.

12-6.3 Replacement Housing Payments

12-6.3.1 180-Day Owner Occupant

12-6.3.1.1 Replacement Housing Payments for 180-Day Owner Who Purchases

A. **General**

1. A displaced owner-occupant may receive payments, the combined total of which may not exceed $22,500 for the additional cost necessary to:

   a. Purchase replacement housing (also referred to as Price Differential).

b. Compensate the owner for the loss of favorable financing on the existing mortgage in the financing of replacement housing (also referred to as "Mortgage Interest Differential Payment (MIDP).

c. Reimburse the owner for expenses incidental to the purchase of replacement housing (also referred to as "Incidental Purchase Expenses.")

2. The displaced owner-occupant is eligible for such payments provided:

a. The displaced owner is in occupancy at the initiation of negotiations of the acquisition of the real property, or at the time a written notice is given stating WSDOT's intent to acquire the property by a given date.

b. Such ownership and occupancy has been for at least 180 consecutive days immediately prior to the earlier of:

(1) The initiation of negotiations.

(2) The date the occupant vacates, if the displaced owner has been given a notice of intent to acquire.

c. The property is acquired by WSDOT, or WSDOT issues an order to vacate even though the property is not acquired.

d. The displaced owner purchases and occupies a decent, safe, and sanitary dwelling within the statutory time period and is required to obtain a professional home inspection of the replacement dwelling by a qualified home inspector.

49 CFR 24.403(c)
WAC 468-100-403(3)

e. For the purposes of d. above, a dwelling is considered to be purchased by the displaced owner when:

(1) An existing dwelling is acquired by the displaced owner; or

(2) The displaced owner purchases a life estate in a retirement home or contracts for extended residence in a limited care or full care facility that provides medical and residential services to persons unable to live independently and provide their own care. The actual cost is the entrance fee plus any other monetary commitments to the home, not including periodic service charges such as meals, medication, cleaning, laundry service; or

(3) The displaced owner relocates and/or rehabilitates a dwelling which the displaced person owns or acquires. If the replacement dwelling selected by the displaced owner does not meet the "decent, safe, and sanitary" criteria or lacks "major exterior attributes," the cost to correct such deficiencies is eligible to the extent that the sum of the cost of the replacement dwelling and the cost of correcting the deficiencies do not exceed the price differential based on comparable replacement properties. Major exterior appurtenances are explained in more detail later in this

section. ***Note:*** Improvements to the replacement property beyond those reasonable and necessary to correct DSS deficiencies are not considered in qualifying for replacement housing payments; or

(4) The displaced owner contracts for the construction of a new decent, safe, and sanitary dwelling on a site which the displaced person owns or acquires. Reimbursement is limited to only those costs necessary to construct a dwelling comparable to the one acquired. The cost of adding new features to bring the cost up to the maximum replacement housing amount is not eligible for reimbursement.

B. Price Differential

49 CFR 24.401(c)
WAC 468-100-401(3)

1. Amount of Payment

a. The price differential is the calculated amount of any difference between the acquisition cost of the dwelling and the actual costs which the owner is required to pay for a decent, safe, and sanitary dwelling or the amount determined by WSDOT that would be necessary to purchase such a decent, safe, and sanitary comparable dwelling, whichever is less. The maximum price differential payment is calculated by using a Price Differential Report (RES-542) and Housing Comparison Work Sheet (RES-541).

49 CFR 24.401(b)
RCW 8.26.045
WAC 468-100-401(2)

b. If the displaced person elects to construct a replacement dwelling, the base cost of the newly constructed replacement dwelling can be determined by adding the cost necessary to construct a comparable dwelling and the current fair market value for residential use of the replacement site unless the site is rented and there is a reasonable opportunity to rent a suitable replacement site.

c. If the displaced person elects to retain ownership of, or obtains salvage rights to, the person's dwelling (in accordance with procedures described in Chapter 6), moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of the following:

49 CFR 24.401(c)(2)
WAC 468-100-401(3)(b)

(1) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; and

(2) The cost of making the unit a DSS replacement dwelling as defined in WAC 468-100-002; and

(3) The current market value for residential use of the replacement dwelling site unless the site is rented and there is a reasonable opportunity to rent a suitable replacement site.

(4) The retention/salvage value of the displacement dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

(5) Limitations. The payment computed under this subsection cannot exceed the amount of the calculated maximum price differential payment.

d. If a displaced owner desires to enter into an assisted living situation, WSDOT will make a reasonable effort to accomplish the request. This will be treated as if the displaced owner is purchasing a "life estate" considering it is their intent to live out the rest of their life in a retirement or extended care facility. The price differential will be the amount of the calculated RHP and paid according to the Headquarters disbursement policy to the displaced owner or facility once an agreement is signed for the replacement living situation.

e. If the displaced owner desires to change dwelling status to a tenant, WSDOT makes a reasonable effort to accomplish the request. The rent supplement is computed in accordance with Section 12-6.3.3.1, except that the base monthly rent is the economic rent of the acquired dwelling. Refer to the appraisal for the economic rent of the displacement dwelling. The maximum rent supplement to an owner who chooses to become a tenant cannot exceed the computed price differential payment that they would have received as a 180-day owner occupant.

2. **Amount of Payment to Occupant With a Partial Ownership**

a. When a single family dwelling is owned by several persons, but occupied by only some of said owners, the maximum price differential entitlement is calculated as if all owners occupied the dwelling. The occupant(s) would then be required to spend their entire proportionate share of the acquisition payment plus the full amount of the calculated price differential to receive the maximum price differential.

b. A partial owner occupant who cannot afford to purchase a comparable replacement dwelling may be relocated as a tenant and provided a rental assistance payment in accordance with the procedures set forth in Section 12-6.3.3.

c. The agency is not required to provide a fractional interest owner occupant a payment that is more than what the agency would pay a full interest owner occupant.

d. If unusual circumstances create an undue hardship on the displaced occupant(s) with partial ownership, other solutions may be provided if approved by the RAPM. Any such solution would be treated as Housing of Last Resort.

e. If the displaced owner-occupants do not purchase and occupy a decent, safe, and sanitary dwelling, they are entitled to receive a rent supplement payment provided they rent and occupy a decent, safe, and sanitary dwelling.

3. **Additional Rules Governing Replacement Housing Payments**

49 CFR 24.403(a)
WAC 468-100-403(1)

a. **Three Comparable Method** – The asking price of at least three comparables are analyzed to determine the replacement housing payment. The analysis is not a mere averaging but a correlated conclusion based on the most comparable available dwelling that is as good as or better than the dwelling to be acquired. Less than three comparables may be used for this determination when sufficient comparables are not available on the market. The Relocation Specialist in the "Remarks" section of the Housing Comparison Work Sheet explains the reasons leading to the use of less than three comparables.

b. **Carve Out** – This term is commonly used to describe the method for determining what portion of property occupied by a residential owner of 180 days or more is to be used in computing the price differential payment. The purpose of a carve out is to level the playing field for the displaced person seeking a comparable replacement dwelling. It takes into consideration a displaced person who is situated on a site either larger than typical for residential purposes or whose property is actually occupied by or used for other purposes. The Relocation Specialist will need to first identify if a carve out is warranted based on the following situations:

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Appendix 12-9

(1) **Major Exterior Attributes** – The replacement dwelling used in computing the replacement housing payment must be comparable to the living unit acquired. When the comparable replacement dwelling used in computing the replacement housing payment is similar except that it lacks a major exterior attribute such as a garage, an outbuilding, or a swimming pool, the value of such items is subtracted or carved out as defined in Section 12-4.1.D from the acquisition cost of the displacement dwelling.

Appendix 12-10

FHWA FAQ #88

(2) **Mixed Use Property, Multifamily Property, or Lot Larger Than Typical** – If the displacement dwelling is part of a property that contains another residential dwelling unit, and/or is part of a property that is partially used for non-residential purposes, and/or is located on a tract of land that is larger than a site that is typical for residential purposes, only that portion of the property which is attributable to the residential use shall be considered as the acquisition cost when computing the price differential. Contact Headquarters for samples of appropriate carve out applications of this provision. Additionally, if an MIDP is to be calculated, the lien on the replacement property must be pro-rated in the same manner as the residential carve out.

If a carve out is warranted, the Relocation Specialist will need to establish what constitutes a tract that is "typical in size for residential purposes" in the area. The specialist will apply the tract size that is derived from what was determined to be typical in size for residential purposes to the displacement site and extract

the acquisition price that represents a property that is typical for residential purposes. The area used for residential purposes includes a pro-rata portion of the land and on-site improvements.

If the replacement property is on a larger than typical site, or is a mixed use property, only that portion of the property used for residential purposes may be used in calculating the actual price differential payment.

c. **Multiple Occupants of One Displacement Dwelling** – In general, all of the occupants of a single dwelling unit should be considered one family for the purposes of payment calculations. If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined and agreed upon by the displacees, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. In this case, the specialist would compute one replacement housing payment and use the predetermined prorated share for each occupant. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments. The agency is responsible for determining the number of households in a dwelling based on the use of the dwelling, the relationship of the occupants, and any other information obtained. The payment computation for each household should be based on the part of the dwelling that the household occupies and the space that is shared by others. An attempt should be made to locate similar comparable DSS living facilities. The specialist's diary should be sufficiently documented to support the decision.

d. **Remainder Offer** – The requirements for computing a replacement housing payment of a partial acquisition with a remaining uneconomic remnant differs from a partial acquisition with a remaining buildable lot.

(1) **Uneconomic Remnant (Buildable vs. Unbuildable)** – The acquiring agency is required to offer to purchase the uneconomic remnant.

(a) **Buildable** – The value of the remnant is used in the RHP computation regardless of whether or not the owner elects to sell to the acquiring agency.

(b) **Unbuildable** – The value of the remnant cannot be used in the actual RHP computation if the owner does not elect to sell to the acquiring agency. However, if the owner does elect to sell the uneconomic remnant its value is included in the actual RHP computation.

(2) **Remaining Buildable Lot Not Considered Uneconomic** – The acquiring agency may offer to purchase a remaining buildable lot. Its value may be included in the RHP computation regardless of the owner's rejection or acceptance of the offer. However, if the agency does not offer to purchase, the value of the remainder may not be used in the actual RHP computation.

e. **Computing an RHP When a Higher and Better Use is Other than Residential** – In computing a replacement housing payment for an owner occupant whose residential property to be acquired is appraised for a higher and better use, the acquisition cost of the displacement dwelling used in the computation is the value of the dwelling plus the value of that portion of the acquired land representing a typical residential lot for the area. The dwelling and land values are based on the agency's approved appraisal used for acquisition.

f. **Replacement Dwelling Differs from Displacement Dwelling** – The actual RHP is based on dwellings similar to the displacement dwelling occupied and acquired by the agency for construction of the project. If the displaced person chooses to purchase a replacement dwelling that is not similar to the displacement dwelling, than the RHP will be adjusted accordingly. For example, a single family dwelling is not considered similar to a multifamily dwelling and therefore not reasonable to apply the full calculated RHP to the purchase of the replacement dwelling.

C. **Incidental Purchase Expenses** – The amount of the incidental purchase expense payment is the amount necessary to reimburse the displaced owner for the actual cost incurred incidental to the purchase of the replacement dwelling, not including prepaid expenses such as purchaser's advance payment into a reserve account for payment of future taxes, insurance. These regulations pertain solely to incidental expenses in connection with a displaced owner's acquisition of a replacement dwelling. The Relocation Specialist should work closely with the lender and the escrow company to facilitate the closing of the replacement dwelling and make sure funds are applied and shown correctly on the closing statement.

49 CFR 24.401(e)
WAC 468-100-401(5)

The specialist should prepare the Incidental Expense Work Sheet, Entitlement Instructions regardless of the amount of the price differential payment, and process a warrant once the preliminary closing statement is received. In order to prevent an overpayment of incidental expenses it is recommended that the specialist reduce the relocation assistance voucher by $50-$100 based on the preliminary HUD statement. See Chapter 13 for RES forms. Once the loan closes the specialist is required to perform a reconciliation of the final closing statement to make sure all funds were applied correctly and send it and supporting documentation to Headquarters. If an overpayment is discovered, the specialist will inform the displaced person of the overpayment and request that the funds be paid back to WSDOT or if they are still due relocation funds that the overpayment be reduced on their next relocation assistance voucher.

If an underpayment is discovered the specialist will inform the displaced person of the underpayment and will prepare a relocation assistance voucher for reimbursement.

1. Incidental purchase expenses may include the following items if normally paid by the buyer and must be typical of the selected loan program:

    a. Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings, or plats and charges paid incidental to recording.

    b. Lender's, FHA, or VA appraisal fees.

    c. FHA or VA application fees – limited to amount necessary to purchase the comparable used to establish the RHP.

    d. Certification of structural soundness when required by the lending agency, FHA, or VA.

    e. Credit report.

    f. Lender's title policy or abstract of title, limited to outstanding balance of old mortgage on the displacement dwelling or the new mortgage, whichever is less.

    g. Escrow agent's fee/Settlement fee – limited to amount necessary to purchase the comparable used to establish the RHP.

    h. Professional Home Inspection fees – The displaced person needs to be advised that they will need to obtain a professional home inspection of their selected replacement dwelling prior to being eligible to receive their replacement housing payment. Costs associated with the home inspection are fully reimbursed by WSDOT. The professional home inspection must be ordered by the displaced person and a copy provided to WSDOT for our records. The home inspection report will be attached to the DSS Replacement Dwelling Inspection Report.

    i. Sales or transfer taxes.

    j. Loan origination or assumption fees that do not represent prepaid interest—limited to the amount of the old or new mortgage, whichever is less. Fees should be reflective or typical of industry standards.

2. No fee, cost, charge, or expense is reimbursable as an incidental expense which is determined to be a part of the debt service or finance charge payable as part of the mortgage interest differential payment.

3. Incidental purchase expenses are determined from a copy of the preliminary closing statement (preferred) or a good faith estimate and verified from a copy of the final closing statement.

4. **Partial Ownership** – If incidental expenses are incurred for the purchase of a replacement property they must be pro-rated in the same manner as the ownership of the displacement dwelling.

D. **Mortgage Interest Differential Payment (MIDP)** – The payment for increased mortgage interest cost is that amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. Increased mortgage interest costs are based only on bona fide mortgages that were valid liens, (i.e., equity line of credit) on the displacement dwelling for at least 180 days prior to the initiation of negotiations. The specialist needs to obtain the following information in order to calculate the MIDP:

49 CFR 24.401(d)
WAC 468-100-401(4)

1. The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling. If the unpaid mortgage balance(s) has a variable interest rate (ARM), the calculation should be based on the interest rate in effect on the date of acquisition. The MIDP will be computed based on an available loan program similar to the loan on the displacement dwelling. The displaced person can elect to change loan programs once the department determines a threshold for the level of reimbursement on a similar loan program. In the event the person obtains a smaller mortgage than the mortgage balance(s) used to compute the "buy down" amount, the payment will be prorated and reduced accordingly. In the case of a home equity loan, the unpaid balance is that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less. Specialist will need to obtain copies of displacement dwelling loan documents from the displaced person.

2. The payment is based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

3. The interest rate on the new mortgage used in determining the amount of the payment cannot exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located. The specialist needs to work closely with the lender to obtain Good Faith Estimates (GFE) on several different options for closing to determine if paying discount points on the replacement loan to obtain the lower rate is more cost effective than payment of an entire MIDP. A combination of both the MIDP and discount points can also be used. It might be helpful to obtain the following:

   a. GFE to close at today's rate w/no discount points

   b. GFE to close at the interest rate of the displacement loan using discount points

   c. GFE to close with a mid-range interest rate and discount points

4. Purchaser's points (discount points) and loan origination or assumption fees, but not seller's points, are paid to the extent:

   a. They are not paid as incidental expenses;

   b. They do not exceed rates normal to similar real estate transactions in the area;

   c. WSDOT determines them to be necessary; and

   d. The computation of such discount points and fees are based on the unpaid mortgage balance on the displacement dwelling unless the cost to buy down the interest rate on the entire replacement loan is more cost effective for the agency than paying the calculated MID.

5. The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known. The payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended. Communication with the lender and escrow/title company is necessary to make sure payment can be made available at closing. The calculation can be verified using an MIDP software program. Contact Headquarters Relocation for more information.

6. The payment is contingent upon an actual mortgage being placed on the replacement dwelling.

7. **Other Loan Programs** – Contact Headquarters Relocation for guidance (RES-513).

8. **Partial Ownership** – If an MIDP is to be calculated on the replacement property it must be pro-rated in the same manner as the ownership of the displacement dwelling.

E. **Total Payment** – The total of the payments for purchase of replacement housing (Price Differential, increased interest, and incidental purchase expenses) cannot statutorily exceed $22,500 under this section. If the amount exceeds this maximum, housing of last resort is required (see Section 12-6.4).

F. **Short Sale Bank/REO or HUD Home Purchase** – If a 180-day owner occupant elects to purchase a short sale or a HUD home as their replacement dwelling, the home must pass the DSS inspection prior to the release of any replacement housing payment. In addition, if they choose to purchase a bank/REO property or even a short sale and it takes longer than expected and the ad date is approaching, they could be required to move once their 90-day assurance expires and the acquiring agency will not approve costs associated with a double move (i.e., storage, per diem, temporary housing).

12-6.3.1.2 Rent Supplement Payment for 180-Day Owner Who Rents

49 CFR 24.401(f)
WAC 468-100-401(6)

A. **General** – A displaced owner who is eligible for a replacement housing payment but who elects to rent a replacement dwelling is eligible for a rent supplement payment not to exceed the price differential amount the displaced person would have received as a 180-day owner occupant.

B. **Computation and Disbursement of Payment** – The payment is computed and disbursed as provided for a 90-day tenant who rents. The base rental rate is defined as the economic rent plus utilities. Computation for this payment is submitted on a Rent Supplement Report (RES-543) and the Housing Comparison Work Sheet (RES-541).

12-6.3.2 90- to 179-Day Owner Occupant

49 CFR 24.402
WAC 468-100-402

12-6.3.2.1 Replacement Housing Payments for 90-Day Owner Who Purchases

A. A displaced "90-day owner" is treated in the same manner as a 90-day tenant. The replacement housing payment would be calculated as a rent supplement using economic rent obtained from the appraisal for the displacement dwelling.

   1. The displaced owner may elect to use the rent supplement as a down payment to purchase a replacement dwelling.

   2. The maximum amount of down payment assistance (the amount of which is based on the calculation for a rent supplement) cannot exceed the amount of a price differential if the owner had qualified as a 180-day owner.

   3. Incidental expenses will be handled as they are for a 180-day owner and will be paid in addition to the down payment assistance calculated as a rent supplement as set forth above. Eligible incidental expenses are identified under the section titled Replacement Housing Payments for 180-Day Owner Who Purchases.

B. The owner may salvage and relocate the displacement dwelling in the same manner as a 180-day owner. The Replacement Housing Payment would not exceed the calculated rent supplement.

C. If the displaced owner elects to rent for a period of time before purchasing a replacement dwelling, any rent already paid shall be deducted from the total calculated Replacement Housing Payment and only the remaining balance will be available as a down payment.

12-6.3.2.2 Rent Supplement Payment for 90-Day Owner Who Rents

A displaced 90-day owner, who elects to rent a replacement dwelling rather than purchase, is eligible for a Rent Supplement Payment not to exceed $5,250.

49 CFR 24.402
RCW 8.26.055
WAC 468-100-402

12-6.3.3 90-Day Tenants

12-6.3.3.1 Rent Supplement for a 90-Day Tenant Who Rents

49 CFR 24.402(a)
WAC 468-100-402(1)

A. **Eligibility** – A displaced 90-day tenant is eligible for a rent supplement payment not to exceed $5,250 when the following conditions are met:

1. The displaced tenant is in actual and lawful occupancy at the initiation of negotiations for the acquisition of the real property, or is in occupancy at the time a written notice is given by WSDOT that it intends to acquire the property by a given date.
2. The displaced tenant has been in occupancy for at least 90 consecutive days immediately prior to the initiation of negotiations or 90 days prior to the date of vacation, if a notice of intent to acquire was previously delivered.
3. The property is subsequently acquired or an order to vacate is delivered even though the property is not acquired.
4. The displaced tenant rents and occupies a decent, safe, and sanitary dwelling within one year from the date they move from the displaced dwelling.

B. **Computation of Payment**

49 CFR 24.402(b)
RCW 8.26.055
WAC 468-100-402(2)

1. **Amount of Payment** – A maximum rent supplement payment is calculated using a Rent Supplement Report (RES-543) and Housing Comparison Work Sheet (RES-541). The payment is determined by multiplying 42 times the amount obtained by subtracting the base monthly rent and utility costs for the displacement dwelling from the monthly rent and cost of utilities, as determined below in item #2, Utility Costs, for a comparable replacement dwelling.

49 CFR 24.2(a)(30)
WAC 468-100-002(30)

2. **Utilities Costs** – Utilities include electricity, gas, other heating and cooking fuels, water, and sewer. Garbage is not considered a utility and is not included in the rent supplement computation. The Relocation Specialist may use various sources to obtain this information including displaced tenant's receipts or monthly billings, a schedule or average cost provided by the respective utility company or a utility rate cost schedule if available, from the local housing authority. The latter method is preferred by WSDOT and can be found at www.awha.org/contact.html. Schedules may be based upon number of adults and children in the family, approximate square footage of the dwelling, type of construction, etc. The data source must be identified under the Correlation and Conclusion portion of the Housing Comparison Work Sheet. The method chosen to calculate utility costs must be utilized throughout the entire project (subject dwelling and comparables) to maintain consistent and uniform treatment of all displaced persons.

3. **Base Monthly Rent** – This amount is the lesser of:

49 CFR 24.402(b)(2)
WAC 468-100-402(2)(b)

   a. The actual monthly rent and average utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency (for an owner occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use fair market rent, unless it would result in a hardship because of the person's income or other circumstances.); or

   b. Thirty percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs (www.fhwa.dot.gov/realestate/ua/ualic.htm). The base monthly rent shall be established solely on the criteria in "a" above for persons with income exceeding the survey's "low income" limits and persons considered dependents. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise. The displaced person will need to furnish documentation (i.e., pay stubs, income tax return, bank statements) of income to support monthly income figures. Social security is a government program that is considered income by federal law. Therefore, even though the benefits are for dependent children, it should be considered as family income used to support the disabled children, not income received or earned by dependent children. Food stamps are not considered income. If tenant does not provide income verification as requested by the specialist or agency, or provides inaccurate documentation, the rent supplement should be calculated by subtracting the actual rent and utilities at the acquired dwelling from the rent and utilities at the replacement dwelling (rent to rent).

   c. The monthly amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

C. **Change of Occupancy – Displaced Tenant Has Not Used Maximum Entitlement** – A tenant, after initially moving to a decent, safe, and sanitary dwelling that does not maximize the calculated rent supplement, may relocate to another higher cost replacement dwelling within the one-year period, and may submit another claim for the amount in excess of what was originally claimed, but not to exceed the maximum rent supplement computed. The Relocation Specialist makes a decent, safe, and sanitary inspection, confirms the new rental amount, and computes the rent supplement based upon the new rental amount. The claim is then processed in accordance with this manual. An additional DSS inspection is not required if a displaced person maximizes their replacement housing payment and chooses to move to another dwelling prior to the release of their final payment. Once the displaced person rents and occupies a replacement dwelling within the allotted timeframe, the displaced person vests fully in the calculated replacement housing payment.

49 CFR 24.403(e)
WAC 468-100-403(5)

HUD's policy and guidance on "Gap Payments"

D. **Government Subsidized Housing** – Comparable housing for those occupying government subsidized housing will be determined by the family composition at the time of displacement and current housing program criteria, not the size of the unit currently occupied. WSDOT will not impose their rules of comparability for those occupying government housing. WSDOT will continue to keep displaced tenants receiving government housing (Section 8 Housing Choice Voucher) in their government program, however, if the displaced person is required to pay more rent out of their pocket at the replacement rental they are eligible to receive a rent supplement payment referred to by HUD as a "Gap Payment". These relocation payments are not considered income and will not jeopardize the Section 8 Housing Choice Voucher tenant's eligibility to remain in Section 8 Housing Choice Voucher housing if they accept the relocation payment.

- An example of the formula to compute a Section 8 (Housing Choice Voucher) rental supplement is the following: Mrs. G is a Section 8 tenant. Her old rent and new rent is shown below. We use the portion of her old rent and subtract it from what she would pay for the comparable (utilities not included).

1. Total old rent (Note: $525 does not include cost of utilities)	$525
2. Her portion of rent at old address:	$114
3. HUD subsidy rent payment	$411
4. Total new rent (Note: $603 does not include cost of utilities)	$603
5. Her portion of rent for new address	$192
6. HUD subsidy rent payments	$411

Her portion of new rent	$192
Her portion of old rent	$114
Difference	$78

$78 × 42 = $3,276

Mrs. G is eligible for a rental supplement of $3,276 aka HUD Gap Payment which is not considered income.

49 CFR 24.402(c)
RCW 8.26.055(2)
WAC 468-100-402(3)

12-6.3.3.2 Replacement Housing Payment for a 90-Day Tenant Who Purchases

A. **General** – A displaced tenant eligible for a rent supplement payment who elects to purchase a replacement dwelling is eligible to receive an amount, not to exceed the amount of the maximum rent supplement or $5,250 whichever is greater, to enable the displaced tenant to make a down payment toward the purchase of a replacement dwelling.

B. The full amount of the replacement housing payment must be applied to the purchase price of the replacement dwelling and related incidental purchase expenses, not including prepaid costs like taxes and insurance. The displaced person needs to be advised that WSDOT strongly advises them to obtain a professional home inspection of their selected replacement dwelling. Costs associated with the home inspection are reimbursed by WSDOT as part of the displaced person's down payment assistance entitlement. The professional home inspection must be ordered by the displaced person and a copy provided to WSDOT for our records. The home inspection report will be attached to the DSS Replacement Dwelling Inspection Report. In the event the displaced person chooses not to have a home inspection, the Relocation Specialist will notify the displaced person in writing regarding the risks associated with not obtaining a professional home inspection. This letter should be sent via CERTIFIED mail. Incidental expenses are inclusive of the total entitlement and cannot exceed the RHP. Since the displaced tenant usually lacks sufficient funds to make the down payment, an escrow arrangement is usually established. The Relocation Specialist should obtain a preliminary closing statement or a good faith estimate from the lender or the escrow company. The specialist will need to work closely with the lender and escrow/title company to make sure the down payment is applied and shown correctly on the closing statement. Once the loan closes the specialist is required to perform a reconciliation of the final closing statement to make sure all funds were applied correctly and send it and supporting documentation to Headquarters. If an overpayment is discovered, the specialist will inform the displaced person of the overpayment and request that the funds be paid back to WSDOT or if they are still due funds from WSDOT that the incidental overpayment amount will be reduced on their next payment voucher. If an underpayment is discovered the specialist will inform the displaced person of the underpayment and will prepare a relocation assistance voucher for reimbursement.

49 CFR 24.402(c)(2)
WAC 468-100-402(3)(b)

C. **Short Sale Bank/REO or HUD Home Purchase** – If a 90-day occupant elects to purchase a short sale or a HUD home as their replacement dwelling, the home must pass the DSS inspection prior to the release of any replacement housing payment. In addition, if they choose to purchase a bank/REO property or even a short sale and it takes longer than expected and the ad date is approaching, they could be required to move once their 90-day assurance expires and the acquiring agency will not approve costs associated with a double move (i.e., storage, per diem, temporary housing).

12-6.3.4 Short-Term Occupants (Less than 90-Day Occupants) and Subsequent Occupants Occupancy Requirements

49 CFR 24.403(d)
WAC 468-100-403(4)

Short-term occupants are persons who have been in occupancy less than 90 days prior to initiation of negotiations. Subsequent occupants are persons who move into the displacement dwelling after initiation of negotiation, but prior to WSDOT's actual acquisition of the property. Displaced persons failing to meet the length of occupancy requirements continue to be eligible for relocation entitlements under housing of last resort. Base monthly rent will be computed in accordance with Section 12-6.3 and displaced tenants will be required to provide the same required documentation.

49 CFR 24.404
WAC 468-100-404

12-6.4 Housing of Last Resort

12-6.4.1 Applicability

49 CFR 24.404(b)
WAC 468-100-404(2)

A. **Basic Rights of Persons to be Displaced** – Not withstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this section. WSDOT will not require any displaced person to accept a dwelling provided by WSDOT under these procedures unless WSDOT and the displaced person have entered into a contract to do so. A displaced person may choose other replacement housing and receive relocation entitlements if all requirements are met by the chosen replacement dwelling.

49 CFR 24.404(a)
WAC 468-100-404(1)

B. A number of situations may arise which require the application of this section:

1. The replacement housing payment will exceed the statutory monetary limits set forth as follows:

   a. $22,500 for 180-day owner occupants. This amount represents the sum of the price differential, increased mortgage interest, and incidental expenses.

   b. $5,250 for 90-day tenant occupant. This amount is the rent supplement.

2. There is no comparable housing available for sale in the entire project area.

3. Comparable housing is not available within the financial means of a displaced person who fails to meet the necessary length of occupancy requirements.

4. A program or project cannot be advanced to completion in a timely manner without housing of last resort.

49 CFR 24.404(c)
WAC 468-100-404(3)

12-6.4.2 Methods of Providing Housing of Last Resort

A. Super Payments

1. In the case of a 180-day owner occupant whose total calculated replacement housing payment exceeds $22,500, usually the most economical and reasonable method of providing housing is by paying the entire calculated RHP towards the purchase of the replacement dwelling.

2. In the case of a 90-day occupant, short-term occupant, or subsequent occupant whose estimated replacement housing payment exceeds $5,250, usually a rent supplement payment is selected as the most economical method of providing replacement housing.

B. Rehabilitation or other modifications to an existing dwelling. This may be necessary to enable the dwelling to meet minimum DSS standards and/or to provide additional bedrooms and other living area.

C. Purchase of land and improvements.

D. Construction of new dwellings.

E. Other methods of providing last resort housing, as approved by the RAPM.

12-6.4.3 Last Resort Housing Narrative

A. A last resort housing narrative is required for all cases under this section, where it is estimated that replacement housing payments will exceed statutory limits or comparable DSS housing is not available, etc.

B. Anticipated shortfalls of replacement housing, which will require construction or purchase and rehabilitation of existing housing should be addressed as early as the Environmental Impact Statement, if possible. This will allow for sufficient lead-time to ensure that replacement housing will be in place at the appropriate time. Housing of last resort requiring super payment or other solutions must be addressed at the Relocation Plan Stage.

C. The narrative should be included as part of the specialist's correlation and conclusions which is submitted with the Housing Comparison Work Sheet to Headquarters Relocation.

D. Relocation payments in excess of $22,500 for owner occupants and $5,250 for tenants must be coded properly in the "object of expenditures" portion of the Relocation Assistance Voucher. The payment must be broken out to show that the amount of payment within the statutory limits will not be a last resort payment while the amount in excess of the limits would be shown as last resort.

12-6.5 Residential Moving Entitlements

49 CFR 24.301(b)
RCW 8.26.035(2)
WAC 468-100-301(2)

A "displaced person" is entitled to receive a payment for the move of their personal property located on the displacement property. The displaced person has the option of selecting a commercial move, a self move, or a combination of both. A commercial move is ordered by Headquarters Relocation upon receipt of the Moving Expense Agreement in accordance with the procedures set forth by the contract administered by the Department of General Administration. A fixed residential move cost is based on a fixed schedule based on the number of eligible rooms. An actual cost self move is supported by receipted bills for labor and equipment. Self moves based on the lower of two bids or estimates are not eligible for reimbursement.

49 CFR 24.301(1)
WAC 468-100-301(1)

A. **Multiple Occupancy of Dwelling Units** – Two or more families occupying the same dwelling unit who relocate into separate dwelling units may elect to receive a commercial move or receive a self move for each family. A self move is based on the number of rooms actually occupied by each family plus community rooms utilized by each family.

B. **Dwelling Salvage** – When an owner acquires salvage rights to the acquired dwelling, the cost of moving that dwelling onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if the displaced person chooses to use this dwelling as a means of moving personal property, the cost of moving personal property is considered eligible. Payment in these cases would be on a self move basis.

C. **Moving Advisory Assistance** – The Relocation Specialist encourages the displaced person to select a commercial move if there is any concern for the displaced person's ability to accomplish the move economically or safely by any of the other methods for which the displaced person is eligible. The specialist points out the advantages of a commercial move including: professional labor, appropriate equipment, insurance against risks, professional management, and other factors as compared to the risks and other management problems present in any other method of moving.

D. **Disposal of Personal Property and Hazardous Materials** – This should be handled according to the procedures set forth in Section 12-7.2.1, actual move costs for nonresidential displacements.

49 CFR 24.302
RCW 8.26.035(1)
RCW 8.26.035(2)
WAC 468-100-302

12-6.5.1 Self Move, Fixed Residential Moving Cost Schedule

A. **Methods for Providing Scheduled Move Payments** – A displaced individual or family is eligible to receive a moving expense and dislocation allowance according to the schedule shown below. The schedule applies to residential occupants of furnished or unfurnished dwelling units. In certain cases, it may be necessary to utilize both methods to calculate a scheduled move payment.

Fixed Moving Payment Schedule

1. **Room Count Method**

(For relocating personal property to be moved from a dwelling unit.)

Number of Eligible Rooms	Occupant Owns Furnishings	Occupant Does Not Own Furnishings
1	$600	$300
2	$800	$350
3	$1,000	$400
Additional Rooms	$200 each	$50 each
Dislocation Allowance =	$400 and is included in the first room count above for occupants who owns furnishings	

2. **Additional Personal Property Method** – The above schedule can be used when relocating personal property such as vehicles, RV's, boats, and trailers from the outside areas surrounding the residential dwelling unit. The specialist must figure the number of eligible rooms based on the volume of the property to be moved. Excessive room counts for this type of move would be best handled as an actual cost self move.

B. **Computation**

1. The moving expense payment is computed on the number of furnished rooms in the dwelling unit (not to include bathrooms) plus basements, attics, garages, and "out buildings" if such spaces do, in fact, contain sufficient personal property to constitute a room or rooms.

2. The number of eligible rooms is documented by the Relocation Specialist in the diary. This room count shall be approved by the Region Relocation Supervisor. Where unusual personal property situations exist, other rooms may be added as long as justification and documentation are provided and the Region Relocation Supervisor approves.

3. In cases where there is an abundance of personal property in the residence and there are more than the typical number of operating or nonoperating vehicles such as boats, trailers, on a residential dwelling site, the cost to move the personal property items located in the residence should be handled by a room count and the remainder should be handled as an actual cost move supported by receipts
and/or invoices. Typically moves of this size are difficult for a displaced person to handle on their own and it might be difficult for them to move the items off the right of way in a timely manner.

C. **Occupant Landlords** – Occupant landlords may elect either move method but only for their own living unit. Landlords are considered to be business operators and as a business operator, such landlord may be eligible for the business moving payments with respect to the personal property furnishings in rental units.

D. Payment is limited to $100 if a person has minimal possessions and occupies a dormitory style room or a person's residential move is performed by an agency at no cost to the person.

E. **Authorization** – Before the move, the Relocation Specialist and the displaced person complete the Moving Expense Agreement, which confirms the type of move and agreed upon amount (for a self move.)

F. **Inspection** – After the move, the Relocation Specialist inspects the acquired dwelling and verifies that all the personal property has been removed. If sufficient quantities of personal property remain, which would constitute a room or rooms, the specialist will reduce the number of rooms and adjust the payment accordingly. Diary entries are required to verify the results of the inspection and any adjustments to the moving expense payment. The specialist should also record the vacate date in the diary and make the necessary computer entries.

12-6.5.2 Self Move, Actual Cost

A. The displaced person may elect to perform an actual cost move supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

   1. The Relocation Specialist works closely with the displaced person to develop a written and photo inventory of the personal property items to be moved.

B. **Computation** – The Relocation Specialist reviews the supporting documentation submitted by the displaced person to make sure the charges are considered reasonable and necessary for the amount of personal property that was moved. If there is a question as to the reasonableness of the costs submitted, the specialist may have to provide both the photo and written inventory to a commercial mover and ask for an estimate.

   1. The computation and supporting documentation is sent to the RAPM for review and approval.

12-6.5.3 Residential Commercial Move

A. A displaced person may elect to have the department contract for and pay a commercial mover directly for the move of their personal property. A Moving Expense Agreement is required and completed and forwarded to Headquarters so the move can be ordered. The move will be ordered in accordance with procedures set forth by the Department of General Administration. The Relocation Specialist will advise the displaced person that any item considered to be irreplaceable or of exceptional value should be identified. The Relocation Specialist should also obtain from the displaced person a value of the personal property to be moved. Standard insurance amount is $75,000. If value of the property is greater than $75,000, then a copy of the displaced person's insurance policy is required. Special arrangements may need to be made for moving these items separate from the rest of the displaced person's property. A memorandum to the RAPM describing the items requiring special handling is required along with the specialist's recommendation on a moving method. ***Note:*** Move is limited to a 50-mile radius. If move is greater than 50 miles the displaced person is responsible for the costs associated with the excess mileage. The moving company will charge the displaced person directly.

B. **Other Expenses** – Under certain unusual and/or unforeseen circumstances, it may be necessary to reimburse the displaced person for actual costs incurred during their move. The region submits a memorandum to the RAPM explaining the situation and requests approval for reimbursement of certain expenses as follows:

   1. Actual costs of temporary lodging and meals based on either actual receipts or using state per diem rates.

2. Actual costs of transportation of displaced persons to the replacement dwelling if necessary in special cases such as ambulance transport or special transport of disabled persons.

12-6.5.4 Ineligible Moving and Related Expenses

Refundable security deposits and utility deposits are considered ineligible expenses and cannot be reimbursed to the displaced person.

12-6.6 Claiming Relocation Entitlements

49 CFR 24.207(a)
WAC 468-100-207(1)

12-6.6.1 Replacement Housing Claims

49 CFR 24.207(d)
WAC 468-100-207(4)

A. **Time for Filing Requirements**

1. A 180-day owner must purchase or rent and occupy a DSS replacement dwelling within one year from the later of:

   a. The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in court; or

   b. The date the person moves from the displacement dwelling.

2. A 90- to 179-day owner must purchase or rent and occupy a DSS replacement dwelling within one year from later of:

   a. The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in court; or

   b. The date the person moves from the displacement dwelling.

3. A 90-day, less than 90-day, or subsequent tenant must purchase or rent and occupy DSS replacement dwelling within one year from the date the person moves from displacement dwelling.

B. **Disbursement of Replacement Housing Payments**

49 CFR 24.402(b)(3)
WAC 468-100-402(2)(c)

1. **RHP to 180-day Owner Occupant** – Replacement housing payments can be disbursed in the following manner:

   a. **Escrow Option** – This is accomplished by utilizing the Entitlement Instructions format found in Chapter 13. The Relocation Specialist explains to the displaced owner (buyer), the seller, and the escrow agent, that:

      (1) The entire amount of WSDOT's payment is to be applied toward the purchase price and applicable closing costs associated with the purchase of the replacement dwelling as stated in the Entitlement Instructions.

b. **Direct Payment to the Displaced Owner Option** – This is accomplished by the following:

(1) Reimbursement will be made directly to the displaced owner based on a **final** closing statement and submittal of all other supporting documentation (i.e., purchase and sale agreement, contract, receipts).

(a) If a displaced owner goes into an assisted living situation, the payment can be made directly to the displaced owner based on a signed resident agreement and copy of monthly charges along with any other supporting documentation (i.e., terms of care, breakdown of fees). Contact Headquarters for current policy on disbursement of funds for this situation.

(2) Direct payment can be made to the seller on behalf of the displaced owner based on a final closing statement and submittal of all other supporting documentation (i.e., purchase and sale agreement, contract, receipts). In this case, the relocation assistance voucher must be made out to both the displaced owner and the seller.

(a) If a displaced owner goes into an assisted living situation, the payment can be made to the care facility on behalf of the displaced owner based on a signed resident agreement and copy of monthly charges along with any other supporting documentation (i.e., terms of care, breakdown of fees). In this case, the relocation assistance voucher must be made out to both the displaced owner and the care facility. Contact Headquarters for current policy on disbursement of funds for this situation.

2. **RHP to 90-Day Occupant/Less Than 90-Day Occupant/Subsequent Occupant** – The following types of replacement housing payments can be made:

a. Full payment to the displaced tenant if the RHP does not exceed $5,250.

b. A split payment with the initial payment of $5,250 made at the time the displaced tenant occupies a qualified replacement dwelling and the remaining entitlement amount paid in the sixth month.

49 CFR 24.402(c)
WAC 468-100-402(3)

c. The entire amount of the rent supplement is applied toward down payment and closing costs for the replacement dwelling. Incidental expenses are inclusive of the total entitlement and cannot exceed the RHP.

(1) **Escrow Option** – This is accomplished by using the Entitlement Instructions for Down Payment Assistance format found in Chapter 13. The Relocation Specialist explains to the displaced tenant (buyer), the seller, and the escrow agent, that:

(a) The entire amount of WSDOT's payment is to be applied toward the purchase price and applicable closing costs associated with the purchase of the replacement dwelling as stated in the Entitlement Instructions

(2) **Direct Payment to the Displaced Tenant** – This is accomplished by either of the following:

(a) Reimbursement will be made directly to the displaced tenant based on a final closing statement or equivalent documentation.

(b) Direct payment can be made to the seller on behalf of the displaced tenant. In this case, the relocation assistance voucher must be made out to both the displaced tenant and the seller.

C. The Relocation Specialist completes a DSS inspection to determine if replacement dwelling meets minimum standards to receive replacement housing payment.

D. The Relocation Specialist obtains all necessary documentation to substantiate the purchase price of the replacement dwelling, i.e., purchase and sale agreement or owner contract.

E. The Relocation Specialist completes the actual calculation portion of the Price Differential Report or Rent Supplement Report, obtains necessary signature on form and sends to Headquarters with supporting documentation, i.e., purchase and sale agreement, rental agreement, and DSS report for approval prior to the submittal of the relocation assistance voucher for payment of the replacement housing entitlement. The specialist should consult with the acquisition specialist to determine if the displaced person received an administrative settlement. If so, this will have an affect on the actual calculation of the RHP and the specialist will need to send the displaced person a revised entitlement letter. See Chapter 13 for the appropriate RES form. If an administrative settlement eliminates the price differential payment, the displaced person is still eligible to receive reimbursement of the following:

- MIDP
- Incidental Closing Expenses

The specialist must perform a DSS inspection on the replacement dwelling prior to making any of the above payments.

F. The Relocation Specialist obtains preliminary information from the escrow company or displaced person to determine eligible incidental closing costs, if any. Typically, this information is supplied to the Relocation Specialist by the escrow company in the form of a HUD statement (preliminary closing statement).

G. The Relocation Specialist works with the displaced person and the lender when necessary to calculate the Mortgage Interest Differential Payment (MIDP) (RES-513), if any, prior to closing.

H. The Relocation Specialist prepares the appropriate vouchers which are used as the claim for payments, obtains displaced person's signatures, and secures agency signatures as provided on the Relocation Assistance Voucher (RES-537). The Relocation Specialist should also obtain a Substitute W-9 and SWV form from the payee listed on the relocation assistance voucher, i.e., displaced person or vendor and submit to their region accounting in order to obtain the SWV number. These forms should be obtained in accordance with the procedures set forth in Chapter 10.

I. The Relocation Specialist submits all claims to Headquarters for approval and payment.

12-6.6.2 Moving Claims

A. The Relocation Specialist and the displaced person should agree on the type of move to be selected by the displaced person prior to any move taking place.

1. If a self move is chosen, all parties should agree on room count, any additional compensation for personal property items to be moved as addressed in the scheduled payments section of Section 12-6.5 and sign the Moving Expense Agreement (RES-540).

2. For a residential displacement, if a commercial move is chosen, the Relocation Specialist should obtain from the displaced person a value for the personal property to be moved. If the amount of the value exceeds $75,000 then a copy of their current insurance policy is required, and all parties should sign the Move Expense Agreement and submit it to Headquarters for ordering a mover in accordance with the GA contract. In some instances the commercial move contract does not allow for the move of hazardous materials (i.e., household cleaning supplies, gas, solvents, paints), so the Relocation Specialist and displaced person should agree on a reasonable amount to move such items.

B. The Relocation Specialist is responsible for monitoring the residential move. This can be accomplished by an on site visit or phone call the day the move begins. This will ensure the personalty is moved to the replacement site and will help to answer any questions that may arise the day of the move. The specialist should document all monitoring activities in the diary.

C. When the move is complete, the Relocation Specialist verifies that all personal property is removed from displacement property and verified to be at the replacement property and completes the Vacate Inspection (RES-517). Verification can include photos of the vacated site and photos of the replacement site. The Relocation Specialist should clearly document the on site vacate inspection in the diary and enter the vacate date on the relocation voucher and in the RES data collection system. Upon such verification, the Relocation Specialist prepares a claim (voucher), secures the appropriate signatures and submits the claim to Headquarters for processing and payment. If the displaced person fails to move all the personal property an adjustment should be made in the payment amount prior to getting a voucher signed. The specialist is then responsible to clear the items which can be accomplished by

hiring a professional mover or coordinating with Property Management for removal of items. The Relocation Specialist should also obtain a Substitute W-9 and SWV form from the payee listed on the relocation assistance voucher, i.e., displaced person or vendor. These forms should be obtained in accordance with the procedures set forth in Chapter 10.

D. In case of a commercial move, the Relocation Specialist verifies that the move is complete.

1. If personal property is not removed and not abandoned, the Relocation Specialist should consult with Headquarters Relocation and the moving company to arrange to have said remaining property moved to the replacement property. If they are items that the commercial mover is unable to move then the specialist should make necessary arrangements with a specialty mover or the displaced person to get the items moved to the replacement location.

2. If the personal property is not removed and is abandoned, the Relocation Specialist should get an abandonment notice signed by the displaced person and should make the necessary arrangements with a mover or Property Management to get the items removed from the property. Abandonment of personal property should be handled as outlined in the section of this chapter titled "Abandonment of Personal Property."

3. When the move is complete, invoices from the movers will be received in Headquarters and processed for direct payment to the movers. The Relocation Specialist will need to obtain a Substitute W-9 and SWV form from the mover in accordance with the procedures set forth in Chapter 10.

E. The Relocation Specialist assures that the displaced person makes a claim for move payment within 18 months after vacating the displacement property or receiving final payment, as appropriate. If the displaced person has not claimed moving entitlements, the Relocation Specialist advises the displaced person of time remaining within which to file a claim using the RES form located in Chapter 13.

12-6.6.2.1 Abandonment of Personal Property

The specialist should work closely with the displaced person to remove all personal property items from the right of way. The agency will pay the cost to move the items as set forth in Section 12-6.5 – Moving Entitlements and 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 at the 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.

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

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 Substitute W-9 and SWV form from the payee listed on the voucher in accordance with the procedures set forth in Chapter 10.

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 Substitute W-9 and SWV form.

B. The completed Substitute W-9 and SWV form are transmitted to region accounting to obtain a SWV number. The claim (voucher) and supporting documentation is sent to Headquarters for final approval and payment processing.

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.

E. **Coding** – Relocation Assistance Vouchers are coded based on the type of relocation payment. The specialist must select the appropriate coding from the object codes and definition chart, i.e., residential replacement housing payments or moving expenses, non-residential reestablishment or moving expenses, and personal property only moving expenses.

Appendix 12-3

12-7 Nonresidential Relocation Entitlements (Business, Farm, and NPO)

12-7.1 Eligibility

A. Displaced businesses, farms, and nonprofit organizations may become eligible to receive moving payments for the following:

1. Moving of personal property located within the acquired right of way.
2. Moving of personal property when the acquisition of real property used for a nonresidential use causes the displaced occupant to vacate a dwelling or other real property not acquired.

3. Reasonable and necessary moving payments for moving a property owner's nonresidential related personal property from a non owner occupied residential property.

4. One move, except where it is determined by the RAPM that it is in the public interest to authorize more than one move.

B. A nonresidential displacement must be in lawful occupancy of the displacement site at the time of initiation of negotiations or subsequent to the initiation of negotiations but prior to its acquisition.

49 CFR 24.305
RCW 8.26.035(3)
WAC 468-100-304

Appendix 12-11

C. Determining the Number of Businesses Displaced by Project – It is acceptable to apply the considerations discussed in the Fixed Payment section to determine the number of business that are displaced by a public project. It is important to remember that while multiple businesses can operate at a displacement site there is a possibility that there may only be one displacement depending on the factors for determining the number of businesses.

In determining whether two or more business activities constitute a single business or two or more separate businesses, all pertinent factors shall be considered, including the extent to which:

1. The same premises and equipment are shared;

2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

3. The entities are held to the public, and to those customarily dealing with them, as one business; and

4. The same person or closely related persons own, control, or manage the affairs of the entities.

D. In order to be eligible for reestablishment payments the Relocation Specialist must view a copy of the most recent tax return filed and document in their diary that it is an operational business, farm or NPO.

A landlord must provide a certified copy of their most recent year's tax return including the attached Schedule E. The tax return must be submitted to Headquarters for verification. This process needs to be completed before a Notice of Eligibility, Entitlements and 90-Day Assurance is delivered.

Certification of the tax return will need to be completed by the individual who prepared the return, i.e., accountant, attorney, business owner. Once the tax return is reviewed by Headquarters, the tax return will be destroyed or mailed back to the region in order to return to the displacee. The statement can be as simple as the following: "I hereby certify that this tax return is a true and correct copy of my filed return."

12-7.2 Nonresidential Moving Payments

49 CFR 24.301(d)
49 CFR 24.301(g)
RCW 8.26.035
WAC 468-100-301(4)
WAC 468-100-301(7)

12-7.2.1 Move Costs

The determination of realty versus personalty should be resolved prior to working with the displaced business to prepare an inventory of the personal property items to be relocated. This should be accomplished early in the process (the occupancy survey stage) with the appraiser as described in Section 12-4.2 Relocation Planning. The specialist should be able to consult the Realty vs. Personalty Report (RES-217) in the appraisal for a list of those items determined to be real property or personal property.

49 CFR 24.301(g)
RCW 8.26.035
WAC 468-100-301(7)

A. A displaced business is entitled to payment for actual moving costs which are determined by the department to be reasonable and necessary. Actual moving costs include:

1. Transportation of personal property within a 50-mile radius.
2. Packing, crating, unpacking, and uncrating of personal property.
3. Disconnecting, dismantling, removing, reassembling, and reinstalling equipment, machinery, and other personal property.
4. Storage of personal property for a period not to exceed 12 months if such expense is determined to be reasonable and necessary. Requests for storage from the displaced person must be in writing and submitted to the RAPM for preapproval.
5. Insurance for the replacement value of the personal property during the move and necessary storage. The Relocation Specialist must obtain a copy of the insurance policy from the displaced business showing the amount of insurance coverage they have on their personal property at the displacement location. This amount will be used by the specialist when preparing the Request for Proposal (RFP) to obtain move cost estimates from commercial movers.
6. Any license, permit, or certification required or associated with the operation of the business at the replacement site, which the displaced business had at the displacement location if deemed actual, reasonable, and necessary. The amount of this payment may be based on the remaining useful life of the existing license, permit, or certification (FHWA Q&A #63).
7. The replacement value of property lost, stolen, or damaged during the move (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
8. Professional services for move planning, moving, and reinstalling the personal property. Refer to Section 12-7.5 for a list of those professional services considered to be eligible for reimbursement by WSDOT. The business owner should be advised to obtain at least two Scope of Work

bids as outlined in Section 12-5 Advisory Services. The displaced business must hire a professional in order to be eligible for reimbursement. However, in some instances the displaced business can apply for a waiver and request that their displaced business be reimbursed for their work.

Appendix 12-12

a. To apply for a waiver the displaced business must submit to WSDOT in writing a request to perform the professional services themselves. The request must include the following:

(1) Business qualifications.

(2) Reasons for wanting to complete the work instead of hiring an outside professional.

(3) Hourly rate.

(4) Scope of work – not to exceed the amount stated in the proposal submitted.

9. Relettering signs and replacing printed materials made obsolete by the move.

a. The specialist must work with the displaced business to complete an inventory (see Chapter 13 for appropriate RES form) of those items such as letterhead, business cards, checks that become obsolete due to the displaced business's change of address to that of the replacement location. This should be done no later than the day of the move and is recommended prior to the commencement of move. The specialist must obtain samples of any items to be reprinted. The department will reimburse the displaced business owner either the cost to reprint the stock on hand or the minimum print. Once the items have been reprinted, the specialist must obtain invoices and verify with the printing company the minimum print. The specialist is required to obtain original or copies of each obsolete item that will be reprinted. It is recommended to give the business owner a large manila envelope or folder so they can collect samples of each obsolete item. Discuss with the displaced business where stickers with new address/phone numbers, etc., may be more appropriate than reprinting. Go Green!

b. Costs incurred by a displaced business to notify its customers of its move to a replacement site, which may include but are not limited to post card mail-outs to existing customers or the revision of a yellow pages advertisement and/or website are eligible reimbursement costs subject to the following conditions:

(1) The cost must be documented, actually incurred, and reasonable. For example, the reimbursement for revising a website must be supported by documentation evidencing the costs incurred and would not extend beyond basic changes such as the change of address, phone number, directions, and/or map to the new site. The design and incorporation of product descriptions and photographs, links, etc., would not be reasonable.

(2) The costs for notifying customers and the public of the business' change of location are eligible as actual moving expenses and considered as other moving related expenses that are not listed as ineligible.

10. **Actual Direct Loss of Tangible Personal Property** – This payment is the lesser of the fair market value in place of the personal property item, as is, for continued use at the displacement site, or the estimated cost to move the item as is (not including storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site) (see Section 12-7.2.1.1 for details).

11. The reasonable cost incurred in trying to sell an item that is not to be relocated.

12. **Purchase of Substitute Personal Property** – If an item of personal property is not moved, but is promptly replaced with a substitute item, this payment is the lesser of the cost to purchase this substitute item, including installation, or the estimated cost to move the item (see Section 12-7.2.1.2 for details).

13. Expenses for searching for a replacement location, including transportation costs; meals and lodging; time or labor costs based on reasonable salary or earnings; fees paid to real estate agents or brokers to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites; time spent in obtaining permits and attending zoning hearings; and time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings. This payment shall not exceed $2,500. Search area is limited within 50 miles of the displacement location.

    a. Specialist should obtain a detailed site search log from the displaced business along with appropriate backup documentation, i.e., listing sheets, photos, list of contacts, receipts for lodging, mileage tracking sheets.

14. Reasonable costs to secure professional move bids.

15. **Low Value/High Bulk** – When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing Agency, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency. It is WSDOT's responsibility to determine what is reasonable and necessary for the relocation of those items, for the purposes of establishing a reimbursement threshold. For example, if the personal property to be moved includes an item which, because of its bulk or excessive costs

required for disconnecting, moving and reconnecting such item, would be cheaper to replace than to move, WSDOT must limit reimbursement to the cost to replace—even if the displaced person elects to move the item.

16. **Disposal of Personal Property and Hazardous Materials** – A displaced person is eligible to be reimbursed for relocating personal property to a replacement site. The requirement includes items that may be of little value or use, items which because of their bulk are more costly to move than to sell or replace, and contained or free-standing personal property which is considered to be hazardous material. WSDOT does not have the ability to preclude the displaced person from relocating these items; nor, can we refuse the reimbursement if these items are relocated. WSDOT does have the authority and the responsibility to base the reimbursement of these items on what is "reasonable and necessary." While the displaced person's wishes with regard to the move of the personal property will be considered, WSDOT is accountable for the expenditure of public funds and must apply the test of "reasonable and necessary."

    a. As a general rule, WSDOT will not pay disposal costs for personal property in addition to move costs. If the displaced person wishes to dispose of the personal property, any amounts that exceed the calculated move costs will not be reimbursed.

    b. In the case of hazardous materials which are considered to be personal property and eligible for moving cost reimbursement, the following guidelines will be used in applying the "reasonable and necessary" criteria:

        (1) The costs determined by bid, estimate, or other procedural process for moving these materials to the replacement site (for a business that is reestablishing) are eligible for reimbursement.

        (2) If the displaced person voluntarily elects to dispose of these materials at a dump or other authorized disposal site, they can be reimbursed for the actual costs to transport and dispose, but not to exceed the costs of transporting the materials to the replacement site to which the business is relocating. For example, if the estimated cost to move the materials to the replacement site is $5,000 and the cost to transport to a disposal site plus the disposal fees are $10,000, the reimbursement will be limited to $5,000 if the displaced person used the disposal option.

        (3) If the displaced person must transport those hazardous materials to a dump or disposal site based on federal, state, or local code or ordinance that precludes them from moving the materials to the replacement site, then the costs of transport and disposal would be eligible. Such code or ordinance must be adequately documented in the official relocation file.

(4) If the displaced person cannot move these materials to the replacement site because of inadequate storage space, then WSDOT must determine whether there were reasonably available sites to which they could have moved that would have allowed storage space for these materials. If the determination is that alternate sites were not reasonably available, then WSDOT can reimburse the displaced person for the costs of transporting and dumping of these materials at a disposal site. If, on the other hand, alternate sites were reasonably available, then reimbursement for the costs of transporting and disposing of the materials will be limited to the estimated cost to move the materials to the replacement site or, if there is any appreciable difference, the cost of moving the materials to a reasonably available alternate site. The key issue here is WSDOT will not reimburse the costs of disposing of these materials if WSDOT's project does not limit the displaced person's options for relocating these materials or necessitate disposal.

17. **Move Supervision** – Supervision expenses include reimbursement for the time necessary to supervise the move. Supervision is sometimes necessary to direct the placement of personal property and to facilitate the moving process. The time to supervise the move (does not include planning) is limited to no more than the length of time it would take a professional mover to complete the actual physical move and is based on reasonable salary or earnings and must be preapproved by the region Relocation Supervisor prior to the initiation of the move. All expenses must be actual, reasonable, and necessary as determined by the agency. If the move is considered complex and a move planner has been approved, it may be reasonable to reimburse time spent by the move planner to supervise the move. The specialist will need to ensure there is no duplication of payment when there is more than one person supervising the move.

B. **Move Options** – Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods:

49 CFR 24.301(d)
RCW 8.26.035(1)
WAC 468-100-301(4)

1. **Commercial Move** – A commercial move is based on the lowest acceptable bid or estimate prepared by a commercial mover. WSDOT prefers to obtain three bids as it can be difficult to determine the lowest acceptable bid if only two bids are obtained and the dollar figures are too far apart. If the specialist only obtains two bids and there is a question, the specialist will be required to obtain a third bid. WSDOT will reimburse the bidder a reasonable amount to prepare requested bids. The specialist should discuss and come to an agreement with movers either prior to or during the walk through of the displacement site. The bid prep fee can be based on a flat fee or hours of preparation. The specialist must obtain written concurrence from the displaced business owner for the Request for Proposal and Moving Specifications (RES-521), and inventory prior to the solicitation of move proposals.

Appendix 12-6

a. The displaced person can request that WSDOT provide a commercial mover and pay that mover directly. The displaced person must indicate this option on the Moving Expense Agreement and cooperate with WSDOT by preparing a photo and written inventory, site drawing/ layout, and working with the Relocation Specialist to prepare a Request for Proposal and Moving Specifications (RES-521).

b. Based on the inventory, moving specification, and any other information available, the Relocation Specialist must obtain three bids, if possible, from qualified commercial movers. If a mover submits a bid, they will be compensated for their reasonable costs of preparing said bid. The bids, Moving Expense Agreement, inventory, Request for Proposal and Moving Specification, and region recommendation are then submitted to the RAPM for review/approval.

2. **Self Move, Negotiated Cost** – A self move payment may be based on the lowest acceptable bid or estimate prepared by a commercial mover. WSDOT prefers to obtain three bids as it can be difficult to determine the lowest acceptable bid if only two bids are obtained and the dollar figures are too far apart. If the specialist only obtains two bids and there is a question, the specialist will be required to obtain a third bid. If the move is considered small, uncomplicated, and estimated move costs are less than $5,000 a qualified Agency staff person can prepare a "Specialist Move Estimate." Payment for a low cost or uncomplicated move may be based on a single bid or estimate. The specialist must provide a recommendation for approval to Headquarters requesting the use of a single bid or estimate.

a. The displaced person may elect to take full responsibility for the move of their business or farm operation. In this event, the displaced business must prepare an inventory of the personal property to be relocated and assist the Relocation Specialist in the preparation of a Request for Proposal and Moving Specification. The Relocation Specialist then obtains three bids from qualified commercial movers. The region submits the bids with all supporting information to the RAPM for review and approval with their recommendation to offer a payment to the displaced business for move costs.

b. The amount of the payment to be offered to the displaced person may not exceed the amount of the lowest acceptable bid (excluding sales tax and replacement value insurance (RVI)) submitted by a commercial mover. The Relocation Specialist may negotiate a move cost lower than the lowest acceptable bid, taking into account the profit and overhead costs which the commercial mover includes in their bids. For a displaced person to be reimbursed for RVI they will need to supply copies of the insurance policy and proof of payment.

c. In cases where the move cost appears to be $5,000 or less and the move is considered small and uncomplicated, the Relocation Specialist can expedite the process and develop a specialist move cost estimate in

accordance with Section 12-7.4. The displaced business, with the help of the Relocation Specialist, will prepare an inventory of the items to be moved. The region will submit the move cost estimate with all supporting documentation to the RAPM for review and approval.

3. **Self Move, Actual Cost** – An actual cost self move may be necessary if time constraints or unreasonable circumstances prevent the specialist from obtaining move bids or estimates.

   a. If bids cannot be obtained due to time constraints or unreasonable circumstances, the displaced business may move their business using their own resources. The displaced business will be reimbursed their actual and reasonable moving costs as documented by paid receipts or other reasonable evidence of expenses, including time sheets or account for the hours of the people who performed the move. The specialist reviews the supporting documentation submitted by the displaced business to make sure the charges are considered reasonable and necessary for the amount of personal property that was moved. If there is a question as to the reasonableness of the costs submitted, the specialist may have to provide both the photo and written inventory to a commercial mover and ask for an estimate.

   b. Hourly rates for labor should be supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to their employees who perform move activities. Equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover. These hourly rates can be obtained from local movers.

4. **Combination of Commercial and Self Move** – A displaced business may elect to have a combination of both a commercial and a self move. The displaced business must coordinate with the Relocation Specialist and the commercial mover to ensure that all parties have a clear understanding of the respective roles and responsibilities. The Relocation Specialist must closely monitor the move to confirm that each party is performing the correct tasks and duties. A moving expense agreement should be signed prior to the move.

5. **Move Monitoring** – The Relocation Specialist is responsible for monitoring the move of the displaced business. This can be accomplished by an on site visit or phone call (for uncomplicated moves) the day the move begins. This will ensure the personalty is moved to the replacement site, will help to support the accounting of the inventory, will help to identify those items not moved which could potentially lead to a claim for a direct loss of tangible or substitute personal property, and will help to answer any questions that may arise the day of the move. The specialist should document all monitoring activities in the diary in addition to move progress photos.

49 CFR 24.301(i)
WAC 468-100-301(9)

6. Upon completion of the move, the Relocation Specialist should perform a post move inventory. This may include photos of the vacated site, photos of the replacement site, identification of equipment requiring disconnects and reconnects, and/or any special considerations used to calculate the move cost estimate. For example, the specialist would need to substantiate that a crane was used to move a specialized piece of equipment if, in fact, the cost of crane was included in move cost estimate or bid. A post move inventory describes those personal property items identified as part of the relocation and could be addressed in a list, a comment on the vacate inspection, a diary entry, or an e-mail to the reviewer, etc. The specialist needs to identify that all personal property was moved. This can be accomplished by comparing the premove inventory to the post move inventory. The results should be noted in the diary and the specialist should prepare a written/photo list along with the vacate inspection form.

49 CFR 24.301(g)(14)
WAC 468-100-301(7)(n)
FHWA FAQ #64

12-7.2.1.1 Actual Direct Losses of Tangible Personal Property (DLT)

A. **Eligible Items** – Actual direct losses of tangible personal property are allowed when incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

1. The fair market value in place of the item as for continued use at the displacement site, less the proceeds from its sale. The value in place can be obtained from a variety of resources, including an industry specialist, Fixtures, Furniture & Equipment (FF&E) appraisal, personal property appraisal, etc. The type of documentation needed will depend on the complexity of the personal property. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless WSDOT determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)

2. The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If the business or farm operation is discontinued, the estimated moving cost is based on a distance of 50 miles.)

B. **Evidence of Sale and Cost** – The owner is required to document the sale prices, if any, and the actual reasonable cost of advertising and conducting a sale. The owner must provide WSDOT with a copy of the bills of sale or similar documents and copies of any advertisements, offers to sell, auction records, and other data supporting the bona fide nature of the sale. Reasonable costs incurred in attempting to sell an item(s) that is not relocated is reimbursable as a separate move cost and is not included in the DLT calculation.

C. **Determination of Expenses and Losses (Specialist Recommendation)** – The region compares the amount of the loss (value for continued use) with the reasonable moving expense and recommends payment of the lesser amount in an explanatory memo addressed to the RAPM.

D. **Losses Due to Unsuccessful Sale and Transfer of Ownership** – Whenever a bona fide sale is not completed because no offer is received for the eligible item and ownership of the item is transferred to the department, the amount of the eligible payment is the lesser of the fair market value in place of the item(s) for continued use at its location prior to displacement or the estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used a the acquired site.

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E. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner is not entitled to moving expenses or losses for the items involved. The abandoned personal property is transferred to the department via Transfer of Ownership (RES-548).

49 CFR 24.301(j)
WAC 468-100-301(10)

F. The cost for removal of abandoned personal property through the transfer of ownership will not be considered as an offsetting charge against other payments that the displaced person is entitled to receive.

12-7.2.1.2 Substitute Personal Property (SPP)

49 CFR 24.301(g)(16)
WAC 468-100-301(7)(p)

FHWA FAQ #65

A. If an item of personal property, which is used as part of a business or farm operation, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

1. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item. To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless WSDOT determines that such effort is not necessary.

2. The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. The estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

B. "Trade-in value" may be substituted for net proceeds of sale where applicable.

C. Losses Due to Unsuccessful Sale and Abandonment. Whenever a bona fide sale is not completed because no offer is received for the eligible item and the item is abandoned, the amount of the eligible payment is as stated in "A" above.

D. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner is not entitled to moving expenses or losses for the items involved. The abandoned personal property is transferred to the department via Transfer of Ownership (RES-548).

49 CFR 24.301(j)
WAC 468-100-301(10)

E. The cost for removal of abandoned personal property will not be considered as an offsetting charge against other payments that the displaced person is entitled to receive.

12-7.2.1.3 Calculating the Cost to Move an Obsolete Item When an Actual Estimate Cannot be Obtained – SPP

First, the Relocation Specialist will need to determine whether the business will move and replace the item, or will either discontinue the business or continue but not replace the item in question. The regulatory references for these two options are 49 CFR 24.301(g)(14) for actual direct loss of tangible personal property (first option) and 49 CFR 24.301(g)(16) for substitute personal property (the second option). The reason why it is necessary to determine which option applies, for purpose of establishing the "cost to move," is to determine whether the "cost to move" will include the costs to reinstall/reconnect.

A. If the business discontinues or will not replace the item at the replacement site, installation/reconnection costs will not be included in the "cost to move" if the equipment is either in storage or otherwise not being used at the displacement site. However, if the equipment is installed at the displacement site then the installation/reconnection costs will be included in the "cost to move." In either case, the cost of code upgrades shall not be included in the cost to move.

B. If the business will continue and plans to replace the item at the new site, the "cost to move" will include the costs to the business for installation/reconnection of the substitute personal property.

   Once this determination has been made, the "cost to move" will include the following:

   1. Disconnection from displacement site.
   2. Physical move to replacement site.
   3. Cost to install/reconnect at replacement site if the item is installed at the displacement site.

   If the item that is proposed to be replaced with substitute personal property is obsolete or in a condition where it cannot reasonably be moved and/or installed at the replacement site, the agency should take the following actions:

   1. Obtain an estimate of the cost to remove the item from the displacement site (including disconnect) and move it as if it was intact and capable of being moved. For example, if a storage tank or water heater at the displacement site is considered to be personal property rather than real property, but its age and condition are such that a mover or specialist considers it not capable of being moved intact, have the estimator(s) provide a price to move as if it was in movable condition.

2. If the technology for the item in question has changed and it would not be adaptable for installation or reconnection at the replacement site, one option would be to obtain an estimate to install/reconnect a substitute item that most nearly matches the item in question but conforms to current technology.

Once estimates have been obtained, the calculation would be done consistent with 49 CFR 24.301(g)(16).

12-7.2.2 Ineligible Moving and Related Costs

49 CFR 24.301(h)
WAC 468-100-301(8)

A displaced business is not entitled to payment for:

A. The cost of moving any structure or other real property improvement in which the displaced person retained salvage rights.

B. Interest on a loan to cover moving expenses.

C. Loss of goodwill.

D. Loss of profits.

E. Loss of trained employees.

F. Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided as a reestablishment expense.

G. Personal injury.

H. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency.

I. Physical changes to the real property at the replacement location of a business or farm operation except as provided as a reestablishment expense.

J. Costs for storage of personal property on real property already owned or leased by the displaced person.

K. Refundable security and utility deposits at the replacement location.

12-7.2.3 Reestablishment Expenses

49 CFR 24.304
RCW 8.26.035(1)(d)
WAC 468-100-306

In addition to actual move costs, a small business, farm, or nonprofit organization may be eligible to receive a payment, not to exceed $50,000, for expenses incurred in reestablishing their operations at a replacement location. These reestablishment expenses must be actual, reasonable, and necessary as determined by the department.

Claims for reestablishment expenses must be considered by WSDOT to be "actual, reasonable, and necessary." In this context, reasonable means the costs are typical in the geographic area in which the displacement occurred for the type of goods or services being purchased. Necessary means that such goods or services are needed to carry out the reestablishment of your

business in conformance with the requirements of the Uniform Act. The test for reestablishment expenses at times may deal with comparing or matching amenities or characteristics of the replacement site against the displacement site. Also, the test is one of necessity, i.e., is the expense necessary to reestablish the displaced business. This may be the main criteria when a business owner changes business use at the replacement site.

General guidelines for the Relocation Specialist to follow:

- Market test – determine the availability of suitable replacement sites that are functional and similar to the subject site.
- Is the claim submitted typical of the area or nature of the business operation?
- Is it really needed in order to carry out the move of the business?
- Is the business reestablishing at a level greater than what they currently operate?
- What is the size of the building where they currently conduct business?
- When dealing with redecoration expenses, the specialist will need to determine if the items in question are serviceable or if it can be fixed or repaired. If it can be fixed or repaired then the cost of the repair or service would be reimbursable as a reestablishment expense. It the item cannot be repaired or serviced and it meets the test of reasonable and necessary then we have the flexibility to replace the item as a reestablishment expense.

It is important to remember that such expenses should be necessary to reestablish the present operation, not to improve it, not to allow it to enter new markets, or do those things that the operation should have done itself or wanted to do at the displacement location. Displacement provides an excellent opportunity for an operation to do all of those things itself, but they should not be accomplished with public funds. In the situation where a displaced business selects a larger replacement site or a betterment, these tests allow the specialist to set a reasonable threshold for reimbursement based on the size or quality of the displacement site.

If the displaced business received a payment through acquisition, say, as a "cost-to-cure," reestablishment cannot be used as this would represent a duplication of payment. However, if deemed reasonable and necessary, all or part of the difference between the actual cost and what was previously paid as a cost to cure by the agency or any other funds paid by another agency for that purpose could be an eligible reestablishment expense.

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The Relocation Specialist is not expected to make an exhaustive search for other such payments; the specialist is only required to avoid creating a duplication based on their knowledge at the time the payment is made.

The Relocation Specialist must obtain a copy of the displacement site lease and the replacement site lease. Leases may be used for determining level of reimbursement for increased costs, tenant improvements and/or modifications to the replacement site. Many times a landlord will participate in or pay for tenant improvements and in order to avoid duplication of payment, we need verification of who is paying for what.

A. Eligible Expenses

49 CFR 24.304(a)
WAC 468-100-306(1)

1. Repairs or improvements to the replacement property as required by law or code.

2. Modification to the replacement property to enable the business to operate. Permits associated with modifications to the replacement are reimbursable.

   a. The Relocation Specialist must understand the difference between what constitutes an improvement (not required by code) to the replacement property which is considered not eligible for reimbursement versus what constitutes a modification to the replacement property which is considered a reimbursable reestablishment expense. The following definitions are for purposes of determining payment of relocation benefits:

      (1) Improvement – that which the displacement site did not have and which adds to, instead of replaces, the functionality of the business operation.

      (2) Modification – that which the displacement site had and which replaces the functionality of the business operation.

   b. Scenarios are listed in Appendix 12-1 to discuss eligibility of such items. The WSDOT specialist needs to have, regardless of the scenarios listed, a copy of the existing lease at the displacement site (if there is one) and a copy of the appraisal which distinguishes between real and personal property. This information is necessary to determine who owns the property in question and to determine how it was handled in the appraisal process. It is possible for improvements to be considered real property, personal property or trade fixtures which can result in different determinations. Each reimbursement decision must be based on the circumstances surrounding the individual details of the relocation, i.e., case-by-case basis.

      Scenario #1
      Scenario #2
      Scenario #3
      Scenario #4
      Scenario #5

      In all cases, we must avoid duplication of payment as described in 49 CFR 24.3. No person shall receive any payment under this part if that person receives a payment under federal, state, local law, or insurance proceeds which is determined by the Agency to have the same purpose and effect as such payment under this part. So, if the displaced person was compensated for the improvement in the acquisition of the displacement site and then submits a claim under reestablishment expenses for the same or similar improvement at the replacement site, it is not eligible for reimbursement because they have already been paid for the item. Per 49 CFR 24.304(b)(1) a claim for a capital asset (improvement) under reestablishment expenses at the replacement site is not eligible for reimbursement.

FHWA FAQ #76

c. If a suitable replacement structure is not available and it is determined necessary for the owner of a small business, farm, or nonprofit organization to purchase or lease vacant property and build a structure to conduct business, adding the structure would generally not be an eligible reimbursement. Modifications to the structure to accommodate the business operation may be eligible for reimbursement. These modifications shall not include costs of substantial improvements normally found in a finished structure such as air conditioning and heating, septic or sewer service, well or water service, and walls and ceilings except as modifications specific to the nature of the displaced business. Site preparation may be included in modification costs.

FHWA FAQ #77

When a replacement property already contains a structure, costs for structure modifications necessary to accommodate the business operation (e.g., moving walls, changing doors, installing lighting) are eligible. An exception occurs if specific modifications are required to promote the proper operation of the relocated personalty (these costs are included as moving costs under Allowable Moving Expenses – Non-Residential, Removal, and Reinstallation. Reasonable and necessary are the determining criteria.

3. Construction and installation of new signage to advertise the business.

4. Redecoration or replacement of soiled or worn surfaces such as carpeting, paint, paneling.

5. Advertisement of the replacement location. This includes actual and reasonable costs incurred by the business to advertise the replacement location beyond notification to customers and public of the business' change of location, which are eligible reestablishment expenses. This may include newspaper ads, flyers, or other forms of media advertising as long as the advertising focuses on the new location, i.e., the business might place a newspaper ad for a grand opening. Such costs are limited to advertisement of the replacement location and do not include costs to advertise products. The intent of this regulation is to pay for expenses associated with advertising the replacement location and not the general business. Promotional items such as pens, pencils, tee shirts, key chains, etc., are seen as general advertising of the business and not considered reimbursable under reestablishment expenses. A good guide to follow is if the advertising is intended to search for new clients then it would not be eligible. However, if the advertising is trying to get existing clients to the new location and not tied to marketing of the business then it would be eligible. This is true even if the business owner changes the use of the business. It must focus on advertising the new location not the business.

Appendix 12-8

6. Increased cost of operations for two years at the replacement site for items such as rent, taxes, insurance, and utility costs. The Relocation Specialist must obtain copies of both of the leases, tax statements, insurance policies, and utility statements in order to calculate the level of reimbursement. Increased costs should be based on similar size locations.

a. **Mortgage to Lease** – If a displaced business elects to lease a replacement site instead of purchasing, the specialist must use the difference between the economic rent of the displacement site and the market lease rate of the replacement site. The specialist will need to refer to the appraisal to obtain economic or market rent of the displacement site.

b. **Lease to Mortgage** – If a displaced business elects to purchase a replacement site instead of leasing, the specialist must use the difference between the rent or economic rent at the displacement site and what the market lease rate would be at the replacement site. The specialist may need to work with the appraisal department or an outside source to determine market rent of the replacement site. Outside sources could include but are not limited to real estate agents, appraisers, property management companies, etc.

c. **Change of Business** – Change of business should not affect the calculation for increased costs since it is based on the real property and is limited to what is reasonable for that type of business.

7. Other items WSDOT considers essential to the reestablishment of the business.

B. **Ineligible Expenses**

49 CFR 24.304(b)
WAC 468-100-306(2)

1. Purchase of capital assets such as office furniture, machinery, trade fixtures.

2. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of business.

3. Interior or exterior refurbishments at the replacement site for aesthetic purposes.

4. Interest on money borrowed to make the move or purchase the replacement property.

5. Payment to a part-time business in the home which does not contribute materially to the household income.

12-7.2.3.1 Reestablishment Expenses for Non-occupant Owners

A non-occupant landlord whose sole activity at the site is providing space to others, is eligible for a Reestablishment Expense Payment up to $50,000. The owner does not have to own personal property that must be moved in connection with the displacement.

Typical examples of leased space are:

- Mobile home parks.
- Business properties (e.g., warehouses, office space) including bare land used for storing equipment.

- Farms and ranches (or any bare land used for agriculture or livestock grazing).
- Coin operated laundries or any other vending operation (newspapers).
- Residential units.

Appendix 12-14

A. To be eligible for this payment, the displaced person must establish that the leasing of space is a bona-fide business activity, and not part of a real estate investment or family situation, as supported by the displaced person's income tax records.

B. In order to be eligible for reestablishment payments, the Relocation Specialist must view a copy of the most recent tax return filed and document in their diary that it is an operational business, farm, or NPO. In a landlord situation, it will be necessary for the specialist to obtain a complete/entire certified copy of the most recent year's tax return. In order to be considered complete, the tax return needs to include the 1040 form and appropriate attached schedule(s).

   Certification of the tax return will need to be completed by the individual who prepared the return, i.e., accountant, attorney, business owner. Once the tax return is reviewed by Headquarters, the tax return will be destroyed. The statement can be as simple as the following: "I hereby certify that this tax return is a true and correct copy of my filed return."

C. To be eligible to receive a reestablishment payment, the Nonowner Occupant must:

   1. Acquire a replacement location within the 18-month time period.
   2. Lease and/or purchase the replacement property as evidenced by a copy of a new lease or purchase and sale agreement.

D. Specialist should obtain copy of the insurance policy and/or loan documents from the landlord business to determine the replacement site is being purchased for business purposes and will not be occupied by the owner.

E. FHWA has determined that a lessee who subleases space is not eligible for a Reestablishment Payment.

49 CFR 24.303
RCW 8.26.035(1)
WAC 468-100-303

12-7.2.4 Related Nonresidential Eligible Expenses

The following expenses, in addition to those move costs discussed in Section 12-7.2.1 are eligible for reimbursement provided they are actual, reasonable and necessary:

A. Connection to available nearby utilities will be reimbursed if expenses are considered to be reasonable and necessary and associated with running the utilities from the right of way adjacent to the replacement site to the improvements on the replacement site. This does not include the costs of installing/connecting a well or septic at the replacement site. This constitutes the purchase of a capital asset per WAC 468-100-306(2)(a) and are considered not eligible for reimbursement (definition of utility).

For example, if a displaced business has to run utilities across or past multiple parcels, it would not be considered reasonable and reimbursement would be limited to expenses associated with making the connection from the right of way adjacent to the replacement site only. In some cases, WSDOT may consider it reasonable to reimburse a displaced business for the expenses associated with bringing the utility from the central connection point to the right of way adjacent to the replacement property as a reestablishment expense under WAC 468-100-306(1)(g) – other items the agency considers essential to the reestablishment of the business.

Appendix 12-12

B. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). The displaced business must hire a professional in order to be eligible for reimbursement. However, in some instances the displaced business can apply for a waiver and request that their displaced business be reimbursed for their work.

   1. To apply for a waiver the displaced business must submit to WSDOT in writing a request to perform the professional services themselves. The request must include the following:

      a. Business qualifications.

      b. Reasons for wanting to complete the work instead of hiring an outside professional.

      c. Hourly rate.

      d. Scope of work – not to exceed the amount of the proposal submitted.

C. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by WSDOT. For clarification, the term "impact fees," as it appears in WAC 468-100-303(3), pertains strictly to heavy utility usage. The full sentence in that regulation reads: "Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency." The meaning of that sentence is that the prepositional phrase "for anticipated heavy utility usage" applies to both "impact fees" and "one time assessments."

12-7.3 Fixed Payment for Nonresidential Moving Expenses

49 CFR 24.305
RCW 8.26.035(3)
WAC 468-100-304

A business, farm, or nonprofit organization may be eligible to choose a fixed payment in lieu of any payment(s) for actual costs for moving and reestablishment. This payment is sometimes referred to as an "In Lieu" payment. The payment is based on net earnings rather than actual moving costs. The minimum payment is $1,000 and the maximum payment cannot exceed $20,000 depending on the net earnings of the displaced business, farm, or NPO.

12-7.3.1 Business Eligibility

49 CFR 24.305(a)
WAC 468-100-304(1)

A. The displaced business will be eligible for the fixed payment if the department determines that:

1. The business is not part of a commercial enterprise having more than three other establishments (not being acquired by the state) engaged in the same or similar business.
2. The business is not operated at the displacement dwelling or site solely for the purpose of renting said dwelling or site to others.
3. The business cannot be relocated without a substantial loss of its existing patronage.
4. The business contributed materially to the income of the displaced person during the two taxable years prior to the displacement. The term "contribute materially" is defined in WAC 468-100-002(7).
5. The business owns or rents personal property which must be moved as a result of WSDOT's acquisition and for which the displaced business would incur an expense.

49 CFR 24.305(b)
WAC 468-100-304(2)

B. **Determining the Number of Businesses** – It is acceptable to apply the considerations discussed in this section to determine the number of business that are displaced by a public project.

In determining whether two or more business activities constitute a single business (entitled to only one fixed payment) or two or more separate businesses (each entitled to fixed payment), all pertinent factors shall be considered, including the extent to which:

1. The same premises and equipment are shared.
2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled.
3. The entities are held to the public, and to those customarily dealing with them, as one business.
4. The same person or closely related persons own, control, or manage the affairs of the entities.

C. **Loss of Existing Patronage**

1. Determination as to loss of existing patronage is made only after consideration of all pertinent circumstances, including but not limited to the following factors:
   a. The type of business conducted by the displaced person.
   b. The nature of the clientele of the displaced person.

c. The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

2. The term "loss of existing patronage" is construed to mean loss of support or loss of business by customers, patrons, clients, or paying guests. Whenever it is reasonably presumed that the net income of the business for the 12-month period after relocation will be less than the net income of the business before relocation, it can be construed that the business will suffer a "loss of existing patronage."

3. A business is presumed to meet the requirement for establishing loss of patronage unless WSDOT determines otherwise.

D. **Payment Determination** – The term "average annual net earnings" means one-half of the net earnings of the business before income taxes, during the two taxable years immediately preceding the taxable year in which the business relocated.

49 CFR 24.305(e)
WAC 468-100-304(5)

1. If the two taxable years immediately preceding displacement are not representative, the Relocation Specialist may use a period that would be more representative. Prior to using this alternative procedure, there must first be a determination that the proposed construction or other nontypical factors not within the control of the displaced business were the cause of a decline in net income for the business. The agent should refer to the reference material titled "How to Analyze Income Tax Forms . . . In Lieu of Payments" from the IRWA Uniform Act Symposium in 2005 in order to help them through the process of analyzing the returns. Contact Headquarters Relocation Review if you need a copy.

2. "Average annual net earnings" includes any compensation paid by the business to the owner, the owner's spouse, or dependents.

3. In the case of a corporate owner of a business, earnings include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation and do not include compensation paid to said owner. For the purpose of determining majority ownership, stock held individually, jointly, or in common by a husband, his wife, and their dependent children is treated as being held in one and the same interest.

E. **In Business Less Than Two Taxable Years** – If a business has been in operation for less than two years prior to displacement, the average annual net income is determined by averaging the monthly net income and prorating this amount for 24 months.

F. **Documentation from Displaced Business** – For the owner of a business to be entitled to this payment, the business must provide information to support its net earnings. The Relocation Specialist assists the displaced business in completing the Application for Fixed Payment for Moving Expenses: Business-Farm-NPO (see Chapter 13 for the RES form). This form indicates the requirements for eligibility and the method of computation of the payment.

It also requires that the displaced business attach copies of income tax returns and/or other evidence from which "average annual income" is determined in the application.

1. Certified copies of income tax returns for the last two tax years need to be obtained from the business owner. The Relocation Specialist will need to obtain the following tax documents based on the filing status of the displaced business:
   - Sole Proprietorship
     - Form 1040
     - Schedule C
     - W-2 or payroll records of owner's spouse or dependent child
   - Partnership
     - Form 1065
     - W-2 for spouse/dependent wages
   - Limited Liability Company (LLC)
     - Form 1065/1120/1120S
     - Schedule C
   - Corporation
     - Form 1120/1120A
     - List of shareholders (owners) and a list of their spouses/dependents along with W-2's or payroll records
   - S Corporation
     - Form 1120S
     - W-2 for owners, spouses/dependents
     - List of owners and family members
   - Farms
     - Form 1040/1065/1120/1120S
     - Schedule F
   - Nonprofit Organization
     - Form 990
2. Other forms of information commonly used for official business purposes may also be accepted such as financial statements certified by a qualified practicing professional (such as a CPA or an attorney).
3. WSDOT may accept an affidavit from the owner certifying the amount of net earnings and granting WSDOT the right to review the records and accounts of the business. The owner's statement alone is not sufficient if the amount claimed exceeds the minimum payment of $1,000.
4. Strict confidence regarding tax returns is maintained and no other use is made of them. Headquarters Relocation will destroy or return the financial records once the review is complete and the specialist completes Fixed Payment Work Sheet (RES-519) and Application for Fixed Payment (RES-538).

12-7.3.2 Farm Operation

49 CFR 24.305(c)
WAC 468-100-304(3)

In lieu of actual cost payments, any owner of a displaced farm operation may be eligible to receive a payment equal to the average annual net earnings of the farm operation. Such payment shall be not less than $1,000 or more than $20,000 and will be paid if the following requirements are met:

A. The farm operator has discontinued the entire farm operation at the present location or has relocated the entire farm operation.

B. In the case of a partial acquisition, the operator is considered displaced from a farm operation whenever any one of the following applies:

   1. The property remaining after the acquisition will not be an economic unit for the same farm operation as determined by WSDOT during the appraisal process.

   2. The acquisition caused the operator to be displaced from the farm operation on the remaining land.

   3. The acquisition caused such a substantial change in the principal operation or the nature of the existing farm operation as to constitute a displacement.

The Fixed Payment for farms is determined in the same manner as for a business.

12-7.3.3 Nonprofit Organization

49 CFR 24.305(d)
WAC 468-100-304(4)

A displaced nonprofit organization (NPO) may choose a fixed payment in lieu of actual moving and reestablishment if the NPO cannot be relocated without a substantial loss of its existing patronage, membership, or clientele. The payment will not be less than $1,000 nor more than $20,000 depending on financial records.

A. **Eligibility** – The region determines if the organization meets the definition of a NPO in Section 12-4.1 and is otherwise eligible.

B. The amount of the payment is the average of two years annual gross revenues less administrative expenses. Gross revenues may include titles, membership fees, or other forms of fund collection. Administrative expenses include rent, utilities, salaries, as well as fund raising expenses.

12-7.3.4 Selection of the Fixed Payment Option by Displaced Business

A business owner may indicate their desire to apply for the fixed payment early in the relocation process; however the Relocation Specialist must compute the remainder of the displaced business' monetary entitlements prior to the delivery of the eligibility letter (RES-505) to the business owner. This means the specialist will need to either obtain moving bids or complete an agent estimate depending on the circumstances. Refer to Section 12-7.2 for complete procedures. The displaced business needs to have the full relocation picture in order to make an informed decision regarding the fixed payment option.

12-7.4 Move Cost Estimates by Relocation Specialists

A. A Relocation Specialist, after appropriate training, may prepare a move cost estimate if the amount of the estimate does not exceed $5,000. The amount of such estimate may be used as the basis for negotiating an agreement for self moves and is particularly useful when dealing with moving the personal property of a small, uncomplicated business, a non occupant dwelling owner (or landlord) or moving personal property from storage.

   1. The Relocation Specialist works closely with the displaced person to develop a written and photo inventory of the personal property item to be moved.

B. **Computation** – The Relocation Specialist computes the move cost estimate in accordance with the Washington State Utilities and Transportation Commission Tariffs Rate Schedule and/or the personal property only schedule as set forth in the PPO section of this chapter. If the combination of move methods is used and the amount exceeds the $5,000 limit the specialist must obtain move cost estimates by a qualified mover.

   1. The computation and supporting documentation are sent to the RAPM for review and approval.

12-7.5 Claiming Nonresidential Entitlements

12-7.5.1 Timing Requirements

A. Claims for moving payments should generally be made after the move of personal property has been completed. The Relocation Specialist must monitor the move to assure that adequate progress is being made to complete the move. Once the move has been completed and verified by the Relocation Specialist, the Relocation Specialist assists the displaced business, farm, or NPO with filing their claim(s).

B. Claims for related moving expenses should be made once the paid receipt or invoice has been submitted for payment. The specialist should also supply Headquarters with a copy of the final product, i.e., newly printed business card, stationary.

49 CFR 24.207(d)
WAC 468-100-207(4)

C. Claims for moving payments must be made within 18 months after the following dates:

   1. Date of vacation for a tenant occupant.

   2. Date of vacation or date of payment for the property, whichever is later, for an owner occupant.

12-7.5.2 Reestablishment Claims

In order to provide adequate advisory services, the Relocation Specialist needs to work closely with the business owner to discuss potential claims and the business owner's plans to reestablish the site. Whenever possible, the Relocation Specialist

should view the replacement site prior to any reestablishment expenses being incurred. Photos of the site should to be taken before and after any modifications are made.

A. See Section 12-7.2.3 prior to processing a reestablishment claim.

B. Claims for reestablishment expenses can be made by the displaced business as the expenses are incurred or all at once upon completion of the replacement site.

C. If the displaced business leases a replacement site, the specialist will need to obtain copies of both the existing lease at the displacement site and the signed lease at a replacement site. Upon receipt, this information should be forwarded to Headquarters review. This information is necessary in order to help determine if the claims submitted are reasonable and necessary and will help to avoid double payments for those items covered by the new lease.

D. In order to be eligible for reestablishment payments the Relocation Specialist must view a copy of the most recent tax return filed and document in their diary that it is an operational business, farm or NPO. In a landlord situation it will be necessary for the specialist to obtain a complete/entire certified copy of the most recent year's tax return. In order to be considered complete the tax return needs to include the 1040 form and appropriate attached schedule(s).

   Certification of the tax return will need to be completed by the individual who prepared the return, i.e., accountant, attorney, business owner. Once the tax return is reviewed by Headquarters, the tax return will be destroyed. The statement can be as simple as the following: "I hereby certify that this tax return is a true and correct copy of my filed return."

   It is highly recommended that the Relocation Specialist work closely with the business owner to discuss potential claims and the business owner's plans to reestablish the site. Whenever possible, the Relocation Specialist should view the replacement site prior to any reestablishment expenses being incurred. Photos of the site should to be taken before and after any modifications are made.

   Preapproval/Approval Process

   When a business owner wants to make a reestablishment claim, the Relocation Specialist should:

   - View the replacement site with the owner and discuss the details of the potential claim. Photos should be taken of the site to document the replacement site before the work is performed.
   - Once scopes of work, bids, proposals, estimates, or invoices are received for the reestablishment claim, the Relocation Specialist needs to write a recommendation for approval. The recommendation can be an email or internal WSDOT Memo. The specialist should organize the claim so that it can be easily reviewed and provide an outline of the recommendation for reimbursement. It may be necessary for the Relocation Specialist to

contact the business owner or service provider for clarification of the invoice. The recommendation is written to the reviewer and transmitted through the Region Relocation Supervisor. The recommendation should include the following information:

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a. Date, who the recommendation is from, who it is to, project name, parcel number, displaced business name, and displacee number

b. Brief description of the business and the service provided

c. Detailed description of the reestablishment claim, i.e., what is the claim? Why does the business need it? Did they have it at the displacement location? Is it code required? If so, what is the code? If required by code, the specialist should provide a copy of the code requirement.

d. The recommendation needs to cite which provision under WAC 468-100-306 applies.

e. The specialist needs to make a statement recommending approval or denial of a specific contractor for work to be performed and/or dollar figure based on the above information.

f. Attached supporting information (photos, invoices, local code sheets, market studies, etc.).

g. An updated diary must be submitted with all recommendations.

- The reviewer may ask for additional information or clarification and either approve or deny your recommendation.

Actual Claim Submittal

1. Once the business has completed the reestablishment work for which they are submitting a claim, the specialist will visit the replacement site and take photos of the completed product. The business owner needs to supply proof of payment (invoices or receipts) that clearly identifies the work performed. WSDOT can pay on their behalf if the business owner agrees the work was performed in accordance with the scope and to their satisfaction. If the claim is more than the preapproved amount then you cannot get the relocation assistance voucher signed by the displaced business owner until the amount of the claim is approved by the relocation reviewer. In these situations, the Relocation Specialist should:

   - Send an email or memo to the reviewer explaining why the actual amount is more than the preapproved amount. Be sure to reference the preapproval. Include a copy of the actual paid invoice/receipt. Once you receive approval from the reviewer you may move on to the next step.

2. If the claim has been preapproved or approved as described above, the Relocation Specialist can create a voucher for the amount of the claim (based on proof of payment or work performed in accordance

with the scope and accepted by the business owner). If the claim has not been preapproved, the Relocation Specialist still needs to create a recommendation as described in the preapproval process. Once Headquarters approval is received, the business owner, Relocation Specialist, and Region Relocation Supervisor need to sign the voucher.

3. At the same time they are signing the voucher for the work performed, the business owner needs to sign the Application for Reestablishment Expenses (RES-523). The original form is then sent to Headquarters along with the voucher for signature and processing.

12-7.5.3 Professional Services Claims

A. Not every displaced business is considered a complex move and professional services may not be considered reasonable and/or necessary. Claims for professional services must be considered "reasonable and necessary" and should be preapproved by WSDOT in order to claim reimbursement. If the displaced business desires to perform their own professional services they need to apply for a waiver as set forth in Section 12-7.2.1.A.8 and Section 12-7.2.4.B. Relocation specialist should ask the displaced business to provide a minimum of two "Scope of Work" estimates from specialists prior to hiring them to provide professional services including acting as a move planner as discussed in the advisory services section of of this chapter. The reimbursement to the displaced business may not exceed the lowest acceptable "Scope of Work" submitted by the specialist. The Scope of Work will help WSDOT determine those costs that will be considered reimbursable to the displaced business. Reimbursement of certain claims will depend on the complexities and/or nature of the business and will be reimbursed based on product and level of effort as determined by the department. Only work performed in relation to relocating the personal property will be eligible for reimbursement. The following is a list of those items that may be considered eligible:

1. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the displacement site.

2. Planning of which personal property items will be moved, replaced, abandoned, discarded, or not moved.

3. Depending on the complexity of the move—the preparation or analysis of process systems that relate to the personal property. An example of a process system could be a dust collection system for a woodworking company.

4. Research code requirements for installation of personal property currently grand-fathered at the displacement site that may require code modifications at the replacement site.

5. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the replacement site.

6. Providing of professional services prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation includes but is not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of the site).

49 CFR 24.303(b)
WAC 468-100-303(2)

This portion of professional services is reimbursed as a related nonresidential eligible expense.

B. WSDOT will be responsible for the following:

1. Preparation of written/photo inventory with the help of the business owner.
2. Work with business owner to create the Request for Proposal/Moving Specifications to secure move bids to move all personal property to the replacement site.
3. Securing move bids including 3rd party bids.
4. Coordination of movers.
5. Monitoring all aspects of the move.
6. Post move inventory.
7. Obtaining inventory from business owner of all items needing to be reprinted that are considered obsolete prior to the actual date of the move.
8. Review and approval of all claims for relocation as it relates to the personal property.
9. Processing of all claims for payment.

C. Displaced Business Owner will be responsible for the following (items 8 thru 11 may be performed by the displaced business, WSDOT or a combination of both but can also be reimbursed if the displaced business hires a professional services specialist):

1. Working with WSDOT specialist to prepare necessary inventory, identify all vendor owned equipment, and identify those items to be abandoned or replaced.
2. Notifying WSDOT specialist when the replacement site has been located.
3. Notifying WSDOT specialist of anticipated move date.
4. Preparing a sample file of all documents that must be reprinted due to change of address and/or phone number. Specialist should provide displaced business with appropriate inventory form (RES-545).
5. Providing valuation of personal property to WSDOT specialist for the purpose of obtaining replacement value insurance prior to the preparation of the Request for Proposal.

6. Obtaining preapprovals from WSDOT specialist before committing to financial obligations for the purpose of determining eligibility for reimbursement of claims.

7. Keeping WSDOT informed as it relates to their relocation.

8. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the displacement site.

9. Planning of which personal property items will be moved, replaced, abandoned, discarded, or not moved.

10. Depending on the complexity of the move—the preparation or analysis of process systems that relate to the personal property. An example of a process system could be a dust collection system for a woodworking company

11. Verifying code requirements for installation of personal property currently grand-fathered at the displacement site that may require code modifications at the replacement site.

D. Claims for professional services can be made by the displaced business as the expenses are incurred or all at once upon completion of the work.

E. Claims must be supported by adequate documentation and should clearly identify work performed. Each claim should be supported by a visible product, which will help to determine level of effort.

1. Relocation specialist should organize the claim so that it can be easily reviewed and should provide an outline of the recommendation for reimbursement.

2. Once the claim is prepared, the package should be sent to the RAPM for review and approval.

F. The use of a hired professional services specialist is strictly between the displaced business and the specialist. WSDOT will reimburse eligible expenses, based on adequate documentation, but WSDOT has no responsibility/liability for what the professional services specialist does or how it is done. In rare cases, a displaced business may apply for a waiver and ask that their business be reimbursed for performing the professional task as set forth in Section 12-7.2.1.A.8 – Actual Move Costs and Section 12-7.2.4.B – Related Nonresidential Eligible Expenses.

12-7.5.4 Nonresidential Payment Claims

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

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

A. **Advance Moving Payments** – It is often necessary for a business to request advance payments during their move. The RAPM may approve advance payments based on the amount of the move that has been completed. The Relocation Specialist should monitor the move and determine the percent of the move that has been completed. The Relocation Specialist should then request an advance payment for the displaced business based on the amount of move that has been completed. Care must be exercised so advance payments do not create a shortage of remaining entitlements that would cause the move not to be completed. Advance move payments should not exceed 25 percent of total move costs unless requested and approved by the RAPM.

B. **Reimbursement of Nonresidential Moving Payments** – Moving payments for nonresidential claims can be made directly to the displaced business, directly to a commercial mover or third party on behalf the displaced business owner or a combination.

1. When the displaced business has selected a self move or a Fixed payment, the payment of entitlements should be paid directly to the displaced business. The Relocation Specialist should prepare the claims (vouchers) in accordance with procedures set forth in Chapter 10, obtain appropriate signatures, and submit the claim to Headquarters for processing and payment.

2. When the displaced business has requested the department to provide a commercial move, the Relocation Specialist must verify that the move is complete and that all personal property has been removed from the displacement site and moved to the replacement location. Upon verification, the moving company should submit an invoice to the department and payment will be made directly to the commercial mover on behalf of the displaced business. The Relocation Specialist must obtain the signature of the displaced business on the relocation assistance voucher. The Relocation Specialist should also obtain a Substitute W-9 and SWV form from the commercial mover in accordance with procedures set forth in Chapter 10.

3. If the displaced business asks that any payment be made directly to a third party for services rendered during the move, the Relocation Specialist should have the displaced business sign a claim (voucher) directing payment be made to a third party. In no event shall any such direct payment to a third party obligate the department to pay more than the agreed upon move amount as shown in the executed Moving Expense Agreement. The Relocation Specialist should also obtain a Substitute W-9 form from the 3rd party in accordance with procedures set forth in Chapter 10. The Relocation Specialist should clearly document the request to make a 3rd party payment on the displaced business' behalf in the diary.

C. **Required Documentation** – If a displaced business owner elects to lease a replacement site, the specialist should obtain a copy of an executed lease and any applicable amendments for the replacement site from the displaced business owner as soon as feasible. The specialist should also obtain a copy of the existing lease.

49 CFR 24.207(a)
WAC 468-100-207(1)

1. The lease will help the specialist determine the reasonableness and level of reimbursement for potential claims associated with the reestablishment of the business, i.e., square footage requirements, increased cost of doing business based on property taxes, property insurance, utilities, and lease costs.

2. The lease is necessary to verify that duplicate payments are not made on items that will be covered in the lease at the replacement site by the building owner.

12-7.5.4.1 Processing and Payment of Claims

A. When the displaced business is ready to make claims for any or all of their relocation entitlements, including moving costs, reestablishment payments and related moving costs, the Relocation Specialist provides Headquarters Relocation Reviewer with the appropriate recommendation for approval and the displaced business with appropriate forms for making the claim and secures necessary documentation from the displaced business, which includes a Substitute W-9 and SWV form.

B. Once these forms are signed by the displaced business and the SWV number obtained by the Relocation Specialist, the claim voucher 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.

E. **Coding** – Relocation Assistance Vouchers are coded based on the type of relocation payment. The specialist must select the appropriate coding from the object codes and definition chart, i.e., residential replacement housing payments or moving expenses; non-residential reestablishment or moving expenses; and personal property only moving expenses.

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12-7.6 Abandonment of Personal Property

49 CFR 24.301(j)
WAC 468-100-301(10)

The specialist should work closely with the displaced business to remove all personal property items from the right of way. The agency will pay the cost to move the items as set forth in Section 12-7.2 – Actual Move Costs and 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. In some cases personal property is left at the

displacement property due to the agency waiving the need for the displaced person to make a reasonable attempt to sell the personal property under a SPP or DLT or in rare instances just abandoned, the Relocation Specialist will need to obtain the region RESM approval 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 at the vacate inspection, there is no need for the specialist to obtain a signature from the displaced business on the abandonment notice.

49 CFR 24.501
WAC 468-100-501

12-8 Mobile Homes

Mobile homes as defined in Title 49 of the Code of Federal Regulations (49 CFR), may be determined to be either real property or personal property during the appraisal process. A mobile home includes manufactured homes and recreational vehicles (RV) used as permanent residences. 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 an RV used as a permanent residence, 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

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

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.

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 include 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:

49 CFR 24.301(g)(9)
WAC 468-100-301(7)(i)

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 down, transportation, set up, and reconnect costs associated with the move of the mobile home as well as any costs to bring the mobile home up to code or to meet DSS standards.

49 CFR 24.301(g)(8)
WAC 468-100-301(7)(h)

b. The estimate should also include the cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting, and awnings; anchoring of the home; and utility hookup charges. If any of the attached appurtenances need to be replaced, the department should pay for these costs as well.

c. The lowest acceptable estimate will be selected as the mover if the displaced person wants to have their mobile home moved. If the displaced person wants to move their mobile home themselves, they should be offered a self move in an amount not to exceed the amount of the lowest acceptable estimate.

d. Any utility connections that are not included in the move estimates will have to be paid as incidental move expenses.

49 CFR 24.301(g)(10)
WAC 468-100-301(7)(j)

e. Mobile Home Park Entrance Fees. If a displaced mobile home owner is required to pay a nonrefundable entrance fee to move their mobile home into a mobile home park, that fee will be paid as an incidental moving cost.

f. Relocation will need to address personal property taxes on all mobile homes being moved by the department that are considered personal property. Delinquent personal property taxes should be handled as a Last Resort incidental relocation expense only if the displaced person does not have the financial means to bring the taxes current.

B. Mobile home is considered personal property and cannot be moved to a replacement location or move is considered not cost effective:

1. The RESM can authorize the purchase of the mobile home. Upon authorization the department will acquire the mobile home through the acquisition process according to procedures set forth in Chapter 6. ***Note:*** Any personal property taxes will be handled by Acquisition and the mobile home will not be salvaged back to the owner.

2. The Relocation Specialist will calculate a replacement housing payment depending on occupancy status (owner/tenant) of the unit. This could include both a price differential payment and a rent supplement payment.

C. Mobile home considered real estate:

1. The mobile home will be acquired through the acquisition process as real estate according to the procedures set forth in Chapter 6.
2. No payment will be made to the mobile home owner for moving it to a replacement site.
3. If the owner retains salvage of the mobile home no moving entitlement will be paid to disconnect, move, and reconnect the mobile home. Salvage of the mobile home needs to be consistent with procedures set forth in Chapters 6 and 11.
4. The Relocation Specialist will calculate a replacement housing payment depending on occupancy status (owner/tenant) of the unit.

12-8.3 Replacement Housing Payments for Mobile Home Owners

49 CFR 24.502(a)(3)
WAC 468-100-502(1)(c)

12-8.3.1 Circumstances Requiring Replacement Housing for Mobile Home Owners

The following list of circumstances will be addressed during the appraisal process in accordance with the procedures outlined in Chapters 4 and 6.

A. If the mobile home being displaced will not meet entrance requirements for mobile home parks in the area, a replacement mobile home will have to be made available that will meet park requirements.

B. If the mobile home is determined to be incapable of being moved without complete or substantially irreparable damage, a replacement mobile home will have to be made available to the displaced person.

C. If a mobile home cannot be relocated because there is no available comparable replacement site, a replacement mobile home will have to be made available to the displaced person.

D. If the RESM authorizes the purchase of the mobile home because it has been determined the mobile home is not, and cannot be made decent, safe, and sanitary and/or determined not to be cost effective to move the mobile home, a replacement mobile home will have to be made available to the displaced person.

12-8.3.2 Eligibility Requirements

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

Ownership and occupancy requirements for receiving any replacement housing entitlement as a mobile home owner/tenant are the same as for a regular residential housing situation. The requirements for an owner/tenant occupant in a typical, constructed residential dwelling are to be applied to the occupant of a mobile home in all respects. Refer to Section 12-6.1 for these requirements.

WAC 468-100-504(1)

12-8.3.3 Replacement Housing Payments for Mobile Home's Acquired by the Agency

All calculations of Replacement Housing Payments for mobile homes are to be prepared in the same manner as for residential displacements described in Section 12-6. The types of Replacement Housing Payments for the different combinations of ownership and occupancy of mobile homes being acquired by the department as either real property or personal property as determined by the RESM and as established in Chapter 4 are as follows:

A. Mobile Home Relocation Situations

WAC 468-100-502(2)
WAC 468-100-502(4)

1. If the displaced person owns both the mobile home and the site, the Relocation Specialist should calculate the following:

   a. A Price Differential for the mobile home and Price Differential for the site; or

   b. A single Price Differential using both the mobile home and site.

WAC 468-100-502(2-4)
WAC 468-100-503

2. If the displaced person owns the mobile home, but rents the site, the Relocation Specialist should calculate the following:

   a. A Price Differential for the mobile home and a Rent Supplement for the site. The rent supplement for the site can include the cost of utilities as needed.

      (1) For a 180-day owner occupant of a rented mobile home site their rental assistance payment may be used to rent a replacement site; may be applied to the purchase price of a replacement site; or may be applied, with any replacement housing payment attributable to the mobile home, to the purchase of a replacement mobile home or conventional decent, safe, and sanitary dwelling.

WAC 468-100-503

3. If the displaced persons rent the mobile home and the site, the Relocation Specialist should calculate the following:

   a. A Rent Supplement for the mobile home and a Rent Supplement for the site; or

   b. A single Rent Supplement if the lot rent is included in the mobile home rent.

   A displaced tenant eligible for a rent supplement payment who elects to purchase a replacement dwelling (down payment assistance) is eligible to receive an amount, not to exceed the amount of the calculated maximum rent supplement or $5,250 whichever is greater, to enable the displaced tenant to make a down payment toward the purchase of a replacement dwelling. Both rent supplements can be combined toward the purchase of the replacement dwelling.

4. If the displaced person rents the mobile home and owns the site on which the mobile home is located, the Relocation Specialist should calculate the following:

WAC 468-100-502(2)
WAC 468-100-502(4)
WAC 468-100-503

   a. A Rent Supplement for the mobile home and a Price Differential for the site.

B. **Taxes** – The transfer of a mobile home is subject to either real estate excise tax or sales tax depending on the characteristics of the situation, regardless of whether the mobile home is classified as real or personal property. If the actual replacement is a mobile home the acquiring agency will pay sales tax as an incidental expense if:

- The purchase of the mobile home is the initial retail sale of the mobile home.
- The mobile home is purchased from a dealer's lot, regardless of the mobile home being new or used.
- The removal of the mobile home from the land is a condition of the sale.
- The mobile home is not affixed to the land by a foundation and does not have connection for utilities.

The buyer pays sales tax when they transfer title. The tax is based on the purchase price and the county taxes where the mobile home is located. The reimbursement is limited to the amount necessary to purchase the most comparable replacement dwelling selected by the department and used to establish the RHP. Sales tax rates can be obtained by visiting the Washington State Department of Revenue website at http://dor.wa.gov/content/findtaxesandrates/salesandusetaxrates/lookupataxrate.

C. **Transfer Fees** – There are transfer fees associated with transferring the title of a mobile home into the purchaser's name. Transfer fees should be handled as an incidental expense and paid based on the actual cost. The reimbursement is limited to the amount necessary to purchase the most comparable replacement dwelling selected by the department and used to establish the RHP. This information can be located on the Department of Licensing website at www.dol.wa.gov/vehicleregistration/fees.html.

12-8.4 Other Considerations

A. **Partial Acquisition of Mobile Home Park** – If WSDOT determines that its land acquisition will result in mobile home dwellings not within the actual acquisition area being forced to move, those mobile home owners and/or occupants may be eligible to receive the same payments as though their dwellings were within the actual taking. Prior to any contact with such owners and occupants relative to relocation entitlements, the region conducts an investigation and submits a report to the RAPM for authorization to provide relocation entitlements. Such report includes the basis for such determination about being displaced, the number of mobile homes being forced to move and any other relevant facts or information.

49 CFR 24.501(b)
WAC 468-100-501(2)

49 CFR 24.502(b)(3)
WAC 468-100-502(2)(c)
WAC 468-100-504(2)(a)

B. **Computation on Next Highest Type Dwelling** – When a comparable mobile home is not available, the replacement housing payment is calculated using the next highest type of dwelling that is available and meets applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

C. **Trading in a Mobile Home** – If a mobile home is considered personal property and the region RESM makes a decision to administratively purchase the mobile home and the owner decides to use the mobile home as a trade-in on the purchase of a replacement home instead of selling (or transferring title in the case of a zero value), the price differential payment will not be adjusted to make up the difference if they take a loss on the mobile home.

D. **Mobile Home Determined to have Zero Value** – It is acceptable to make an administrative offer to purchase a mobile home even if the value of the mobile home is determined to be zero. The acquisition specialist should follow the procedures set forth in Chapter 6. It is highly recommended that the Relocation Specialist accompany the acquisition specialist when delivering the letter so the mobile home owner is aware of the relocation assistance available to help them obtain replacement housing.

E. **Two-Part Insurance for Mobile Homes That Will Be Moved to a Replacement Location** – Mobile home insurance supplied by a mobile home moving company consists of liability insurance and cargo insurance ("moving insurance"). Liability insurance covers damage to the mobile home prior to or after the move, during tear down and set up, and cargo insurance covers damage to the mobile home during transit. In addition to the moving insurance, as part of Advisory Services, it is recommended that the displaced person has homeowners insurance prior to the relocation as the insurance provided by the mover does not cover vandalism during the move of the mobile home.

F. **RVs Used as a Permanent Residence** – The specialist should compute the cost to move the RV in the same manner as a mobile home using RES-546. Move costs for personal property should be done utilizing the room count method, a commercial move, or actual costs as described in Section 12-6.5.

G. **RVs Used as a Non-Permanent Residence** – The specialist should compute the cost to move the RV as described in the personal property Section 12-9.3.

12-9 Personal Property Only (PPO) Relocation

12-9.1 Definition

49 CFR 24.301(e)
RCW 8.26.035(1)(a)
WAC 468-100-301(5)

A Personal Property Only (PPO) relocation is defined as a move of personal property from property acquired for right of way or project purposes where there is NOT a need for a full relocation of a residence, business operation, farm operation, or NPO from the acquired property. Business, farm, and NPO operations that must incur reestablishment expenses to facilitate the continuous operation of their business on the subject property should be relocated under the provisions of Section 12-7.

12-9.2 Types of Personal Property Only Relocations

A. Personal Property is stored on property where there is no residence or business on such property.

B. Personal Property is located on a portion of property that is being acquired but where the residence located on the property will not be affected.

C. Personal Property is located on a portion of property that is being acquired but where the business located on the property can still operate after the acquisition of the needed property and where the business will not incur reestablishment expenses.

D. Personal Property is located in a unit (or units) in a storage facility that will be acquired in whole or in part.

E. Minimal personal property is located in a rented mailbox in a commercial mailbox business that is being acquired in whole or in part.

F. Vehicles, trucks, recreational vehicles, boats and other miscellaneous trailers, either operational or not, that are located on property that will be acquired.

12-9.3 Personal Property Only Relocation Entitlements

49 CFR 24.301(e)
RCW 8.26.035(1)(a)
WAC 468-100-301(5)

A. The basic entitlement for the relocation of personal property only shall be a payment for the expense of moving said personal property to a replacement location of the owner's choosing. The payment shall be limited to expenses for moving within a 50-mile radius of the displacement location.

B. The owner of personal property that must be moved has the option of selecting a Commercial Move, a Self Move, or an Actual Cost Move:

1. **Commercial Move** – The displaced person can request that WSDOT provide a commercial mover and pay that mover directly. The displaced person should indicate this option on the Moving Expense Agreement and work with the Relocation Specialist to prepare a written and photo inventory of the items to be moved.

   a. Based on the inventory, moving specification, and any other information, WSDOT will obtain two bids from qualified movers and select the successful bidder. If a mover submits a bid, they will be compensated for their reasonable costs of preparing said bid. The Moving Expense Agreement, inventory, Moving Specifications, and region recommendation are then submitted to the RAPM for review/approval.

2. **Self-Move** – A self-move by the displaced person can be based on bids from qualified movers, an estimate by the Relocation Specialist, or the following move cost schedules provided in this section.

   a. The displaced person may elect to take full responsibility for the move of their personal property. In this event, the displaced person, working with the Relocation Specialist prepares a written and photo inventory

of the items to be moved. The Relocation Specialist then prepares a Request for Proposal and Moving Specification. WSDOT then obtains at least two bids from qualified movers and offers the displaced person an amount not to exceed the acceptable low bid. The Relocation Specialist may negotiate a move cost lower than the lowest acceptable bid, taking into account the profit and overhead costs which the commercial mover includes in their bids. The region will then submit the bids with all supporting documentation and their recommendation to the RAPM for review and approval.

b. If the move costs appear to be $5,000 or less, WSDOT may offer an amount based on a single estimate prepared by a trained Relocation Specialist in accordance with Section 12-7.4. The region will submit the move cost estimate with all supporting documentation to the RAPM for review and approval.

c. The move of personal property from a commercial storage facility shall be based on the following schedule:

Size of Storage Unit	Move Cost
5′ by 5′	$200.00
5′ by 10′	$250.00
10′ by 10′	$350.00
10′ by 15′	$550.00
10′ by 20′	$750.00
10′ by 30′	$1,000.00

The move cost is based on the size of the storage unit. The move cost should be documented by the Relocation Specialist in their diary and approved by the Region Relocation Supervisor.

d. A dislocation allowance in the amount of $35 shall be paid to each person or business that rents a mailbox in a commercial mailbox operation. The move cost should be documented by the Relocation Specialist in their diary and approved by the Region Relocation Supervisor.

e. Move costs for vehicles, trailers not connected to utilities, etc., shall be based on the following schedule:

1. Operational vehicles and motor homes.	$35.00 each
2. Boats w/trailers, utility trailers, car trailers, travel trailers, and fifth-wheel trailers.	$150.00 each
3. Nonoperating vehicles and smaller motor homes that require towing.	$125.00 each
4. Nonoperating trucks and larger motor homes that require towing.	$150.00 each

The move cost is computed based on the type of vehicle. The move cost should be documented by the Relocation Specialist in their diary and approved by the Region Relocation Supervisor. If recreational vehicles are connected to utilities, the specialist can prepare an agent estimate as described in Section 12-7.4, obtain an estimate from a professional, or use actual costs.

f. Move costs for appliances shall be based on a fixed rate of $50 per appliance which includes the cost to disconnect and reconnect. The move cost should be documented by the Relocation Specialist in their diary and approved by the Region Relocation Supervisor.

In all cases, the displaced person must enter into Moving Expense Agreement prior to moving their personal property. It is the responsibility of the Relocation Specialist to monitor the move.

3. **Actual Cost Move** – Actual and reasonable costs to move the personal property is based on acceptable documentation of said actual costs. Prior to the start of the move, a written and photo inventory of the personal property items to be moved must be completed. Acceptable documentation includes receipts for payments, paid invoices, copies of payment documents, time sheets of people hired to perform the move, etc. If a question arises about the "reasonableness" of submitted costs, WSDOT may obtain one or more bids or estimates from qualified movers to use as a standard to determine if costs are reasonable.

   a. The Relocation Specialist should prepare claim and send to RAPM with region recommendation for review and approval.

   b. **Move Monitoring** – Specialist should follow procedures outlined in Section 12-7.2.1.

   c. **Post Move Inventory** – Specialist should follow procedures outlined in Section 12-7.2.1.

12-9.4 Payment of Personal Property Only Entitlements

A. Payment for commercial move expenses will be paid directly to the mover upon receipt of an invoice and upon verification by the Relocation Specialist that all personal property to be moved by the mover has been moved to the appropriate replacement location.

B. Payment for self-move and actual move costs will be paid to the displaced person upon receipt of documentation from the displaced person that sufficient costs were expended to perform the move and upon verification by the Relocation Specialist that all personal property to be moved has been moved to the appropriate replacement location. Acceptable documentation may include invoices, paid receipts, time sheets, labor statements, other appropriate information to support that actual costs were incurred for the move, or move monitoring in accordance with Section 12-7.2.1.

C. Payment for scheduled move costs will be paid upon verification by the Relocation Specialist that all personal property has been moved from the acquired property to an appropriate replacement location.

D. In all cases, the Relocation Specialist will need to obtain a Substitute W-9 and SWV form from the payee in accordance with procedures set forth in Chapter 10.

Appendix 12-3

E. **Coding** – Relocation Assistance Vouchers are coded based on the type of relocation payment. The specialist must select the appropriate coding from the object codes and definition chart, i.e., residential replacement housing payments or moving expenses; non-residential reestablishment or moving expenses; and personal property only moving expenses.

49 CFR 24.101(b)(1)
WAC 468-100-101(2)(a)

12-10 Voluntary Transactions

12-10.1 Requirements

In order to be considered voluntary, the transaction must meet all of the conditions outlined in WAC 468-100-101. See also 49 CFR 24.101.

12-10.2 Relocation Eligibility

Refer to WAC 468-100-002(15) for information relating to mutual acceptance of the offer to purchase prior to a tenant becoming eligible to receive relocation assistance.

49 CFR 24.2(a)(9)(ii)(D)
WAC 468-100-004(2)

12-11 Temporary Relocations

Appendix A
Sec 24.2(a)(9)(ii)(D)

There are circumstances where the acquisition of real property takes place without the intent or the necessity that an occupant of the property be permanently displaced. Because such occupants are not considered "displaced persons" great care must be exercised to ensure that they are treated fairly and equitably.

> For example, if the tenant-occupant of a dwelling will not be displaced but is required to relocate temporarily in connection with the project, the temporarily occupied housing must be decent, safe, and sanitary, and the tenant must be reimbursed for all reasonable out-of-pocket expenses including moving expenses and increased housing costs incurred in connection with the temporary relocation.

A temporary move is considered to be less than one year. Anything beyond 12 months is considered a permanent displacement and the displaced person would be moved and relocation benefits would be paid based on their occupancy status. FHWA will only participate in one reestablishment payment for temporary non-residential displacements.

Temporary move costs can be paid as part of the relocation assistance program, as part of a cost to cure, or can be handled administratively. Sometimes the project office handles temporary relocations by paying actual costs directly.

If a temporary move is authorized by the RAPM for a residential or nonresidential displacement and later withdrawn, all actual, reasonable, and necessary out-of-pocket expenses incurred in connection with the temporary relocation will be reimbursed to the displaced person(s) as related moving costs and not subject to the limitations of the displaced persons permanent relocation assistance entitlements.

12-12 Temporary Construction Easements (TCE)

If there are displaced persons or personal property to be moved within a temporary construction easement area, the displaced person must be provided with relocation assistance including proper notices. This is also true in situations where the project office handles the relocation of the property (cured in contract) out of the TCE area and then back once the project is complete.

The forms listed for various chapters can be located as follows:

13-1 Access for WSDOT Employees

The WSDOT Agency Forms are located at:
wwwi.wsdot.wa.gov/fasc/adminservicesforms

The RES Forms for Property Management and Acquisition are located at:
wwwi.wsdot.wa.gov/design/realestateservices

The RES Forms for Appraisal, Relocation, and the Local Agency Program are located at:
www.wsdot.wa.gov/realestate or
wwwi.wsdot.wa.gov/design/realestateservices

13-2 Access From Outside of WSDOT

The WSDOT Agency FileMaker Forms are located at:
www.wsdot.wa.gov/forms

This site provides downloads of WSDOT FileMaker Forms and software if needed. If you do not have FileMaker Pro software, you will need to make sure you download the runtime engine from the Forms Management website prior to downloading the actual form. If you are experiencing problems downloading a FileMaker Form, you may want to contact Forms Management at 360-705-7424. This website also provides links to the Real Estate Services web page for RES Word Forms.

The RES Word Forms for Appraisal, Relocation, and the Local Agency Program are located at: www.wsdot.wa.gov/realestate

To receive copies of forms by mail or fax, call Real Estate Services in Olympia at 360-705-7317.

13-3 Appraisal Forms (Chapters 4 and 5)

WSDOT Agency Forms

220-015 EF	Environmental Checklist for Surplus Property Disposal

WSDOT Real Estate Services Forms

RES-203	Staff Appraiser Assignment Form
RES-204	Report of Contact With Owner
RES-205	Certificate of Appraiser
RES-206	Summary of Conclusions
RES-207	Subject Sketch and Photographs
RES-208	Narrative Report Template
RES-210	Market Data

RES-210B	Sale Sketch and Photographs
RES-211	Appraisal Assumptions and Limiting Conditions
RES-212	Salient Information
RES-213	Abbreviated Appraisal Report Format
RES-214	WSDOT Review DV Document
RES-214A	Fee Review DV Document for WSDOT
RES-214B	Local Agency Certification of Value
RES-215	PFE Parcel Work Sheet
RES-216	Administrative Offer Summary
RES-217	Residential Realty/Personalty Report
RES-218	Commercial or Industrial Realty/Personalty Report
RES-219	WSDOT Surplus Appraisal
RES-220	Mobile Home Work Sheet – Personal Property

13-4 Acquisition Forms (Chapters 6, 8, and 9)

WSDOT Agency Forms

120-020 EF	Work Order Authorization
130-005 EF	Agreement Edit Information
134-139 EF	Invoice Voucher
220-025 EF	Damage Claim Evaluation

WSDOT Real Estate Services Forms

RES-300	Cover Sheet
RES-301	Diary
RES-302	Warranty Deed
RES-303	Special Warranty Deed
RES-305	Warranty Deed (Access Rights Only)
RES-306	Quitclaim Deed
RES-307	Quitclaim Deed (Access Rights Only)
RES-308	Partial Release of Mortgage
RES-309	Partial Release of Mortgage (Access Rights Only)
RES-310	Request for Partial Reconveyance
RES-311	Partial Reconveyance
RES-312	Partial Release of Lease
RES-313	Release of Lease
RES-314	Subordination Agreement for Utilities
RES-315	Release of Damages
RES-316	Partial Release of Judgment
RES-317	Possession and Use Agreement
RES-318	Compensation Agreement for Condemnation

RES-319	Stop Condemnation Request
RES-320	Negotiators Report
RES-321	Real Property Voucher (Excel)
RES-322	Exchange Agreement
RES-323	Consent to Change of Grade
RES-324	Easement
RES-325	Temporary Easement
RES-326	Permit
RES-327	Option to Purchase Quarry/Pit
RES-328	Option to Purchase Lands
RES-329	Lease
RES-330	Bill of Sale
RES-331	Memorandum of Lease
RES-332	Notice of Lien
RES-333	Request to Accept Encumbrance
RES-334	Tax Set Over Letter
RES-335	Fixtures and Improvements Agreement
RES-336	Memo for Excess Lands
RES-337	Escrow Agreement
RES-338	Water System Agreement
RES-339	Water System Connection Agreement
RES-340	Septic System Agreement
RES-341	Septic System Connection Agreement
RES-342	Lease for Quarry/Pit
RES-343	Agreement Not to Rent
RES-344	Construction Memo
RES-345	Release and Transfer of Jurisdiction
RES-346	Mobile Home Bill of Sale
RES-347	Acquisition and Title File Contents
RES-348	Emergency Permit and Right of Entry
RES-349	Mobile Home Offer Letter
RES-350	Offer Letter
RES-351	Revised Offer Letter
RES-352	Landlord/Tenant Form
RES-353	Right of Way Parcel Transmittal
RES-354	Special Handling Memo
RES-355	Quitclaim Deed (Release Easement)
RES-356	Quitclaim Deed (Access Use for Easement)
RES-357	EFT Escrow Cover Letter
RES-358	OFM Escrow Cover Letter

RES-359	WSDOT Escrow Cover Letter
RES-360	EFT Payment Letter
RES-361	OFM Payment Letter
RES-362	WSDOT Payment Letter
RES-365	Individual Notary
RES-366	Corporate Notary
RES-367	Attorney In Fact Notary
RES-368	Self and Attorney In Fact Notary
RES-369	Guardian, Executor, Administrator Notary
RES-370	Mayor City Commissioners Notary
RES-371	County Commissioners Notary
RES-372	School District Notary
RES-373	Signature By Mark Notary
RES-374	Partnership Notary
RES-375	Trustee Notary
RES-376	Limited Liability Company Notary
RES-377	RES Notary
RES-381	RW Manual Miscellaneous Clauses Chapter 9
RES-382	Relocation Eligibility Report
RES-383	No Right of Way Certificate
RES-384	Certificate 1, No Relocation
RES-385	Certificate 1, Residential Relocation
RES-386	Certificate 1, Non-Residential Relocation
RES-387	Certificate 1, Combination of Relocation Types
RES-388	Certificate 2, No Relocation
RES-389	Certificate 2, Residential Relocation
RES-390	Certificate 2, Non-Residential Relocation
RES-391	Certificate 2, Combination of Relocation Types
RES-392	Certificate 3, No Relocation
RES-393	Certificate 3, Residential Relocation
RES-394	Certificate 3, Non-Residential Relocation
RES-395	Certificate 3, Combination of Relocation Types
RES-396	Certificate 3, Design Build Phased – Under Construction
RES-397	Certification Worksheet
RES-398	Certification Worksheet – Design Build
RES-399	WSDOT Certification Concurrence Letter

13-5 Property Management Forms (Chapter 11)

WSDOT Agency Forms

130-005 EF	Agreement Edit Information
220-015 EF	Environmental Checklist for Surplus Property Disposals
224-011 EF	Reimbursable Agreement: RES Review and Approval of Personal Wireless Services Facilities
224-031 EF	Reimbursable Agreement: RES Review and Approval of Personal Wireless Services Facilities
260-051 EF	Bid for Purchase of Surplus Real Estate
261-005 EF	Surplus Property Report
263-003 EF	Salvage Appraisal Report
263-004 EF	Assignment of Lease
263-006 EF	Application for Deferred Payments
263-007 EF	Property Inspection and Status Report
263-008 EF	Residential Property Inspection
263-009 EF	Rental Agreement Transmittal
263-010 EF	Right of Way Property Acquisition Procedures
263-016 EF	Memorandum of Lease Benefiting Appurtenant Property
263-017 EF	Memorandum of Lease
263-018 EF	Memorandum of Lease Termination
263-023 EF	Personal Property Sale and Removal Agreement
263-024 EF	Waiver of Abutter's Rights
265-001 EF	Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards – Sales of Pre 1978 Housing
265-002 EF	Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards – Rental of Pre 1978 Housing
410-100 EF	Purchaser Certification for Export Restricted Timber

WSDOT Real Estate Services Forms

RES-401	Request for Title Check and Legal Description
RES-402	Waiver of Abutter's Rights
RES-403	Bill of Sale
RES-404	Employee Request – Permission to Bid on Surplus Real Estate
RES-405	Contract Insurance Requirements Information
RES-406	Surplus Real Estate Purchase Form
RES-407	Disposal Memorandum
RES-408	Estimate of Value for Parcel under $10,000.00 (under development)
RES-409	Option Agreement
RES-410	Real Property Purchase and Sale Agreement
RES-411	Quitclaim Deed

RES-412	Quitclaim Fulfillment Deed
RES-413	Easement Deed
RES-414	Real Estate Contract
RES-415	Residential Displacee Lease
RES-416	Commercial Displacee Lease
RES-417	Single Family Residential Lease
RES-418	Ground Lease
RES-419	Trail Lease
RES-420	Standard Airspace Lease
RES-421	Wireless Communication Site Lease (Covers Attachments to WSDOT Structures)
RES-422	Wireless Communication Site Lease (Excludes Attachments to WSDOT Structures)
RES-423	Wireless Communication Lease – Approval of Sublease to (Subtenant)
RES-424	Airspace Lease for Communication Facilities (Ground Rental Only)
RES-425	Airspace Lease for Access to Communication Facility
RES-426	Assignment Assumption of Lease
RES-427	Notice to Vacate
RES-428	Cooperative Agreement
RES-430	Memorandum of Lease
RES-431	Memorandum of Lease – Appurtenant
RES-432	Wireless Lease for Utility Pole Attachment
RES-433	Event Lease
RES-434	Lease Amendment
RES-435	Personal Property Sale and Removal Agreement
RES-436	Real Estate Services Application/Single Family Residential Supplement
RES-437	PM Lease Review Checklist
RES-438	Monitoring Well Agreement
RES-439	Right of Entry
RES-440	Tiedown Lease
RES-441A	Airspace Lease Short Form & Provisions
RES-443	Surplus Appraisal Review Assignment Sheet
RES-444	Unimproved Residential Real Property Disclosure Statement
RES-445	Disposal Appraisal Assignment Sheet
RES-446	Disposal Appraisal Concurrence

13-6 Relocation Assistance Forms (Chapter 12)

WSDOT Real Estate Services Forms

RES-501	General Notice of Relocation Rights (Non-Residential)
RES-502	General Notice of Relocation Rights (Landlord)
RES-503	General Notice of Relocation Rights (Personal Property)
RES-504	General Notice of Relocation Rights (Residential)
RES-505	Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential)
RES-506	Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential Fixed Payment)
RES-507	Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Owner)
RES-507a	Notice of Revised Price Differential (Residential Owner)
RES-507b	Notice of Eligibility – Non DSS (Residential Owner)
RES-507c	Notice of Eligibility w/Carve Out Language (Residential Owner)
RES-508	Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Tenant)
RES-508a	Notice of Eligibility – Non DSS (Residential Tenant)
RES-509	Notice of Eligibility, Entitlements, and 90-Day Assurance (Landlord)
RES-510	Notice of Eligibility, Entitlements, and 90-Day Assurance (Personal Property)
RES-511a	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Rent Site)
RES-511b	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Own Site)
RES-511c	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Rent Mobile Home, Rent Site)
RES-512	Notice of Intent to Acquire
RES-513	Mortgage Interest Differential Payment (MIDP)
RES-514	Incidental Purchase Expense Work Sheet
RES-515	Documentation of Living Expenses
RES-516	Price Differential Entitlement Instructions
RES-516a	Down Payment Assistance Entitlement Instructions
RES-517	Vacate Inspection
RES-518	Agreement for Provisional Replacement Housing Payment
RES-519	Fixed Payment (In-Lieu) Work Sheet – Non-Residential
RES-520	Request for Moving Bid cover letter
RES-521	Request for Proposal and Moving Specification format
RES-522	Replacement Site Search Log

RES-523	Application for Reestablishment Expenses – Non-Residential
RES-525	(DSS) Replacement Dwelling Inspection Report
RES-526	Loss of Tangibles/Substitute Personal Property Bid Form
RES-527	Loss of Tangibles Computation
RES-528	Substitute Personal Property Computation
RES-529	Residential Checklist
RES-530	Non-Residential Checklist
RES-531	Personal Property Checklist
RES-532	Residential Occupancy Survey
RES-533	Non-Residential Occupancy Survey
RES-533a	Non-Residential (Landlord) Occupancy Survey
RES-534	Personal Property Only Occupancy Survey
RES-535	Pre Move Inventory – Non-Residential
RES-536	Final Claim Letter – Non-Residential
RES-536a	Final Claim Letter – Residential
RES-537	Relocation Assistance Voucher
RES-538	Application for Fixed Payment
RES-539	Monthly Income Verification
RES-540	Move Expense Agreement – Residential
RES-540a	Move Expense Agreement – Non-Residential
RES-541	Housing Comparison Work Sheet
RES-542	Price Differential Report
RES-542a	Price Differential Report Instructions
RES-543	Rent Supplement Report
RES-544	Notice of Relocation Noneligibility
RES-545	Non-Residential Obsolete Printed Items
RES-546	Mobile Home Move Cost – Personal Property
RES-547	Lawfully Present in the United States Certification
RES-548	Transfer of Ownership Non-Residential
RES-549	Claim Determination Letter

13-7 Local Agency Forms (Chapter 17)

WSDOT Agency Forms

224-075 EF	Government Agreement for Aid
224-076 EF	Government Agreement for Aid (For Highway, Road, and Street Purposes Only)

Real Estate Services Forms (Generic)

LPA-001	Right of Way Procedures
LPA-002	PFE Parcel Worksheet
LPA-003	Waiver of Appraisal
LPA-004	Administrative Offer Summary (AOS)
LPA-005	Certificate of Appraisal
LPA-006	Determination of Value
LPA-007	Right of Way Property Acquisition Procedures – Under Construction
LPA-011	Project Review Worksheet
LPA-012	Parcel Review Worksheet
LPA-013	Residential Relocation Review Worksheet
LPA-014	Non-Residential Relocation Review Worksheet
LPA-015	Personal Property Only (PPO) Review Worksheet
LPA-016	Certification Review Oversight Report
LPA-017	Certification Review Transmittal Letter (Cert 1 and 2)
LPA-018	Certification Review Transmittal Letter (Cert 3)
LPA-019	Sample Size Determination Form
LPA-383	No Right of Way Certificate
LPA-384	Certificate 1, No Relocation
LPA-385	Certificate 1, Residential Relocation
LPA-386	Certificate 1, Non-Residential Relocation
LPA-387	Certificate 1, Combination of Relocation Types
LPA-388	Certificate 2, No Relocation
LPA-389	Certificate 2, Residential Relocation
LPA-390	Certificate 2, Non-Residential Relocation
LPA-391	Certificate 2, Combination of Relocation Types
LPA-392	Certificate 3, No Relocation
LPA-393	Certificate 3, Residential Relocation
LPA-394	Certificate 3, Non-Residential Relocation
LPA-395	Certificate 3, Combination of Relocation Types
LPA-396	Certificate 3, Design Build Phased – Under Construction
LPA-397	Certification Worksheet
LPA-398	Certification Worksheet – Design Build

LPA-399	WSDOT Local Agency Certification Concurrence Letter
LPA-501	General Notice of Relocation Rights (Non-Residential)
LPA-502	General Notice of Relocation Rights (Landlord)
LPA-503	General Notice of Relocation Rights (Personal Property)
LPA-504	General Notice of Relocation Rights (Residential)
LPA-505	Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential)
LPA-505a	Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential Fixed Payment)
LPA-507	Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Owner)
LPA-507a	Notice of Revised Price Differential (Residential Owner)
LPA-507b	Notice of Eligibility – Non DSS (Residential Owner)
LPA-507c	Notice of Eligibility w/Carve Out Language (Residential Owner)
LPA-508	Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Tenant)
LPA-508a	Notice of Eligibility – Non DSS (Residential Tenant)
LPA-509	Notice of Eligibility, Entitlements, and 90-Day Assurance (Landlord)
LPA-510	Notice of Eligibility, Entitlements, and 90-Day Assurance (Personal Property)
LPA-511a	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Rent Site)
LPA-511b	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Own Site)
LPA-511c	Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Rent Mobile Home, Rent Site)
LPA-512	Notice of Intent to Acquire
LPA-513	Mortgage Interest Differential Payment (MIDP)
LPA-514	Incidental Purchase Expense Work Sheet
LPA-515	Documentation of Living Expenses
LPA-516	Price Differential Entitlement Instructions
LPA-516a	Down Payment Assistance Entitlement Instructions
LPA-517	Vacate Inspection
LPA-518	Agreement for Provisional Replacement Housing Payment
LPA-519	Fixed Payment (In-Lieu) Work Sheet – Non-Residential
LPA-520	Request for Moving Bid Cover Letter
LPA-521	Request for Proposal and Moving Specification Format
LPA-522	Replacement Site Search Log
LPA-523	Application for Reestablishment Expenses – Non-Residential

LPA-524	Eligibility Report
LPA-525	(DSS) Replacement Dwelling Inspection Report
LPA-526	Loss of Tangibles/Substitute Personal Property Bid Form
LPA-527	Loss of Tangibles Computation
LPA-528	Substitute Personal Property Computation
LPA-529	Residential Checklist
LPA-530	Non-Residential Checklist
LPA-531	Personal Property Checklist
LPA-532	Residential Occupancy Survey
LPA-533	Non-Residential Occupancy Survey
LPA-533a	Non-Residential (Landlord) Occupancy Survey
LPA-534	Personal Property Only Occupancy Survey
LPA-535	Pre Move Inventory – Non-Residential
LPA-536	Final Claim Letter – Non-Residential
LPA-536a	Final Claim Letter – Residential
LPA-537	Relocation Assistance Voucher
LPA-538	Application for Fixed Payment – Non-Residential
LPA-539	Monthly Income Verification
LPA-540	Move Expense Agreement – Residential
LPA-540a	Move Expense Agreement – Non-Residential
LPA-541	Housing Comparison Work Sheet
LPA-542	Price Differential Report
LPA-543	Rent Supplement Report
LPA-544	Notice of Relocation Noneligibility
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15-1 Acronyms

ALPE	Assistant Local Programs Engineer
AOS	Administrative Offer Summary
CA	Certification Acceptance
CFR	Code of Federal Regulations
DCE	Documented Categorical Exclusion
ECS	Environmental Classification Summary
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GC	Governmental Agreement for Aid
H&LP	Highways and Local Programs (Headquarters)
HQ	Headquarters (usually WSDOT RES Headquarters)
LAC	Local Agency Coordinator
LAG	Local Agency Guidelines
LAPM	Local Agency Program Manager (Headquarters)
LP	Local Programs (Region)
LPE	Local Programs Engineer (Region)
LPA	Local Public Agency
PFE	Project Funding Estimate
QA	Quality Assurance
QC	Quality Control

RES	Real Estate Services
RESM	Real Estate Services Manager
RCW	Revised Code of Washington
ROD	Record of Decision
ROW	Right of Way
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

15-2 Purpose

This chapter explains the requirements and conditions to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This chapter is to be used by WSDOT and local agencies for guidance and oversight of right of way projects that will require certification by the Federal Highway Administration (FHWA).

15-3 Authority

23 CFR 1.11

23 CFR 635.105

49 CFR Part 24

WAC 468-100

RCW 8.26

15-4 References

Construction Manual M 41-01

Environmental Procedures Manual M 31-11

Local Agency Guidelines M 36-63

H&LP web page

Local Project Search

STIP

15-5 Policy

The acquisition of private property for public use is governed by a host of state and federal rules and regulations. On federal aid projects, the WSDOT ROW Program has overall responsibility for the acquisition, management, and disposal of real property. Through the Stewardship Agreement between WSDOT and FHWA, WSDOT is responsible for ensuring that all aspects of LPA projects are carried out in compliance with federal statutes, regulations, and policies. WSDOT Highways and Local Programs (H&LP) is the lead office for ensuring this compliance. Partially funded by the H&LP Office, the Headquarters RES LAPM is the lead in ensuring LPAs are acquiring ROW in accordance with the URA and 49 CFR Part 24.

LACs are WSDOT's primary oversight agents. They provide technical assistance and ensure compliance with federal statutes, regulations, and policies for the LPA ROW Program. LACs look for opportunities to attend project tours with LPAs on all projects with federal funding when or if they are available.

15-6 Training

Instructor-led and/or web-based training will be available. This training is required for WSDOT RES Supervisors, Region RESMs, LACs, and any staff involved in oversight of federally funded LPA projects. Training is recommended for project engineers, project development engineers, and project managers. Training will be made available to both consultants and local agencies.

Real Estate Training Spreadsheet (Under Construction)

Local Agency Training

The LAC provides/facilitates annual structured training open to all LPAs and consultants that address the requirements for a federal aid project. If requested or the LAC determines the need, the LAC provides one-on-one or group project-specific training to LPAs on the URA and the ROW process on federal aid projects and/or any projects wishing to preserve federal aid eligibility. This training should be tailored for the project according to the LPA's approved procedures and the ROW acquisitions needed for the project. For instance, if the LPA is using consultants, the training should be for the LPA management approval activities (e.g., agency approval of just compensation, agency approval of administrative settlements, going to condemnation).

15-7 Forms/Resources

Spot Check or Certification Review Package

Project Review Worksheet	LPA-011
Parcel Review Worksheet	LPA-012
Residential Relocation Review Worksheet	LPA-013
Non-Residential Relocation Review Worksheet	LPA-014
Personal Property Only (PPO) Review Worksheet	LPA-015
Certification Review Oversight Report	LPA-016
Certification Review Transmittal Letter (Cert 1 or 2)	LPA-017
Certification Review Transmittal Letter (Cert 3)	LPA-018
Sample Size Determination Form	LPA-019
Certificate Letters – Chapter 17	
Certificate Worksheets – Chapter 17	

RES-300 Diary
List of Probing Questions
Local Agency Active Project Status Report
FHWA Annual Statistical Report

15-8 Definitions

Active Project – A project where offers have been made to property owners for the acquisition of real property interests.

Obligation of Federal Funding – The obligation of federal funding is the approval (authorization) by FHWA to participate in a share or portion of federally eligible expenditures on an agreed-upon scope of work (also known as a project). This commitment occurs when a project phase or additional funding for a phase is approved and the project agreement is authorized by FHWA. The dollar amount of federal funds approved on the project agreement is known as the obligation of federal funds. Only after the agency receives written authorization from H&LP are costs incurred eligible for reimbursement.

15-9 Oversight Roles/Responsibilities/Expectations

Region RES Local Agency Coordinator

Role

Each region office has a Local Agency Coordinator (LAC) who acts as the liaison between the LPA and WSDOT and is the RES point of contact for ROW acquisition issues. The LAC is a permanent WSDOT employee recognized to have broad experience in all areas of ROW work, with expertise in acquisition and in at least one of four other areas – land title, appraisal, relocation, or property management.

This position provides guidance and technical support to LPAs and identifies ROW issues early in the process. The LACs provide specific training regularly and as they determine necessary. The LACs involve the RESM, LAPM, and the LPE in any contentious issues or if the LPA indicates they do not agree with the LAC's guidance.

LAC Responsibilities/Expectations/Key Functions

- Provide/facilitate training to LPAs.
- Assist LPAs with getting ROW procedures approved or revised.
- Assist LPAs with documenting eligibility to receive ROW funding authorization.
- Coordinate with the LPE/ALPE.
- Proactively reach out to LPAs to have a pre-ROW acquisition contact for federal aid projects.
- Answer LPA questions, provide assistance, and ask probing questions of LPA to gain understanding of the project.
- Provide input regarding suggested process improvements to LAPM.
- Perform spot check reviews prior to receiving the request for ROW certification from the LPA to ensure there are no surprises at certification.

- Perform ROW acquisition certification reviews utilizing the appropriate review worksheet, List of Probing Questions, and either the Sample Size Determination Form (LPA-019) or supply the methodology used to determine the selected sample size.
- Prepare a certification review package using the templates provided.
- Obtain RES signatures for ROW Certification and submit to LAPM for processing.
- Participate in QA and QA/QC reviews.
- Track and report Region LAC activities using the Local Agency Active Project Status Report.
- Coordinate with LPAs regarding the FHWA Annual Statistical Report, and obtain data from the LPAs and transmit to the LAPM.

Region Real Estate Services Manager (RESM)

Role

This position ensures that all property rights acquired by the LPA followed applicable statutes, regulations, and policies. The RESM supports the LAC decisions if the LPA is not in agreement with the LAC's guidance.

Responsibilities/Expectations

- Support LAC as circumstances warrant.
- Make LPA oversight a region priority.
- Sign certification.
- Coordinate with the LPE/ALPE.

Region Local Programs Engineer/Assistant Engineer

Role

Responsible for delivery of the LPA program in the regions, this position coordinates with the LAC as soon as a federal aid eligible project is identified with the acquisition of property rights.

Responsibilities/Expectations

- Notify LAC of projects with ROW as soon as possible even if only local funds are used in the ROW phase. This will improve the coordination between Local Programs and RES.
- Keep open communication with the LAC regarding project progression and priorities and provide immediate communication of at-risk issues as they arise.
- Provide relevant project information to LAC on federal aid projects when unusual conditions or concerns arise.
- Transmit updates, comments, and questions to the H&LP as necessary.

- Awareness that ROW issues could be more than just a ROW phase – e.g., if there are encroachments that need to be cured.
- Maintain project file documenting eligibility of the LPA to receive ROW Funding Authorization, including the LAC review of Right of Way Plan, Project Funding Estimate or True Cost Estimate, and the approved Relocation Plan (if required).
- Support LAC.
- Identify communication protocol between LACs, LPAs, and LPEs.

LPA/Consultant Reviewer – Headquarters

Role

This position coordinates LPA activities with the LAC and oversees general LPA training activities on federal aid projects statewide. The position processes certifications for federally funded local agency projects, manages and oversees the approved consultant procedures, Government Agreements (GC), and task assignments for WSDOT providing real estate services to LPAs. This position also provides technical guidance and assistance to LACs, LPAs, and consultants as requested relating to acquisition and relocation assistance activities. In addition, the reviewer provides assistance to the LAC to review relocation files during the project certification review.

Responsibilities/Expectations

Program Management

- Review, prepare and process WSDOT Certification Concurrence Letter for project certification requests for federally funded local agency projects for LAPM's signature.
- Coordinate annual assessment of training needs with the LAPM.
- Coordinate and deliver ROW training to local agencies.
- Coordinate with appropriate staff to maintain and update training courses and core curriculum list by discipline.
- Track and manage Approved ROW Procedures for LPAs statewide.
- Maintain a list of approved consultants/LPA staff.
- Track GC Agreements and task assignments statewide.
- Lead QA or QA/QC reviews one to two projects per year statewide. Develop team, project selection, and report findings. Additional reviews performed at the discretion of HQ RES.
- Maintain and update ShareDot site.
- Maintain statewide Blog of LPA issues, best practices, lessons learned, etc.

Project Reviews

- Review and approve relocation plans.
- Support LAC/LPA/Consultant as circumstances warrant.
- Participate in regular reviews (spot checks/certification reviews).
- Coordinate LAC assistance between regions on larger or more complex projects.
- Coordinate assistance during the temporary absence of an LAC.

Local Agency Program Manager (LAPM) – Headquarters

Role

This position manages the LPA ROW Program and has ultimate responsibility for ensuring that ROW acquisition for LPA projects is carried out in compliance with federal laws and regulations. The LAPM certifies local agency projects under certificate 1 & 2s and coordinates with FHWA for their approval of all certificate 3s & qualified certificates, provides oversight, guidance, direction, and training to the LACs when dealing with federal aid transportation improvement projects. Also provides support and training to the LACs and assists in providing training to LPAs and consultants.

Responsibilities/Expectations

- Sign WSDOT Concurrence Letters to certify federally funded local agency projects under certificate 1 & 2s and coordinate with FHWA for their approval of all certificate 3s & qualified certificates.
- Support LACs as necessary, answering questions and clarifying policy issues.
- Involve FHWA and H&LP as necessary regarding compliance issues, interpretations, clarifications, etc.
- Develop/update policies as warranted in response to regulatory changes or new FHWA policy.
- Consult with H&LP in the development of policies and procedures.
- Coordinate with H&LP on all issues that affect LPA projects and contacts H&LP on any issues that may jeopardize certification on a project or that require FHWA participation in issues resolution.
- Assist in providing training to LPAs and consultants.
- Develop, provide, and track training for LACs.
- Prepare an annual assessment of LPA training needs.
- Facilitate regular meetings with LACs to discuss current issues.
- Track and report LPA program activities, i.e., certifications, reviews, local agency variance from approved procedures, oversight issues, best practices, shared experiences. Report annually to FHWA on LPA program activities.
- Provide articles for the LTAP newsletter as needed.

Highways and Local Programs (H&LP)

Role

This department is responsible for overseeing delivery of the LPA program and providing policy guidance and direction to Region LPEs. Coordinates with the LAPM, LPEs, and FHWA on issues related to LPA ROW acquisition.

Responsibilities/Expectations

- Consult with the LAPM in the development of policies and procedures that impact ROW and proposed change to the LAG relevant to ROW.
- Coordinate with LAPM on all issues that affect LPA projects and any issues that may jeopardize certification on a project or that require FHWA participation in issues resolution.
- Notify LAPM of non-ordinary ROW issues on projects that require additional assistance from HQ RES.
- Transmit questions to the LAPM and Director of Real Estate Services as necessary.
- Notify the LAPM of potential changes in oversight processes and methods that may impact ROW activities.
- Support LAPM, LPEs, and LACs as circumstances warrant.
- Submit project authorizations to FHWA for final approval.
- Schedule and track LPA training through the LTAP center.

FHWA ROW Program Manager

Role

This position provides oversight, guidance, and direction to the WSDOT RES Program on federal aid highway transportation projects.

Responsibilities/Expectations

- Interpret the URA and regulations.
- Clarify policy issues.
- Provide guidance and feedback on compliance issues.
- Track program trends.
- Perform regular process reviews.
- Assist in providing training to WSDOT, LPAs, and consultants.
- Approve ROW Certificate #3, as well as Qualified Certificate #1 and #2s submitted by LPAs through WSDOT.
- Work with WSDOT to create programmatic approvals to streamline process.

15-10 Communication/Coordination

Communication is essential to allow WSDOT to fully perform their oversight responsibilities. It also provides a mechanism for LPAs to initiate contact if they have any questions. The following are some specific communication tools.

Answer LPA Questions, Provide Technical Assistance, and Ask Probing Questions

The LAC responds to requests from LPAs to provide technical assistance, advice, and answer questions. The LAC explains and clarifies the URA and its implementing regulations in the 49 CFR Part 24, RCW 8.26, WAC 468-100, LAG Chapter 25, and this manual. The LAC is expected to assist the LPA to identify and correct issues during the acquisition process, and to contact RES HQ as needed. The LAC keeps open communication with the LPE/ALPE and with the LAPM. The LAC will involve the RESM, LPE/ALPE, and LAPM in any potentially contentious decisions or if the LPA indicates they do not agree with the LAC's guidance. The LAC will coordinate with the LPE/ALPE on project related issues.

Documentation of Contact With the LPA

Each LAC shall maintain written documentation of important issues, contacts, and developments which could be a diary or emails. For example, if the LAC finds problems, then there should be a diary entry or sufficient emails to tell the story. It is important to document the file to remember key events and keeping a diary is considered a best practice. Diary entries for normal contacts are sometimes useful, but the intent of having the LAC keep diary entries is to be able to have a written record of what was communicated with the LPA in case there are later questions about whether the LPA has complied with LAC requests. If the LAC determines a written record is necessary, it should:

1. Be retained in a project file and should summarize important contacts and developments (tell the story).
2. Include copies of important emails in the project file.

How Do the Region Local Programs Engineers Find Out About LPA Projects?

- The LPE may be contacted by the LPA about a project the LPA may want to make eligible for future federal funding or want instructions now that their project is on the STIP.
- The LPE's office may receive a courtesy copy of a funding assignment letter sent to the LPA by H&LP.
- The LPA submits a funding package via DOT Form 140-101 EF.
- The LPA submits a ROW plan for review.

How Do the LACs Find Out About LPA Projects?

- The LPE provides information about the project. Sometimes WSDOT won't yet know if there is a ROW phase.
- The LPA contacts the LAC directly.
- The consultant for the LPA contacts the LAC directly.

Once the LAC Finds Out About the Federally Funded Project From Local Programs or the LPA, What is the LAC's Next Step?

- If notification comes from the LPA, then the LAC will contact Local Programs to inquire if the project is federally funded. If the LPA is just trying to preserve eligibility for federal funding at a later date, they need to contact Local Programs to request a compliance review and provide charge numbers.
- Ask probing questions from the review worksheet.
- Obtain a copy of the ROW plan from the LPA if it has not been submitted already.
- Contact via phone call or email (keep Local Programs informed).
  - Experienced agency with a good history – phone call may be sufficient.
  - Inexperienced agency with an experienced consultant – phone call may be sufficient with both LPA and consultant.
- Decide if and when meetings are necessary (depends on the agency, the consultant involved or the complexity of the project).
  - Things to consider when determining when a project is complex include: number of acquisitions, relocations (mixed use and/or non-residential), partial acquisitions that may impact the use of the remainder, project controversy, etc.
  - Complex projects may require several meetings throughout the project (monthly status meetings, quarterly, etc.).
  - Non-complex projects may require an initial meeting with follow up by phone.
- Attend a project tour if available.
  - Physically viewing a project is a great way to prompt conversation and view the parcels being acquired.
- Maintain communications with LPA and LPE throughout their ROW phase.
- Update approved procedures if necessary.

Outreach to Local Agencies From Local Programs and LACs

- H&LP will communicate the importance of the pre-ROW acquisition contact to the LPAs.
- Through training and communication WSDOT will advise LPAs to identify projects with ROW phases or projects where they would like to preserve federal eligibility early during the project prospectus stage. WSDOT will provide guidance to the LPA if a ROW phase is necessary post-prospectus.
- Region Local Programs will continue to communicate and coordinate LPA ROW activities.
- LACs will initiate contact with LPAs if they hear of a federal aid project with a ROW phase.
- County-wide or region-wide LPA meetings.
- Annual, quarterly, or semi-annual LPA meetings.
- LTAP web page postings.
- Write articles for LTAP newsletter.
- Emails to LPAs.
- Training – NHI, IRWA, and WSDOT staff.
- Conferences – AASHTO, IRWA, APWA, and outside networking sources.
- LAC will assist LPA with getting ROW procedures approved or revised.

Pre-ROW Acquisition Contact

Proactively Reach Out to LPAs to Have a Pre-ROW Acquisition Contact for Federal Aid Projects

The LAC should contact the LPA as soon as they learn or are notified of an LPA project, even if the LAC learns or is notified after acquisitions have started. The intent of this early contact with the LPA is for the LAC to gain an understanding of the proposed project and the ROW needs. It is the time to decide on the frequency of spot checks and an opportunity to discuss any possible risks. This contact can be an in-person meeting, an email, a phone call, a GoTo Meeting, or other forum deemed sufficient by the LAC.

The purpose of the pre-ROW Acquisition Contact with the LPA is to gain understanding of the proposed federally funded LPA project and ROW needs. The pre-ROW acquisition contact with the LPA is highly encouraged but it is not a requirement, and the lack of a pre-ROW contact will not affect certification of the LPA project in the event early contact does not take place. The LAC should, however, proactively reach out to LPAs to initiate this early contact.

There are a variety of ways an LAC can learn about a project. The two most common ways are the LPA contacts the LAC or the LPE contacts the LAC. Regular communication between the LPE/ALPE and the LAC will foster improved project awareness. Ideally, contact by the LPA will occur by the time

project design is 30 percent complete. It is at this stage that the LAC can begin to assess ROW needs with some certainty. The Local Agency Active Project Status Report can also be a useful communication tool.

Project Specific Knowledge

Development of a Project Funding Estimate or True Cost Estimate can disclose many of the effects of the projects, but nothing compares to an actual physical inspection accompanied by engineering staff having in-depth knowledge of the project design. The number of parcels, complexity, or degree of project effect should govern the LAC's need to meet with the LPA in person or by phone.

An LPA that either includes sufficient funding in the state line of their Local Agency Agreement or, lacking identified project funding, makes a request to set up a reimbursable J-agreement to fund involvement of the LAC in a project real estate scoping effort, would be demonstrating a progressive understanding of how to take advantage of the expertise available to them. It would also serve as a training opportunity for their staff.

Probing Questions to Ask the LPA

- Ask the LPA if they have had any contact with Local Programs (most of the time they haven't made contact with Local Programs if there is no federal funds available to apply for, etc.)?
- Is there a work order?
- Are there federal funds involved in the right of way phase or in other phases only?
- Will there be a right of way phase, and how will it be funded?
- Status of right of way plan?
- Status of True Cost Estimate or Project Funding Estimate?
- Status of environment clearance? NEPA?
- Is Relocation anticipated? Is there personal property or people in the acquisition area?
- Are there encroachments in the existing right of way?
- Are there any anticipated hardships? For example, health issues among potential displaced persons that may require early acquisition.
- Have you prepared a relocation plan? If so, has it been submitted to WSDOT for approval?
- How did you acquire the existing right of way?
- Will you be acquiring access rights?
- If an AOS is proposed to be used to determine value, is the value problem uncomplicated and anticipated to be less than $25,000?

Communication Protocols

LAC-Region Local Programs Staff

Share project-specific information as it becomes available, such as when an LPA contacts the LAC with early acquisition questions or when the LPE receives an H&LP letter notifying the LPA that they are receiving project funding.

LAC-LAPM Communication

Regularly occurring LAC meetings.

LAC Diaries – Description of types of activities to include in diary, summary of activities, direction provided, and observations.

LAPM-LPA Communication

Coordinate and/or write articles for LTAP newsletter.

15-11 LPA-Approved ROW Procedures

H&LP is the approving authority for each Agency's Approved ROW Procedures. The Standards and Procedures Engineer is the approving authority. The process to get procedures approved is as follows:

1. LPAs are required to update their procedures for one or more of the following reasons:
   a. Staff turnover.
   b. Approved procedures are more than three years old. If so, the procedures are examined to determine if they require updating.
      (1) ***Note:*** If the LPA does not have a federal aid project in the foreseeable future, the procedures do not need to be updated even if they are beyond the three-year time period.
      (2) ***Caution:*** If a LPA is thinking of doing early acquisition for an unfunded project, the LPA needs to have updated procedures.
   c. A change is requested regarding who can perform specified activities.
   d. Revisions to the Local Agency Program, such as statutory, regulatory, or policy changes.
2. LPAs contact LACs for input and LPAs draft new procedures.
3. LPAs submit unsigned, draft procedures either to the LPE or the LAC as per the LPE's communication protocol.
4. LACs review draft procedures and provide feedback to LPA or comment to the LAPM as appropriate.
5. LAPM reviews draft procedures and provides feedback to the Standards and Procedures Engineer.

6. Standards and Procedures Engineer edits procedures to include any additional WSDOT requirements.
7. Standards and Procedures Engineer signs acceptance approval letter and sends to LPA with a copy to the LAC, LPE, and the LPA Consultant Reviewer.
8. If the LAC feels the LPA is not performing, the LAC can require a change to procedures during a project. The LAC will discuss this with the RESM, LPE, and LAPM before deciding to proceed with modifying procedures. Any changes to procedures will be approved through the normal approval process.

LPAs are required to complete and submit the FHWA Annual Statistical Report to WSDOT as stated in their Approved ROW Procedures. The report should contain those parcels that were acquired or relocated within the reporting period.

It is important for LPAs to know that they should be aware their project could be selected for a spot check review.

LACs Assist LPAs With Getting ROW Procedures Approved or Revised

Procedures should match the expertise level of the LPA staff and processes (how they do business) the LPA employs to accomplish their projects' ROW phases. The LAC should request any updates to approved LPA procedures at the same time the LAC requests information from the LPA for the Annual FHWA Statistical Report. All future revised procedures will include language that all federal aid projects are subject to oversight reviews at any time during the acquisition process as required by WSDOT's oversight program. If at any time during a project the LAC feels the LPA is not performing as required, the LAC may require a change to the LPA's Approved ROW Procedures. The LAC will discuss this with the RESM, LPE/ALP, and LAPM prior to taking such action. Any changes to procedures will be subject to the normal approval process. Notice to the LPA that they need to fill out the FHWA Annual Statistical Report will be one of the stipulations within their procedures.

15-12 Funding

See LAG Section 25.4 for specifics on right of way funding authorization and the notification process.

LACs Assist LPAs With Documenting Eligibility to Receive ROW Funding Authorization

Review and provide comments to the LPA and the LPE/ALPE on the LPA's approved Right of Way Plans, Project Funding Estimates, or True Cost Estimates. The LAC also coordinates the review of any Relocation Plan with the LPA/Consultant Reviewer or WSDOT State Relocation Reviewer.

Charge Codes

The following are different ways in which a charge code can be created:

Local Agency Agreement

The purpose of the Local Agency Agreement is to obligate federal funding. A work order is established to which labor charges may be applied up to the dollar amount provided in the STATE line. With LPAs, LPEs, and RESMs prior approval, may provide or coordinate Region RES staff in providing direct de minimus assistance with right of way work to the LPA.

See LAG Chapter 21, The Project Prospectus.

Governmental Agreement for Aid and Task Assignment

The purpose of the Governmental Agreement for Aid (DOT Form 224-076 EF) is to provide general terms and conditions under which WSDOT RES will provide real estate services for an LPA's project under a Task Assignment. The GC is reviewed and approved by the LAPM and is valid for an initial five-year period. The GC may be renewed for an additional three years. The LPA will submit a written request to the LAPM for review and approval.

Task Assignment – A Task Assignment is a supplement to the GC that is project specific. It includes a description of the proposed project, the work that the LPA is requesting WSDOT RES to perform, an estimated costs of the work, and a date by which all work is to be completed. If additional costs or time is required, an amendment to the Task Assignment may be requested by the LPA. A work order is established to which labor and overhead costs may be charged, and may be tied to the work order pertaining to the Local Agency Agreement for the project. If there is no Local Agency Agreement, then a reimbursable J Agreement is required.

Reimbursable "J" Agreement

A reimbursable "J" agreement is for an identified purpose and is normally used when there is no other funding agreement in place. It is coordinated by the LPE and sent to the LPA for execution. The preparation of "J" agreements varies from region to region.

LAC Position Funding

Time spent providing LPAs with technical assistance, training, and document review and processing is charged to a either a work order established by H&LP or to the LPA's Local Agency Agreement project work order or to an established reimbursable agreement. If there is no available work order, the LAC will work with their Region Local Programs Office to provide a funding source for the LAC and HQ LPA/Consultant Reviewer's efforts.

LAPM Position Funding

Approximately 75 percent of the LAPM overhead funding is provided by H&LP to provide oversight of the LPA ROW Program. The LAPM will not charge projects for general oversight activities, but may charge if technical assistance is provided.

LPA/Consultant Reviewer – Headquarters Position Funding

Time spent providing LPAs with technical assistance and training is charged to a either a work order established by H&LP, or to the LPA's Local Agency Agreement project work order or to an established reimbursable agreement. If there is no available work order, work with the LAC to provide a funding source for their efforts. This is typically accomplished through a request to the LPE's office.

Section 6-3
LAG 25.42 through 25.46

15-13 Early Acquisition

Early acquisition, sometimes also referred to as advanced acquisition, is when property is acquired for a project before a NEPA decision (DCE (aka ECS), FONSI, ROD) has been made. Early acquisition can be done using either Local Agency funding or Federal funding.

For Local Agency funding, follow one of the two processes below:

- Early Acquisition with match/credit
- Early Acquisition without match/credit

Federal funds can be used for acquisition of property for a project in advance of the overall project NEPA decision using the following processes:

- Protective buying
- Hardship acquisition
- Corridor preservation
- Federally Funded Early Acquisition

When early acquisition occurs, FHWA must concur that the acquisition did not influence the selection of the project's alternative or the LPA's decision to fund the project. The process that has been established to get this concurrence is for the LPA to complete Appendix N and attach it to the ECS. It is not the LAC's responsibility to ensure that Appendix N is sufficiently filled out. If the LAC becomes aware that the LPA is pursuing early acquisition, they should advise the LPA regarding the need to follow the early acquisition process identified in the WSDOT ECS Guidebook and form template available online at the H&LP Environmental Services web page.

The LPA may request advisory and review services by the LAC for their early acquisition parcels, which should be funded by a reimbursable agreement. Such activity shall be conducted as per the LAG and this manual.

If an LPA acquires a property or property interests under Early Acquisition procedures and later wishes to incorporate the property into a federally funded project, the LPA will need to maintain records for that parcel so they do not jeopardize federal participation on the project.

Compliance Reviews

Compliance reviews are essentially the same review as a certification review for projects that have ROW acquisition but do not currently have federal funds designated/assigned to the project. An LPA can request a compliance review after the acquisition is complete to ensure that their acquisition activities have been done in compliance with the URA, and the project is eligible for federal funding.

Records Retention

The LPA is required to keep their files on the early acquisition parcels for three years after construction is authorized.

15-14 PFE/Relocation Plans/Right of Way Plans

When a preferred project design alternative has been selected, an LPA will need to obtain a PFE with a complete data package and parcel worksheets if the LPA intends to either:

- Use the appraisal waiver process, or
- Seek ROW funding authorization.

An LPA seeking to secure, or to maintain eligibility of their project to receive, federal funds needs to always have an approved Right of Way or Property Acquisition Plan, as well as a Relocation Plan if persons, businesses, non-profit or farms, or personal property only, is/are occupying future right of way (see Completing the Project/File Review in Section 15-17). The LAC can themselves or with assistance from other WSDOT staff experts, review preliminary and final versions of such estimates and plans, and provide advice to the LPA.

15-15 Regulatory Issues

An FHWA Programmatic Approvals Guide is being developed by WSDOT/FHWA that will provide a description of potential regulatory issues the LAC may encounter through normal communication with an LPA, and as a result of a spot check or certification review. This spreadsheet will summarize who has the authority to make a decision on how to deal with a potential problem. WSDOT and FHWA will approved this spreadsheet through a Programmatic Agreement (under construction), so if anyone proposes to deal with an identified issue differently than as presented in the spreadsheet, you will immediately need to contact the LAPM.

15-16 Spot Check Review

Spot check reviews are a proactive measure intended to lessen the risk that LPAs engage in improper practices that result in irreversible problems or compliance issues that could delay or stop ROW certification or risk federal funding on current and/or future federal aid projects. Such risks are reduced by elevating the LPA's awareness of the LAC's project monitoring and by providing an early opportunity for the LAC to help the LPA identify problems before they become

compliance issues. WSDOT's acquisition file review process is intended to ensure that the LPA has in fact completed the ROW acquisition process in compliance with federal regulations before we make our certification to FHWA.

The LAC will perform spot check reviews on selected federal aid or federal aid eligible projects. The number of spot check reviews is dependent upon the scope of the project, complexity of acquisitions, the LPA's level of experience, and the LPA's past performance. Spot check reviews are not required on all projects. The LAC should, at a minimum, perform spot check reviews on at least a 25 percent of the annual active LPA projects in their region. However, the LAC is required to perform spot check reviews on active projects of those agencies having past performance problems or if the agency lacks sufficient experience acquiring ROW under the URA.

The LAC will compute the minimum number of LPA project reviews based on the number of annual active projects in their region for that particular year. For example, if the LAC has 20 active projects then a minimum number of five projects must have spot check reviews based on the 25 percent requirement (number of annual projects x 25 percent = number of projects to spot check).

If a spot check review on a project is determined to be necessary by the LAC, it is anticipated that there will be a minimum number of files reviewed for smaller, less complex projects and a larger percentage of files reviewed for larger and/or complex projects or acquisitions. The LAC will utilize the sample template to compute the number of files to be reviewed or they will supply their methodology on how they selected their sample size to review.

The LAC is expected to identify and assist the LPA in correcting issues during the acquisition process, and to involve the RESM, ALPE/LPE, and the LAPM on regulatory issues. The LAC provides timely follow up with LPAs on results of spot check reviews. If compliance issues exist that are questionable or irreversible, the LAC will involve the RESM, LPE/ALPE, H&LP, and the LAPM.

Possible elements and associated risks that need to be considered in developing the frequency of spot check reviews may include:

1. Legal nature of the property ownerships.
    - Individual, corporation, joint ownership, condominium, cooperatives, not-for profits, public entities, public official ownerships – potential conflicts of interest, etc.
2. Physical nature and location of the property.
    - Waterfront, tidelands, geo-tech hazards, active resource extraction, urban, rural, etc.

3. Occupancy of the property.
   - Owner, tenant, residential, business, non-profit, farm, long-term, short-term, etc.
   - Relocation assistance.
   - Functional replacement of public facilities.
4. Effects of the project design on real estate.
   - Partial acquisition, total acquisition, easements, grade separation, access rights, light, view and air, etc.
5. Complexity of appraisal issues.
   - Tenant owned improvements, multiple remainders, unique improvements, special benefits, timber, minerals, crops, etc.
6. Property management.
   - Are there encroachments to be cleared?
   - Environmental issues/commitments.
7. Experience level of staff/LPA or consultant(s) with real estate acquisition under the URA.
8. Staff/LPA or consultant(s) past record of issues with URA compliance.

Completing the Spot Check Review

The major difference between a spot check review and a certification review is that the project is not complete, so the LAC should focus on the actions taken by the LPA up to the point of spot check review for compliance with the URA.

15-17 Certification Review

Prior to certifying to FHWA that an LPA has acquired the rights necessary to construct its project, WSDOT requires that the LPA certify to WSDOT that the right of way acquisition work has been completed in compliance with the federal regulations. It is important to be certain the LPA has complied with the federal regulations because FHWA holds WSDOT accountable for compliance, not the LPA. If FHWA determines that a project is not eligible for federal aid because of a ROW compliance issue, they will seek reimbursement of the funding from WSDOT, not the LPA. It would then be up to WSDOT to seek reimbursement from the LPA.

Approximately one month prior to advertising its project for construction, the LPA submits its Right of Way Certificate #1, #2, or #3 with Certificate Worksheet to the Region Local Programs Office. The Right of Way Certificate should show the current status of right of way acquisitions on the project, not a projection of what the agency hopes it will be at some point in the future. The typical process is the Local Programs Office forwards the certificate to the Region LAC for action.

Whenever an agency desires to obtain a Certificate #3, it should be discussed with the LAC, Local Programs, and LAPM as soon as it is known or determined that such a certificate will be requested.

After receiving the certificate request, the LAC:

1. Checks with Local Programs to make certain the appropriate labor charge codes are in place.
2. Checks to make sure agency has current approved right of way procedures.
3. Ascertains the size and complexity of the job to determine whether additional help or specific experts to assist in the review are necessary.
4. Contacts the agency to schedule the review of project right of way acquisition files.

Completing the Project/File Review

Project acquisition files are reviewed for compliance with the agency's Approved ROW Procedures, LAG Chapter 25, and 49 CFR Part 24. This review should be done utilizing the Project Review Worksheet (LPA-011) and the Parcel Review Worksheet (LPA-012) (see LAG appendices) as a guide. The LAC will use either the sample size determination form to help determine the scope of the certification review or will write a methodology section in the certification report that describes the reasoning for determining the selected sample size. If the LAC feels a larger sample size is necessary, they may increase the sample size at their discretion. If they feel the sample size is too large, they can contact the LAPM about using a smaller sample. If a smaller sample size is used, the LAC will document the reasoning and obtain LAPM concurrence.

Specific areas to be reviewed (see Section 15-7):

1. **Right of Way Plan** (LAG Subsection 25.41)
   a. The ROW plans should meet the requirements of WAC 332-130 and show at the minimum the following information:
      (1) Vicinity map with the beginning and end of the project in relation to readily identifiable neighboring features.
      (2) Survey line or centerline for the alignment.
      (3) The old and new ROW limits with sufficient ties to the survey line to allow for legal descriptions of the areas to be required.
      (4) All rights to be acquired, for example, easements and permits.
      (5) Ownership boundaries of the parcels with rights to be acquired.
      (6) Parcel identification number.

(7) Area of the larger parcel.

(8) Area of parcel to be acquired.

(9) Area of the remainder.

(10) All existing approaches.

(11) All improvements that will either be acquired or damaged by the agency or moved from the new ROW by the property owner or tenant.

(12) All known encroachments.

(13) The seal and signature of a registered Professional Engineer or Professional Land Surveyor.

b. A best practice is to identify enough of the property around the acquisition to know if there are any issues (e.g. wells, septic systems, reserve drain field areas, irrigation systems, etc).

2. **Appraisal Waiver** (LAG Subsection 25.52)

a. Did the agency follow its established procedures for the Waiver Process?

b. Is the total estimate of just compensation greater than $10,000 but less than $25,000? If yes, did the offer letter state that an administrative offer was being made and an appraisal was not completed, and an appraisal would be prepared if requested by the property owner?

c. Does the Administrative Offer Summary address all rights that are required to construct, operate, and maintain the proposed improvements?

d. Are the areas and rights evaluated consistent with the right of way plan?

e. Is there adequate "value finding evidence" to support the compensation estimate?

f. Has the estimate been rounded to a reasonable amount?

Appraisal (LAG Subsection 25.51)

a. Is the appraiser qualified per LAG requirements?

b. Did he/she appraise the same property rights as are shown on the right of way plan?

c. Was the property owner offered the opportunity to accompany the appraiser on the inspection of their property?

d. Does the appraisal appear to be complete and comply, overall, with all Chapter 4 requirements?

Appraisal Review (LAG Section 25.6)

a. Did either an agency staff member who has been approved by WSDOT, a WSDOT staff reviewer, or an appraiser from the WSDOT Approved Reviewer list review the appraisal?

b. Does the review appear to be complete and in compliance with Chapter 5?

c. Is it based on the most recent right of way plan?

d. Has the reviewer provided a breakdown of compensation?

e. Is the Determination of Value rounded to a reasonable amount?

f. Is there sufficient analysis by the reviewer?

g. Has reviewer determined whether there is an uneconomic remainder?

3. **Set Just Compensation** (LAG Section 25.7)

a. Has the agency's appropriate authority established just compensation at not less than the approved appraisal? This can be accomplished either on a separate document or by signing a concurrence statement at the end of the appraisal review or Administrative Offer Summary as shown in LAG Appendix 25.176.

4. **Offer Letter** (LAG Subsection 25.91 and LAG Appendix 25.185)

a. Has the agency made a written offer in the amount of the established just compensation?

b. Is the offer consistent with the right of way plan and the area to be acquired (i.e., are revised offers made for any changes made to the right of way plan)?

c. If federal aid is used in the right of way phase, is the date of offer subsequent to environmental and ROW phase approval?

d. Is the date of offer subsequent to approval of just compensation?

e. Does the letter include a breakdown of the just compensation, basic condemnation information, and information on the $750 statutory evaluation allowance?

f. If the offer is an administrative offer, has agency taken care not to infer that an appraisal was completed?

g. Did the agent provide the owner with *Property Needs and You* booklet or other document explaining their rights?

h. If not, is there sufficient documentation in the diary showing that the owner's rights were adequately explained?

5. **Administrative Settlement** (LAG Section 25.11)

   a. If the agency has settled at an amount greater than the approved just compensation, is the settlement approved in compliance with agency procedures?

   b. Is it based on the correct amount and properly justified?

6. **Donated Property** (LAG Section 25.10 and LAG Appendix 25.177)

   a. If all or a portion of the required right of way has been donated, is there a donation statement for the amount donated?

   b. Has the appraisal also been waived?

7. **Title Report** (LAG Section 25.8)

   a. Does the agency have reasonably current evidence of title? This is a matter of judgment, but in an active market updates may be required if the report is more than six months old. The preferred evidence of title is a preliminary commitment for title insurance from a title insurance company, with supplements as required. At a minimum, a last deed of record is necessary, but such minimal evidence should be accepted only on low value or minimal property rights acquisitions (e.g., permit).

8. **Title Clearing** (LAG Section 25.8)

   a. The title to acquired parcels should be cleared so that the agency has its interest in the parcel subject only to encumbrances that are deemed to be reasonable. The agency should assess the risk of each encumbrance and determine whether or not it needs to be cleared. Low value transactions can be given more latitude than high value (see Chapter 8 for specific examples).

   b. Has the agency provided documentation of the title clearing so the reviewer can determine the encumbrances are acceptable?

9. **Acquisition Document(s)** (LAG Subsection 25.91 and Chapter 6)

   a. Has the agency acquired the property rights (deed, easement, lease, permit, access rights, etc.) necessary to construct, operate, and maintain the proposed improvements?

   b. Is the term of any non-permanent right that was acquired long enough to support the proposed improvements (generally a minimum of 20 years; however, it will depend on the level of federal investment and could be significantly more than 20 years)?

c. Is any cancellation clause that may be included acceptable? Specific requirements:

(1) Has the deed (or other acquisition instrument) been properly recorded?

(2) Does the legal description match the right of way plan? Was the same convention used for writing the legal as for drawing the plan (e.g., metes and bounds, stations, and offsets)? Can the reviewer follow the legal on the plan?

(3) Is grantor the same as shown on latest title supplement? Has the correct person signed for grantor? Does the signatory have authority to sign? Is there documentation (corporate resolution, etc.)?

(4) Is the conveyance document properly notarized? Did the notary use the correct acknowledgement for the type of ownership and signatories?

10. **Proof of Payment**

a. Copy of payment check is preferable. Use judgment for other sources of payment verification, such as a voucher.

b. Is there a bill for payment of, or other evidence of services provided and payment for reimbursement of the $750 Statutory Evaluation Allowance?

11. **Negotiator Disclaimer** (LAG Section 25.9)

a. Has the individual involved with the negotiation provided a signed disclaimer with language?

(1) The written agreement embodies all considerations agreed to by the negotiator and the property owner.

(2) The negotiator understands that the acquired property is for use in connection with a federal aid transportation project.

(3) The negotiator has no direct or indirect interest in the property or in any monetary benefit from its acquisition, at present or in the future.

(4) The agreement has been reached without any type of coercion.

12. **Diary** (LAG Section 25.15)

a. A diary of right of way activities must be provided for each acquisition file. Brief notes or a collection of letters and emails does not constitute a diary. The diary needs to be a complete history of the acquisition. See LAG Section 25.15 or the FHWA's Acquisition Guide for LPAs for more details. All persons who participate in negotiations with a property owner to acquire real property interests will maintain a diary.

b. Has every negotiator signed their diary?

13. **Relocation** (LAG Section 25.12)

    a. Is there is relocation on the project?

        (1) Yes, is there an approved relocation plan?

            (a) If yes, was it completed per approved procedures (e.g., staff, consultant, WSDOT)? As part of the right of way review, a relocation expert from Region or Headquarters should review all relocation files for compliance with the Uniform Relocation Act.

            (b) If no, start communication with the LPA or their consultant to develop a relocation plan.

14. **Other**

    a. Is there any evidence in the file that might imply the owner has been coerced (e.g., rapid condemnation, inappropriate reference to condemnation, lack of adequate time to consider the offer, denial (implicit or explicit) of any rights provided under the Uniform Act, etc.)?

    b. Are files organized in a way that documents can be readily found and an auditor or other reviewer can independently (without aid of the acquisition agent) determine that the property was acquired in compliance with the federal rules?

15-18 Results of Review (Spot/Certification)

The LAC is expected to provide review worksheets (LPA-011 to LPA-016), the Sample Size Determination Form (LPA 019) or a methodology write up, and other relevant project-specific details for each spot check or certification review. Upon completion of the review the LAC will prepare a Certification Review Transmittal Letter (LPA-017 or LPA-018) and a Certification Review Oversight Report (LPA-016) if corrective actions have been identified. If corrective actions are identified, concurrence by the LAPM is required before sending the report to the LPA. A copy of the Certification Review Oversight Report and Certification Review Transmittal Letter will also be sent to the LPE and LAPM. This report will summarize what was reviewed, any issues and a steps taken by the LAC to define an acceptable remedial action, and the steps taken by the LPA to perform any remedial actions. If there are no corrective actions the Certification Review Oversight Report is not necessary as the information will be captured on the LAC Status Report.

Review Package

The following items should be included in the spot check or certification package that is sent to HQ RES:

- LPA-011 Project Review Worksheet
- LPA-012 Parcel Review Worksheet
- LPA-013 Residential Relocation Worksheet (if needed)

- LPA-014 Non-Residential Relocation Review Worksheet (if needed)
- LPA-015 Personal Property Only (PPO) Review Worksheet (if needed)
- LPA-016 Certification Review Oversight Report (only needed if corrective actions are identified)
- LPA-017 or LPA-018 Certification Review Transmittal Letter
- LPA-019 Sample Size Determination Form
- Copy of R/W Plan or equivalent (large enough to read)

Chapter 17

Certification Package

The following items will be sent to HQ RES from H&LP:

- Appropriate certificate with signatures.
- Certificate worksheet.

ROW Certificate Signature

The LAC and the RESM sign the LPA certificate and forwards it to the LAPM for processing. Refer to Chapter 17 for certificate letter templates.

Post Review Tasks and Responsibilities

After the review is complete, LAG Section 25.13 requires that the LAC send a Certification Review Transmittal Letter (LPA-017 or LPA-018) to the agency. The original copy of the letter is sent to the agency official who requested the right of way certification. Additional copies are sent to the person at the LPA who is responsible for the right of way activities, the LAPM, the appropriate Region LPE, and the Region RESM.

Certification issues will be identified in the Certification Review Oversight Report and the LAC should contact HQ RES as necessary. The LAC provides timely follow up with LPAs and includes the consultant if appropriate on results of the certification review. If compliance issues exist that are questionable or irreversible, the LAC will involve the RESM, LPE/ALPE, H&LP, and the LAPM. The LAC will send the completed certification report to the LAPM and LPE.

1. If the coordinator determines that project right of way is ready for certification, the close out letter will detail the findings of the review and discuss any deficiencies found. Concurrently with issuing the close out letter, the LAC and Region RESM will sign the LPA's Right of Way Certificate and send it to the Region Local Programs Office for inclusion in the certification package to be transmitted to the HQ H&LP Office.
2. If the coordinator determines that project right of way cannot be certified, the LPE should be informed as soon as possible and given the opportunity for input into subsequent action. In cases of egregious violations of the federal rules, consequences can be as severe as loss of federal aid, loss of

Certification Acceptance Status, or loss of authority to independently acquire right of way. None of these actions will be taken without the Region LPE and LAPM involvement.

Most problems are far less significant and may simply be corrected prior to signing the Right of Way Certificate. In these cases, a letter should be sent to the LPA, with distribution as discussed above, that details the deficiencies encountered and the corrective actions required before certification can be approved. The LAC will work with the agency to help the LPA comply with the federal regulations and provide any necessary training. If corrections are relatively significant and/or numerous, it may be necessary to schedule another review with the agency. However, in less serious situations and with concurrence of the LAPM, the project can often be allowed to go to construction advertisement with some simple follow up such as a faxed or scanned document, or an agency assurance that they will complete the requested corrections as soon as possible. When the corrective actions are complete to the satisfaction of the LAC, the certification will be signed and processed as discussed above. A close out letter should then be sent to the agency confirming that the certification is complete.

All projects must ultimately have a Right of Way Certificate #1 or Certificate #2. In cases where an agency has been allowed to advertise construction with a Certificate #3, the agency is still responsible for completing remaining relocation work and/or acquiring the remaining rights necessary to construct the project in a timely manner. In the case of a conditional Certificate #3, it is particularly important to work with the agency and monitor progress on completing the conditional elements. Be certain that timelines are included for completion of conditional elements. These can often be the barriers to allowing bid opening or contract award. When the right of way work is complete, the coordinator will review the new information to determine if a Certificate #1 or #2 can be issued. If a clear certificate can be issued, it will be processed as discussed above.

Each time a Right of Way Certificate is issued, the information should be entered on the worksheet used to complete the FHWA's year-end Statistical Report.

15-19 Reporting and Tracking

The LAC will track and report the following Region LAC activities to the LAPM on a monthly basis using the Local Agency Active Projects Status Report. The LAC will collect annual LPA ROW statistics on all federally funded projects each fiscal year (October 1st – September 30th) and forward those reports to the LAPM by October 15th so the stats can be included in the FHWA Annual ROW Statistical Report. The LAC will also forward a copy of the Certification Package to the LAPM for retention in the official LPA file that will be retained in HQ RES prior to the LAMP forwarding the request for certification to FHWA.

Program Trends

The LAPM will take the information from the certification package, the spreadsheet, and the statistical report to analyze and report program trends that can be used to identify training needs. This information will be provided annually to FHWA.

ShareDot

The LAC, LAPM, and Local Agency Consultant Reviewer will utilize ShareDot to obtain and share information internally within WSDOT.

15-20 QA OR QA/QC Reviews (Flowchart)

The LAC will participate with the LPA and LPA Consultant Reviewer in QA reviews on completed projects. One to two projects will be selected annually on a statewide basis. The LAC should be prepared to participate if one of their projects is selected. Additional reviews can be done at the discretion of HQ RES. In the event an LPA is not on Approved Procedures and does not have sufficient or knowledgeable ROW staff to provide oversight, then WSDOT will perform a QA/QC review.

PMR – Project Management Review

H&LP performs a project management review for LPAs to maintain CA status.

15-21 Records Retention

The acquiring agency shall maintain adequate records of its acquisition and property management activities. Acquisition records, including records related to owner or tenant displacements, and property inventories of improvements acquired shall be in sufficient detail to demonstrate compliance with 23 CFR 710.201(f) and 49 CFR Part 24. These records shall be retained at least three years after certification of the project.

If an LPA acquires a property or property interests under Early Acquisition procedures and later wishes to incorporate the property into a federally funded project, the LPA will need to maintain records for that parcel so they do not jeopardize federal participation on the project.

15-22 LAG Chapter 25

Any interested party (LACs, LPAs, Local Program's staff, etc.) may suggest improvements or changes to LAG Chapter 25 which may be taken under consideration. The LAPM will be WSDOT's primary Real Estate Service's point of contact and will evaluate whether the requested changes are feasible and consistent with federal statutes, regulations, and policies with assistance from FHWA. The LAPM will work with H&LP and FHWA to facilitate changes and updates to the chapter.

PROJECT REVIEW WORKSHEET

PROJECT INFORMATION

Agency:		Spot Check:	Y / N
Project Title:		Final Review:	Y / N
FA No:		Name of Reviewer:	
R/W Plan Approval Date:		Date of Review:	
		Number of Files Reviewed:	

APPROVED PROCEDURES

Procedures Approved: Y / N Date:

**see file for any special conditions*

Appraisal Waiver (AOS) Approved: Y / N Date: Amount:

ADMINISTRATIVE SETTLEMENT POLICY

Level of authority

FUNDING & AUTHORIZATION (Y/N/Dates)

FHWA Participation in R/W?	Y / N		
Local Programs R/W Authorization Date:			
FHWA Participation in phase other than RW:	Y / N	Number of Parcels:	
Number of Relocations:		Relocation Plan Approved:	Y / N Date:
Funding Estimate Date:			

Number of Parcels acquired by condemnation:

RIGHT OF WAY PLAN REVIEW (Y/N/Dates)

Survey line or centerline shown:	Y / N	Ownership boundaries shown:	Y / N
Adequate ties to survey or centerline:	Y / N	Ownership information shown:	Y / N
Old and new right of way limits shown:	Y / N	Areas to be acquired shown:	Y / N
Adequate ties to survey or centerline:	Y / N	Remainder areas shown:	Y / N
Sec. Twn. Rng # 1/4-1/4's:	Y / N	Rights to be acquired shown:	Y / N
Scale, Legend, North Arrow:	Y / N	Approved by CE or PLS:	Y / N
Check against PS&E:	Y / N		

RELOCATION REVIEW

Relocation: Y / N

Number of Parcels:

w/ Residential Relocation:

w/ Non-Residential Relocation:

w/ PPO Relocation:

UTILITIES

Utilities Agreement: Y / N NA In process ☐ or complete ☐ ?

NEPA

Law commitments requiring R/W incorporated into right of plan and PS&E? Y / N None

ROW APPROVED PROCEDURES

ROW activities performed in accordance with ROW Procedures? Y / N

NOTES

Number of AOS's prepared for project?

Number of Administrative Settlements for project?

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LPA-011 Project Review Worksheet

PARCEL REVIEW WORKSHEET

Use the F11 key to tab through the stops. May select, underline and bold Y/N/NA as appropriate. Click in boxes to "check". Add rows for multiple items.

PROJECT INFORMATION

Agency: Spot Check: Y / N

Project: Final Review: Y / N

FA No: Owner:

R/W plan approval date: Name of Reviewer: Date:

PARCEL INFORMATION

Parcel No.	Acquisition Type	Area Size	Acquisition Type	Area Size

Larger Parcel issue (other than tax lots)? Y / N

Acquisition area in appraisal, offer letter and other documents agrees with acquisition area on R/W plan? Y / N

NEGOTIATOR'S RECORDS

Adequate diary: Y / N Signed by: Date:

Disclaimer statement: Y / N Signed by: Date:

APPRAISAL/JUST COMPENSATION (JC)

Property owner offered joint inspection: Y / N / NA Date of owner/appraiser inspection:

Tenant Improvements? Y / N Name of Preparer:

Appraisal Date: Amount: $ Name of Reviewer:

Waiver (AOS) Date: Amount: $ Review Date:

Date JC $ Set by Agency: $ WSDOT List? Y / N

OFFER/SETTLEMENT

Offer Letter Dated: Amount: $ Letter format: ☐Appraisal ☐ Waiver

Administrative Settlement Amount over JC: $ Settlement Adequately Justified? Y / N / NA

Total Final Settlement: $ Settlement Approval Date:

Offer of SEA: Y / N

Uneconomic Remnant: Y / N / NA

Remnant Value: $

Offer Made for Remnant: Y / N / NA

Donation signed: Y / N / NA Date:

Proper format: Y / N / NA

Possession and Use obtained: Y / N / NA

Possession Date:

Proof of payment into court: Y / N / NA

Payment Date:

TITLE REPORTS/CLOSING DOCUMENTS

Title Report Dated: Encumbrances Cleared: Y / N - Risk OK? Y / N

Proof of Payment: Y / N Proof type & identifier:

Payment Amount: $ Payment Date:

CONVEYANCE / CLEARANCE DOCUMENTS

Type (SWD, Esmt. etc.)	Dated	Recording #	Date Recorded	Legal OK?	Notary OK?
				Y / N	Y / N
				Y / N	Y / N
				Y / N	Y / N
				Y / N	Y / N
				Y / N	Y / N
				Y / N	Y / N

RELOCATION REQUIRED?: Y / N ***- Use Appropriate Worksheet***

NOTES

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LPA-012 Parcel Review Worksheet

RESIDENTIAL RELOCATION WORKSHEET

GENERAL

Project Title:		Spot Check:	Y / N
Parcel Number:		Final Review:	Y / N
Name of Displaced Person(s):		Displacee No:	
Relocation Plan:	Y / N	Date of Review:	
Date of Relo Plan:		Name of Reviewer:	

REQUIRED NOTICES AND GENERAL FILE (Y/N/Dates)

Occupancy Survey:	Y / N	Eligibility Report:	Y / N
General Notice of Relocation Rights:	Y / N	Notice of Eligibility:	Y / N
90 Day Assurance provided:	Y / N	Lawfully Present in US Certification:	Y / N
Final Diary:	Y / N	If Necessary, W-9 Obtained:	Y / N NA
Owner Occupant ☐ or Tenant ☐		Appeal:	Y / N
		If yes, include summary below	

PRICE DIFFERENTIAL (Y/N/Dates)

Price Differential Report:	Y / N	Purchase & Sale Agreement:	Y / N
Housing Comparison Worksheet:	Y / N	Actual Price Differential Calculation:	Y / N
Correlations & Conclusions:	Y / N	Payment Instructions:	Y / N
Photographs & Map of Comps:	Y / N	Preliminary Closing Statement (HUD):	Y / N
Last Resort Housing Plan:	Y / N NA	Incidentals:	Y / N
D.S.S. Inspection Report w/photos:	Y / N	Mortgage Interest Differential:	Y / N
Proof of Payment:	Y / N	Final Closing Statement (HUD):	Y / N

RENT SUPPLEMENT (Y/N/Dates)

Rent Supplement Report:	Y / N	Living Expense Verification (as needed):	Y / N
Housing Comparison Worksheet:	Y / N	Actual Rent Calculation:	Y / N
Correlations & Conclusions:	Y / N	D.S.S. Inspection Report w/photos:	Y / N
Photographs & Maps of Comps:	Y / N	Income Verification form (as needed):	Y / N
Last Resort Housing Plan:	Y / N	Proof of Payment:	Y / N
Rental Agreement/Receipt:	Y / N		

DOWN PAYMENT ASSISTANCE (Y/N/Dates)

Purchase & Sale Agreement:	Y / N	Final Closing Statement (HUD):	Y / N
Payment Instructions:	Y / N	Proof of Payment:	Y / N
Incidentals:	Y / N		

MOVING EXPENSES (Y/N/Dates)

Commercial Move:	Y / N	Self move:	Y/N
Actual Cost Move:	Y / N	Move Amount paid:	$
Move Expense Agreement:	Y / N	Proof of Payment:	Y / N
Vacate Inspection Report w/photos:	Y / N	Vacate Date:	

ADVISORY ASSISTANCE

In your opinion was appropriate advisory services provided to the displaced person? Y/N

NOTES

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LPA-013 Residential Relocation Review Worksheet

NON-RESIDENTIAL RELOCATION WORKSHEET

GENERAL

Project Title:		Spot Check:	Y / N
Parcel No:		Final Review:	Y / N
Name of Displaced Person(s):		Displacee No:	
Relocation Plan:	Y / N	Date of Review:	
Date of Relocation Plan:		Name of Reviewer:	

REQUIRED NOTICES AND GENERAL FILE (Y/N/Dates)

Occupancy Survey:	Y / N	Eligibility Report:	Y / N NA
General Notice of Relocation Rights:	Y / N	Notice of Eligibility:	Y / N
90 Day Assurance provided:	Y / N	Notice of Intent to Acquire:	Y / N NA
Notice of Monetary Entitlements:	Y / N	Financial Information Reviewed:	Y / N
Lawfully Present in US Certification:	Y / N	If Necessary, W-9 Obtained:	Y / N NA
Final Diary:	Y / N	Appeal:	Y / N
		If yes, include summary below	

MOVING EXPENSES (Y/N/Dates)

Written Inventory:	Y / N	Site Search Expenses :	Y / N
Request for Proposal (RFP):	Y / N NA	Professional Move Planning:	Y / N
Move Estimates (Specialist):	Y / N	Move Supervision:	Y / N
Move Estimates (Professional):	Y / N NA	Actual Direct Loss of Tangible (DLT):	Y / N
Photograph Inventory:	Y / N	Substitute Personal Property (SPP):	Y / N
Move Expense Agreement:	Y / N	Move Amount Paid:	$
Vacate Inspection Report w/photos:	Y / N	Obsolete Items:	Y / N
Vacate Date:		Storage:	Y / N
Abandonment of Personal Property:	Y / N	Proof of Payment:	Y / N

If yes, make sure no duplication of payment and did not pay for as a move cost

RELATED MOVING EXPENSES (Y/N/Dates)

Professional Services:	Y / N	Connection to Utilities:	Y / N

REESTABLISHMENT EXPENSES

Reestablishment Application(s): List and Describe

1. 3.
2. 4.

Total Amount Paid: $

FIXED MOVING PAYMENT (IN LIEU) (Y/N/Dates)

Income Verification:	Y / N	Amount Approved:	$
Application for Fixed Payment:	Y / N NA	Proof of Payment:	Y / N
Fixed Payment Worksheet:	Y / N NA		
Financial Documentation Destroyed/Returned:	Y / N		

ADVISORY ASSISTANCE

In your opinion was appropriate advisory services provided to the displaced person? Y/N

NOTES

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LPA-014 Non-Residential Relocation Review Worksheet

PERSONAL PROPERTY ONLY (PPO) RELOCATION REVIEW WORKSHEET

PROJECT - DISPLACEE INFORMATION			
Project Title:		Spot Check:	Y / N
Parcel No:		Final Review:	Y / N
Name of Displaced Person(s):		Displacee No:	
Relocation Plan: Y / N		Date Relo Plan Approved:	
Date of Review:		Name of Reviewer:	

REQUIRED NOTICES AND GENERAL FILE (Y/N/Dates)			
Occupancy Survey:	Y / N	Eligibility Report:	Y / N
General Notice of Relocation Rights:	Y / N	Notice of Eligibility:	Y / N
90 Day Assurance provided:	Y / N	Notice of Monetary Entitlements:	Y / N
Lawfully Present in US Certification:	Y / N	If necessary, W-9 Obtained:	Y / N
Final Diary:	Y / N	Appeal:	Y / N
		If yes, include summary below	

MOVING EXPENSES (Y/N/Dates)			
Written Inventory:	Y / N	Photograph Inventory:	Y / N
Request for Proposal (RFP):	Y / N	Move Estimates (Professional):	Y / N
Move Estimates (Specialist):	Y / N		
Move Expense Agreement:	Y / N		

TYPE OF MOVE SELECTED (Y/N/Dates)			
Commercial Move:	Y / N	Personal Property Abandoned	Y / N
Self Move:	Y / N	Vacate Inspection Report:	Y / N
Actual Cost Move:	Y / N	Vacate Photos:	Y / N
Proof of Payment:	Y / N	Vacate Date:	
Amount Paid: $			
Abandonment of Personal Property:	Y/N		

If yes, make sure no duplication of payment and did not pay for as a move cost

ADVISORY ASSISTANCE

In your opinion was appropriate advisory services provided to the displaced person? Y / N:

NOTES

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LPA-015 Personal Property Only (PPO) Review Worksheet

CERTIFICATION REVIEW OVERSIGHT REPORT

Agency:	Federal Aid No.:	Reviewer:	Date of Review:	Spot Check: Y / N
Project Title:	Total Number of Project Files: Total Number of Files Reviewed by LAC:			Final Review: Y / N

Parcel	Owner	Agent	Issue/Comments	Address for certification Yes/No	Steps taken by LAC to define appropriate remedial action	Steps taken by LPA to perform remedial actions	Date Resolved	Caution
	NOTES							

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Instructions:
Address for certification = yes
Complete Steps taken and date resolved
Address for certification = no
Complete caution field

LPA-016 Certification Review Oversight Report

Date

Name
Address
City, State Zip

SUBJECT: Project title:
Federal Aid No.:
Right of Way Certification Review

Dear :

At your request, the WSDOT recently conducted a review of the right of way acquisition files for the above-referenced project to check for compliance with your agency's approved right of way procedures, the WSDOT LAG Manual, Chapter 25, and applicable sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ("Uniform Act").

An appropriate sample of the individual parcel files was selected for review.

(REVIEW OPTION 1)
Our review found the agency fully in compliance with no corrective measures required.

(REVIEW OPTION 2)
As you are already aware, our review revealed item(s) requiring additional corrective action before the agency's certification could be accepted. We determined that these item(s) could be and were addressed after closing. Please use the items as noted in the attached Parcel Oversight Report as reference points in the event of future federally-funded transportation projects, as reoccurrence of similar items may jeopardize that project's eligibility for federal funds.

(REVIEW OPTION 3 – THIS OPTION IS ONLY TO BE USED WITH PRIOR APPROVAL OF THE LOCAL AGENCY PROGRAM MANAGER)
As you are already aware, the review revealed item(s) noted on the attached Parcel Oversight Report that required additional corrective action before the agency's certification could be accepted. While the right of way on this project was not originally acquired in accordance with current FHWA directives per Title 23 CFR Part 635, Section 309 Para (c), the agency completed the required corrective action and submitted a Qualified Right-of-Way Certificate #_____.

Please use the items as noted in the attached Parcel Oversight Report as reference points in the event of future federally-funded transportation projects, as reoccurrence of similar items may jeopardize that project's eligibility for federal funds.

(PROCESS OPTION A – Cert)
Your request for a (Qualified) Right of Way Certificate # ____ requires an initial level of review and acceptance, and a final level of review and approval.

1. Review and acceptance by _____ Region Real Estate Services: Completed.
   Your request has been forwarded to _____Region Local Programs for inclusion in the project funding package transmittal to Highways and Local Programs at WSDOT Headquarters. A copy of your request, together with the Local Agency Coordinator review forms, has also been forwarded to WSDOT's Local Agency Program Manager.

LPA-017 Certification Review Transmittal Letter (Cert 1 or 2) (Page 1 of 2)

Date
Page 2

2. Review and final approval by WSDOT's Local Agency Program Manager: Pending.
   At such time as the Program Manager has reviewed and made a positive determination as to your Agency's request, and has received confirmation of final processing of the funding package by Highways and Local Programs, a (Qualified) Right of Way Certificate #_____ can be issued by the Program Manager to the Federal Highway Administration. A copy of the Right of Way Certificate issued will be provided to your Agency.

You will be contacted by your Local Programs representative regarding the obligation of funding for this project.

(PROCESS OPTION B – No Cert)
The issuance of a (Qualified) Right of Way Certificate by the WSDOT is not possible at this time, because (state applicable reasons such as federal funds have not been identified for any phase of your agency's project, or no PS&E is available for inspection, or no funds for the construction phase have been identified for your agency's project, or the right of way for your agency's project is not clear, or other).

Enclosed are all original review documents that this Local Agency Coordinator prepared in reviewing your agency's project. Please note that your agency is responsible for retaining these original documents, as the WSDOT's document retention period is limited. You are also advised to secure the original parcel acquisition and relocation files in a manner such that they may be readily available should the need arise for further inspection.

At such time as conditions exists that make your agency's project eligible for certification, your agency may resubmit its request for certification, accompanied by the original review documents.

The WSDOT strongly encourages local agencies to contact their Local Agency Coordinator as early as possible on federally-funded projects where the acquisition of property rights is anticipated. The LAG manual, the Uniform Act and related material governing the acquisition of real property rights are complex and we welcome any request for assistance in interpreting them.

Sincerely,

NAME
_____ Region Local Agency Coordinator
Phone
Email Contact

Enclosure

cc: (Name of Region Local Programs Engineer)
(Name of Region Real Estate Manager)
Dianna Nausley, Local Agency Program Manager

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LPA-017 Certification Review Transmittal Letter (Cert 1 or 2) (Page 2 of 2)

Date

Name
Address
City, State Zip

SUBJECT: Project title:
Federal Aid No.:
Right of Way Certification Review

Dear :

At your request, the WSDOT recently conducted a review of the right of way acquisition files for the above-referenced project to check for compliance with your agency's approved right of way procedures, the WSDOT LAG Manual, Chapter 25, and applicable sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ("Uniform Act").

An appropriate sample of the individual parcel files was selected for review.

(REVIEW OPTION 1)
Our review found the agency fully in compliance with no corrective measures required.

(REVIEW OPTION 2)
As you are already aware, our review revealed item(s) requiring additional corrective action before the agency's certification could be accepted. We determined that these item(s) could be and were addressed after closing. Please use the items as noted in the attached Parcel Oversight Report as reference points in the event of future federally-funded transportation projects.

(REVIEW OPTION 3) THIS OPTION IS ONLY TO BE USED WITH PRIOR APPROVAL OF THE LOCAL AGENCY PROGRAM MANAGER.
As you are already aware, the review revealed item(s) noted on the attached Parcel Oversight Report that required additional corrective action before the agency's certification could be accepted. While the right of way on this project was not originally acquired in accordance with current FHWA directives per Title 23 CFR Part 635, Section 309 Para (c), the agency completed the required corrective action and submitted a Qualified Right-of-Way Certificate #3.

Please use the items as noted in the attached Parcel Oversight Report as reference points in the event of future federally-funded transportation projects, as reoccurrence of similar items may jeopardize that project's eligibility for federal funds.

(PROCESS OPTION A – Cert).
Your request for a (Qualified) Right of Way Certificate #3 requires two levels of review and acceptance, and one level of review and final approval.

1. Review and acceptance by _____ Region Real Estate Services: Completed.
   Your request has been forwarded to _____Region Local Programs for inclusion in the project funding package transmittal to Highways and Local Programs at WSDOT Headquarters. A copy of your request, together with the Local Agency Coordinator review forms, has also been forwarded to WSDOT's Local Agency Program Manager.

LPA-018 Certification Review Transmittal Letter (Cert 3) (Page 1 of 2)

Date
Page 2

2. Review and acceptance by WSDOT's Local Agency Program Manager: Pending.
   At such time as the WSDOT Program Manager has reviewed and made a positive determination as to your Agency's request, the certification request will be forwarded to the Right of Way Program Manager at the Federal Highway Administration Washington Division office for review and final approval.

3. Review and approval by FHWA's Right of Way Program Manager: Pending.
   At such time as the FHWA Program Manager has reviewed and made a positive determination as to your Agency's request, the FHWA Program Manager will issue a certification approval letter to the Washington State Secretary of Transportation. The letter will provide conditions for approval. Processing of the funding package by Highways and Local Program may then be completed.

You will be contacted by your Local Programs representative regarding the obligation of funding for this project.

The WSDOT strongly encourages local agencies to contact their Local Agency Coordinator as early as possible on federally-funded projects where the acquisition of property rights is anticipated. The LAG manual, the Uniform Act and related material governing the acquisition of real property rights are complex and we welcome any request for assistance in interpreting them.

Sincerely,

Name of Local Agency Coordinator
Local Agency Coordinator
WSDOT _____ Region RES
Phone number

cc: (Name of Region Local Programs Engineer)
(Name of Region Real Estate Manager)
Dianna Nausley, Local Agency Program Manager

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LPA-018 Certification Review Transmittal Letter (Cert 3) (Page 2 of 2)

Spot Check & Certification Review Sample Size Determination Worksheet

The intent of this worksheet is to help the LAC determine their sample size for a project's spot check or certification review. The LAC has the discretion to influence the sample size based on the experience level of the LPA's staff, and on their previous performance.
Once sample size is calculated the LAC will need to place a copy of this spreadsheet in the project file. If the LAC chooses not to use this worksheet the LAC will need to provide their methodology on how they selected their sample size to review.

Calculator

Type of Review	Number of Files in Project	LPA Experience Level (from drop down list)	Sample Percentage	Number of Files to Review
Certification Review	15	medium level of experience, medium level of problems	0.6	9
Spot Check	15	medium level of experience, medium level of problems	0.15	3

Sample Percentage Key

Spot Check Sample Review Percentage	Certification Review Sample Review Percentage	Level of Experience/Level of Problems
5%	25%	high level of experience, low level of problems
10%	50%	high level of experience, medium level of problems
15%	75%	high level of experience, high level of problems
10%	35%	medium level of experience, low level of problems
15%	60%	medium level of experience, medium level of problems
20%	80%	medium level of experience, high level of problems
15%	50%	low level of experience, low level of problems
20%	75%	low level of experience, medium level of problems
25%	100%	low level of experience, high level of problems

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LPA-019 Sample Size Determination Form

Chapter 17 Project Certification

17-1 Acronyms
17-2 Purpose
17-3 Authority
17-4 References
17-5 Training
17-6 Forms
17-7 Definitions
17-8 General
17-9 Policy
17-10 Procedures

17-1 Acronyms

DSS – decent, safe, and sanitary

H&LP – Highways and Local Programs

LAC – Local Agency Coordinator

LAG Manual – *Local Agency Guidelines* M 36-63

LAPM – Local Agency Program Manager

NEPA – National Environmental Policy Act

PPO – personal property only

PS&E – Plans, Specifications, and Estimates

QA – quality assurance

QC – quality control

RESM – Region Real Estate Services Manager

R/W – right of way

TCE – temporary construction easement

Uniform Act – Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended

17-2 Purpose

This chapter explains the requirements and conditions to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This chapter is to be used by the Washington State Department of Transportation (WSDOT) and local agencies for preparation of right of way project certifications.

17-3 Authority

23 Code of Federal Regulations 635.309(b), (c), (g), (h), (l), (p), 710.311, and 710.313

23 Code of Federal Regulations 1.23, 636, 710.201(e), 710.601, 710.501, and 771.113(d)(4)

49 Code of Federal Regulations 24.601, 602, and 603

WAC 468-100-601, 602, 603

17-4 References

Local Agency Guidelines M 36-63
Environmental Procedures Manual M 31-11
Construction Manual M 41-01

17-5 Training

Instructor-led web-based training is available. This training is required for WSDOT RES Supervisors, RESMs, LACs, and any staff involved in certification of projects. This training is recommended for project engineers, project development engineers, and project managers. This training will be made available to consultants and local agencies.

17-6 Forms

WSDOT RES Forms

RES-383	No Right of Way Certificate
RES-384	Certificate 1, No Relocation
RES-385	Certificate 1, Residential Relocation
RES-386	Certificate 1, Non-Residential Relocation
RES-387	Certificate 1, Combination of Relocation Types
RES-388	Certificate 2, No Relocation
RES-389	Certificate 2, Residential Relocation
RES-390	Certificate 2, Non-Residential Relocation
RES-391	Certificate 2, Combination of Relocation Types
RES-392	Certificate 3, No Relocation
RES-393	Certificate 3, Residential Relocation
RES-394	Certificate 3, Non-Residential Relocation
RES-395	Certificate 3, Combination of Relocation Types
Under Construction	Certificate 3, Design Build Phased
RES-397	Certification Worksheet – State
RES-398	Certification Worksheet – Design Build
RES-399	WSDOT Certification Concurrence Letter

Local Agency LPA Forms

No Right of Way Certificate	LPA-383
Certificate 1, No Relocation	LPA-384
Certificate 1, Residential Relocation	LPA-385
Certificate 1, Non-Residential Relocation	LPA-386
Certificate 1, Combination of Relocation Types	LPA-387
Certificate 2, No Relocation	LPA-388
Certificate 2, Residential Relocation	LPA-389
Certificate 2, Non-Residential Relocation	LPA-390
Certificate 2, Combination of Relocation Types	LPA-391
Certificate 3, No Relocation	LPA-392
Certificate 3, Residential Relocation	LPA-393
Certificate 3, Non-Residential Relocation	LPA-394
Certificate 3, Combination of Relocation Types	LPA-395
Certificate 3, Design Build Phased	Under Construction
Certification Worksheet	LPA-397
Certification Worksheet – Design Build	LPA-398
LPA Certification Concurrence Letter	LPA-399

17-7 Definitions

Certificate – R/W certificate document whereby WSDOT or WSDOT's concurrence with the local agency certificate ensures relocation has been addressed and possession has been obtained of all property rights needed to construct, operate, and maintain a project.

Combination of Relocation Types – This is when there is more than one type of relocation on a project. Specifically, this is when there is some combination of residential and non-residential relocation, including PPO. This type of relocation is project-wide, not parcel specific.

Existing R/W – This is land that is already incorporated into the roadway facility or land previously certified under a previous federal aid project. Permits, easements, temporary construction easements (TCE), and slope easements are generally considered R/W acquisition.

No Right of Way Acquisition – This is where the proposed project can be built entirely within the existing roadway facility (the facility may be something other than roadway for transportation enhancement projects).

Non-Residential Relocation – Relocation/displacement of businesses, farms, and nonprofit organizations. PPO relocations are usually treated as non-residential relocations because they do not require DSS assurances.

Residential Relocation – Relocation/displacement of individuals and families from a dwelling.

Sufficient Property Rights – Per 23 CFR 1.23 and 710.201(e), the real property interest acquired for federal aid projects by the acquiring agency must be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public. For instance, if there is a highway embankment, the acquiring agency must acquire permanent property rights for the slope area, since the slope area is integral to the structural integrity of the roadbed.

The acquiring agency must acquire any property needed for mitigation and any staging areas required by the NEPA document in the certification. This also means R/W shown as needed on the PS&E, not just the R/W plan, needs to be certified.

For property that is not permanently needed for the project, but is necessary for construction of the project, temporary construction easements, leases, license agreements, permits, and/or rights of entry may be appropriate. See Chapter 6 for appropriate use of these instruments.

WSDOT normally acquires fee simple title for R/W and limited access. This policy should be considered by local agencies. There are instances where something less than full fee acquisition is sufficient, such as when the property is owned by the federal or state government, railroads, and Indian Nations or if it is only needed to construct the project (e.g., temporary construction easements or driveway reconnect permits).

Right of Entry – A personal right that gives the agency the right to perform certain tasks or work defined within the document. If a right of entry is proposed for construction activities, it should only be used in emergency situations (slides, floods, culverts) or when the property is owned by another state or local agency and additional time is needed to get through their process.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended – This is the federal statute that sets forth the requirements for acquisitions for federal projects.

17-8 General

You have completed the acquisition process for all the parcels needed for the project. This chapter outlines the steps necessary to prepare the certificate. By signing this certificate, you are ensuring that you have followed all of the procedures outlined in previous chapters and/or Chapter 25 of the *Local Agency Guidelines* M 36-63.

Advertisement for projects is the point at which the acquiring agency commits the R/W to the terms of a construction contract. Bids submitted by contractors are based on the acquiring agency's delivery of a clear R/W by the start of construction. If a contractor does not have access to a property because sufficient property rights are not acquired or certain properties remain occupied, damages for delay of work may result and the project may not be completed on schedule.

Federal and state law assures property owners and displaced occupants (residents and owners) of specific rights and protections and the delivery of certain entitlements before possession is taken of the property. The most important of these are:

- Owners must be paid the amount established as just compensation, or the amount deposited in court for their benefit, before the agency takes possession of the property.
- Residential displaced persons must be offered comparable replacement housing that is within their financial means and available for occupancy no less than 90 days before being required to move.

17-9 Policy

The final step in the project development process is to certify the project as clear for construction. The R/W certification is a written statement that summarizes the status of all R/W related matters for a project, and it declares that the acquiring agency has complied with the requirements of statutes and regulations. The certification provides the following information and assurances:

1. Sufficient property rights to construct, operate, and maintain the facility as shown on the PS&E has been acquired. This includes parcels needed for construction purposes only such as a TCEs or permits. If limited access rights need to be acquired, the transaction must be completed prior to certification.
2. The R/W is clear of encroachments and includes the entire R/W, not just the area of the traveled way or project improvements. Any encroachment that will be allowed to remain in the right of way must be there legally, i.e. airspace lease.
3. R/W has been acquired in accordance with the Uniform Act requirements and/or Federal Land Transfer processes.
4. Relocation assistance has been completed in accordance with the Uniform Act and meets the requirements of Chapter 12.
5. Parcel-specific information is provided in the Certification Worksheet
6. Properties acquired in advance of NEPA Clearance (including donations) are identified by parcel number. (This information can take the form of an address or a county tax ID if parcel numbers are not assigned.)

Section 6-3 Early Acquisition

There are two types of certifications which state that sufficient rights have been acquired and the project is ready to be advertised and constructed.

23 CFR 635.309(c)(1)

- **Certificate 1 – All R/W Acquired** – All rights have been acquired. All occupants have vacated the R/W and the agency has the right to remove any remaining improvements (except those that are to remain in the R/W under an airspace lease).

23 CFR 635.309(c)(2)

- **Certificate 2 – Right to Occupy All R/W** – Trial or appeal of some parcels may be pending and some parcels may have right of entry or possession and use only. All occupants have vacated the R/W and the agency has the right to remove any remaining improvements (except those that are to remain in the R/W under an airspace lease).

In very unusual circumstances and with prior written approval of FHWA, a third type of certification states that some R/W remains to be acquired.

23 CFR 635.309(c)(3)

- **Certificate 3 – All R/W Not Acquired** – Acquisition of a few remaining parcels is not complete. All occupants of residences have had replacement housing made available to them in accordance with 49 CFR 24.204. It is recommended to defer/move the ad date in these situations. This type of certification may be used if the agency can adequately explain why certification should take place before acquisition is complete and why it is in the public's interest.

  There are essentially two types of Certificate #3s. The first is where an agreement has been reached on all parcels and documents are being processed for payment. The extra time between Ad and Bid Opening is used to process and pay the outstanding parcels or clear the final relocation. The second is where parcels will be excepted out and the contract awarded with parcels left to acquire and clear.

First Type of Certificate #3
Agreement Reached & Use of time between Ad and Bid Opening

- A Certificate can be used if agreements have been reached on all parcels and there is a reasonable expectation that payment and relocation will be completed prior to bid opening.
- The Certification shall list the outstanding parcels along with the issues remaining and an estimated clear date.
- The certification will indicate both the Ad date and anticipated bid opening date.
- A statement is be included in the certification that under no circumstances are bids to be opened prior to submittal of a Certification #1 or #2 to HQ RES and FHWA.
- If updated certification has not been submitted at least one week prior to scheduled bid opening HQ RES will notify the region in writing that a Right of Way certification has not yet been timely received by HQ RES. HQ RES will reinforce that bids cannot be opened until certification is received, reviewed, and sent to FHWA.

  Note: It is the expectation here that the Region RES Manager is responsible for compliance and assuring that the necessary region staff are informed of the requirements and, in fact, bids are not opened prior to recertification. HQ RES will insure this process is followed.

Under the second type of Certificate #3, the agency ensures that occupants of residences, businesses, farms, or nonprofit organizations who have not yet moved from the R/W are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

23 CFR 635.309(c)(3)

All un-acquired parcels are identified and a realistic date given for completion of acquisition and relocation. An explanation is provided of why the properties are not acquired, how they will be acquired, and when they will be acquired by the given date is also required. Appropriate notification is provided in the project construction bid documents identifying all locations where acquisition is not complete.

Second Type of Certificate #3
Parcels excepted out of the certification

- Within the certification document, clearly indicate why it is imperative this project go to Ad and Award prior to having all of the parcels acquired.

  Note: Reasons could be that we have work that needs to be completed within an environmental window that would be missed otherwise or possibly the scheduling of work does not require the remaining parcels until a much later date or even construction season.

- All parcels that are excepted out are to be listed within the certification letter along with current status, issues remaining, and estimated clear date.
- If work is to be restricted to a specific area, only those parcels necessary for the work are to be certified and work limits identified by stationing are to be imposed. No construction activity will be allowed outside of the defined area. Typically no work will be allowed within existing right of way outside of the restricted construction area. If existing right of way is needed, an explanation of this need along with an explanation of why this would not be coercive would not cause disproportionate injury or unnecessary inconvenience to nearby parcels.
- A right of way plan shall be submitted with the certification indicating parcels being certified, parcels being excepted out and the restricted limits of construction.
- A designated monitor who is regularly on site shall be tasked with the responsibility for maintaining a daily log of activities in the vicinity of the uncertified parcels to assure that no undo coercion or encroachment occurs. A weekly report of these activities is to be submitted to the Region RES Manager and the HQ Acquisition Program Manager. The HQ Acquisition Program Manager will report to FHWA as necessary.
- Prior to Ad, the Region RES Manager will schedule a meeting or conference call between Region engineering and construction staff, Program Management, HQ RES staff and FHWA in order to review the certification requirements and clarify expectations.

- If the certification is approved by FHWA with the condition that an upgraded certification will be provided by a specific date, it is understood that this is the date the upgraded certification is expected at FHWA. Please allow for sufficient time for this to occur. If it appears that an upgraded certification will not be possible by the expected date, the Region RES Manager will notify HQ RES as early as possible in order to involve FHWA and provide for contingency plans.

Submission of the second type of a Certificate #3 may not be approved. If the Region is proposing to submit this type of Certificate #3, a meeting with RES HQ, FHWA, and the Region is recommended to discuss the proposal.

The acquiring agency must comply with all conditions in FHWA's written approval. Certificate 3s are followed by a Certificate 1 or 2 when possession of all parcels is obtained.

Additional Certification Information

- A R/W certificate is prepared for all projects where federal funds are used in any phase (PE, R/W, CN) if there is R/W acquisition.
- For projects where the final project definition indicates that no R/W needs to be acquired, no certificate is required. If project scope changes occur after submittal of the final project definition and additional R/W is required, a certificate is submitted following standard procedures.
- If the final project definition indicates that R/W is required but ultimately design does not require additional property or property rights that need to be acquired, a No Right of Way Certificate shall be prepared.

Design Bid Build Certifications

After R/W acquisition has been completed and no later than one month before the federal aid project is to be advertised for contract, the R/W certificate must be submitted to Program Management.

Design Build Certifications

The R/W Certificate should include all the parcels necessary to complete the improvements included in the construction contract limits. The contract limits may be less than the limits in the NEPA document. For example, if the NEPA document covers a five mile corridor, and the construction contract covers one mile, the R/W Certificate should cover the parcels within the one mile construction limits.

If all of the R/W needed for the project can be certified when the notice to proceed with construction is issued, the regular Certification Worksheet should be used to show the parcel-specific information.

If construction activities are segmented on a design build project and it is expected that the R/W certificate will be updated at least once to cover additional segment(s), the acquiring agency needs to initiate a meeting with RES HQ and FHWA to propose the construction segments and obtain their formal approval to the proposal. The segments need to be buildable sections, and each segment must have an approved certificate #3 (except for the last segment) prior to WSDOT allowing construction to start on that segment.

These construction phases/segments need to be buildable segments (e.g., a bridge, an intersection) where construction of that segment can be completed without needing additional R/W. If phases/segments are used, the construction activities on that phase/segment cannot interfere with the rights of property owners or tenants on the future phases/segments properties/parcels that have not yet been certified.

The decision to advance a R/W segment to the construction stage shall not impair the safety of a roadway that remains open to traffic, including any sidewalk areas. In addition, the decision to advance a segment shall not be coercive in any way with respect to the un-acquired or occupied properties on the same or adjacent segments of the project R/W.

With the decision to advance a R/W segment, the acquiring agency must designate an official to be the responsible party for monitoring the contractor to ensure that remaining property owners who have not yet sold their property and/or moved are protected from unnecessary inconvenience and disproportionate injury or any action coercive in nature. This party should be named in the R/W certificate.

On design-build projects, no clearing, grading, excavating, or development of any kind may occur prior to completing the environmental review process and receiving notice to proceed with construction. If a parcel for a future segment is certified for limited activities, such as vehicle parking, the certification needs to specifically include language stating that the contractor does not have the right to perform any construction activities until written approval is given by the acquiring agency. In these circumstances, there is a possibility that not all environmental clearances for that specific parcel have been granted, so it is important that the acquiring agency monitors the contractor's activities to ensure that they are only using the property for the approved interim use.

17-10 Procedures

The certification process is the same for both state-funded and federal-funded projects with the exceptions of the steps outlined in the respective sections.

Design-Build – Section reserved. Procedures to be developed.

WSDOT Certification Flowchart – FHWA Funded

WSDOT Certification Flowchart – State Funded

WSDOT Process

Design Bid Build

Region Review

1. Verify:
   a. All property and/or property rights have been acquired, including limited access rights, if necessary, as shown on the approved and revised R/W plans.
   b. All rights necessary to construct, operate, and maintain the facility have been acquired as shown on the PS&E.
   c. All occupants have vacated, and all eligible persons and occupants of the R/W within the project have been relocated to decent, safe, and sanitary housing or have been offered decent, safe, and sanitary housing.
   d. All environmental commitments requiring R/W are included in the R/W plan and PS&E.
   e. Property acquired needing utility agreements are in process or complete on project specific properties.
   f. All construction memorandums dealing with property rights have been forwarded to the Project Engineer Office.
2. Run IRIS "Parcel Dates Updated" report.
   a. Verify all entries are completed.
      i. Region certification clear dates are filled in.
      ii. Payment available/escrow disbursed entry is filled in (currently located in HQ Clear Dates).
3. Prepare the appropriate certificate (1, 2, or 3) and Certification Worksheet.
   a. If federal aid is involved, verify the federal aid number is correct.
      i. Address certificate to FHWA Division Administrator.
   b. If state funds only.
      i. Address certificate to Secretary of Transportation.
4. Send original and email certificate to the HQ RES Acquisition and Title Program Manager.

HQ Review

1. Receive certificate (1, 2, or 3) from region.
2. Run IRIS "Parcel Dates Updated" report and print to ensure all dates are entered.
3. For federal aid or interstate projects:
   a. Review:
      i. R/W plans to verify that all property and/or property rights have been acquired.
      ii. Verify that the HQ Acquisition and Title Section compliance requirements have been met.
      iii. Review the PS&E if requested by the region, and verify that all R/W concerns from PS&E review have been addressed.
      iv. Contact region if any areas need clarification or if IRIS items are incomplete.
   b. Prepare WSDOT Certification Concurrence Letter.
      i. Verify federal aid number and project description.
   c. Send the following to FHWA:
      i. WSDOT Certification Concurrence Letter.
      ii. Original certificate.
      iii. Certificate 1 and 2 to "FHWA Area Engineer."
      iv. Certificate 3 to FHWA ROW Program Manager.
   d. Email items identified in c above to Region RES Manager and Capital Program Development Budget Development and Finance Office.
   e. Complete HQ certification in spreadsheet and IRIS.
   f. File copy of WSDOT Certification Concurrence Letter and original region certificate.
4. For all other projects:
   a. For projects selected for review:
      i. Review:
         (1) R/W plans to verify that all property and/or property rights have been acquired.

(2) HQ Acquisition and Title Section compliance requirements have been met.

(3) PS&E and verify that all R/W concerns from PS&E review have been addressed.

ii. Contact region if any areas need clarification or if IRIS items are incomplete.

iii. Contact Region RES Manager to discuss deficiencies.

iv. Enter certification in log.

v. File region certificate.

b. For projects not selected for review:

i. Enter certification in log.

ii. File region certificate.

5. In the case of a Certificate 3, the project must be re-certified to either a 1 or a 2 when possession of the parcels is obtained.

Certificates (1, 2, or 3) are submitted to FHWA based on the following criteria:

1. Federal aid projects where federal funds are in any project phase (PE, R/W, CN).

2. Interstate pursuant to the Federal Aid Highway Program Stewardship and Oversight Agreement dated February, 19, 2008.

   a. WSDOT submits R/W certificate to FHWA.

   b. Supplements to the Stewardship Agreement that are project specific such as SR 520 and Alaska Way Viaduct. ***Note:*** These supplements were to the 2001 Washington Federal Aid Stewardship Agreement.

If 1 or 2 above are not applicable then the certificate is addressed to the Secretary of Transportation.

FHWA does not formally approve Certificates 1 and 2. The actual certification date for federal aid projects is the date on the WSDOT Certification Concurrence Letter sent to FHWA. For Certificate 3s, FHWA will issue an approval letter and that is the certification date.

Note: For Certificate 3 only, when FHWA approval letter is received, forward to Region RES Manager and Capital Program Development Budget Development and Finance Office.

Local Agency Process

Local Agency Certification Flowchart

Region Review

1. Verify with region Local Programs:

   a. All rights necessary to construct, operate, and maintain the facility as shown on the Right of Way Plans or equivalent are consistent with the PS&E. The review takes place during design approval.

   LAG Chapter 43

   b. If early acquisition occurred on the project, confirm proper documentation was received.

2. When the local agency determines that all acquisition activities are complete, the local agency will:

   a. Prepare their certificate (on local agency letterhead) using the appropriate form and parcel-specific Certification Worksheet.

   b. Submit certificate, Certification Worksheet, and RW Plan or equivalent to the Local Programs Engineer.

3. The Local Programs Engineer then forwards the certification request to the RESM who in turn forwards the certification to the LAC for the review.

4. The LAC will review the local agency's acquisition files for the project and determine if the R/W was acquired in compliance with the Uniform Act and 49 CFR Part 24.

5. The LAC will complete the following review worksheets (a more detailed process can be found in Chapter 15):

   - Project Review Worksheet
   - Parcel Review Worksheet

   If relocation, then the following:

   - Relocation Project Overview Worksheet
   - Residential Relocation Review Worksheet
   - Non-Residential Relocation Review Worksheet
   - Personal Property Only Review Worksheet

6. The LAC will prepare the following reports, as provided for at Section 15-7 based on the following situations:

   a. A Certification Review Oversight Report, if there are any parcels that had deficiencies that required corrective action.

   b. If no issues exist, a Certification Review Oversight Report is not necessary as the information will be captured on the LAC Status Report.

7. a. If the LAC determines that the project is ready for certification, the LAC will:

   i. Sign the certificate and submit it to the RESM for their signature.

   ii. Prepare a Certification Review Transmittal Letter to the local agency indicating WSDOT will proceed with processing the certification request for their project.

   iii. After the RESM has signed the certificate, the LAC, submits the signed certificate with reports and copy of the transmittal letter electronically to LAPM and provides a courtesy copy, without reports, to Region Local Programs contact, HQ H&LP Program Management contact, and Local Agency contact.

   iv. Provides original transmittal letter and copies of any other relevant information to the LPA.

   OR

   b. If, after distribution of reports and a summary statement by the LAC to, and in consultation with the RESM, LAPM, and the Local Programs Engineer, the LAC determines that the project cannot be certified, the LAC will notify the LAPM and prepare a letter for signature by HQ H&LP.

   i. The letter will be provided to the agency and the Local Programs Engineer detailing the deficiencies encountered and will include a discussion/statement of whether the acquiring agency's approved procedures need to be amended, and identifies the areas of weakness. If the areas of weakness are compliance issues, this letter will also notify the acquiring agency that if any current project(s) has similar compliance issues, and possibly future project(s) they might be jeopardizing project's eligibility for federal funds.

      (1) If corrective action(s) is possible, the letter will outline the corrective action(s) required to qualify for certification.

      (2) If corrective action(s) is not possible, WSDOT will coordinate with FHWA to determine next steps. After the agency has performed the corrective action(s), the LAC will review the steps taken and, if appropriate, recommend certification of the project.

   ii. If certification is recommended, then steps i. through iv. above are followed.

HQ Review

1. Having received the signed certification from the LAC, the LAPM will:
2. Review Certification Review Package.
3. Verify federal aid number on the STIP.
4. Review submitted R/W plans or equivalent to verify that all property and/or property rights have been acquired.
5. Review Certification Review Package submitted from LAC.
6. Contact LAC if any areas need clarification.
7. LAPM will prepare WSDOT's Local Agency Certification Concurrence Letter.
8. Send the following to FHWA:
    a. WSDOT's Local Agency Certification Concurrence Letter.
    b. Original certificate.
        i. Certificate 1 and 2 to "FHWA Area Engineer."
        ii. Certificate 3 to FHWA ROW Program Manager.
9. Complete HQ certification in tracking spreadsheet.
10. Send electronic copy of completed certification to HQ H&LP Program Management contact, and a courtesy copy to the Region Local Programs contact, LAC, and RESM.
10. File copy of HQ WSDOT Concurrence Letter and certificate.

Certificates (1, 2, or 3) are submitted to FHWA based on the following criteria:

1. Federal aid projects where federal funds are in any project phase (PE, R/W, CN).
2. In the case of a Certificate 3, the project must be re-certified to either a 1 or a 2 when possession of the parcels is obtained.

FHWA does not formally approve Certificates 1 and 2. The actual certification date for federal aid projects is the date on the WSDOT Concurrence Letter sent to FHWA. For Certificate 3s, FHWA will issue an approval letter and that is the certification date.

How to Fill Out the Certification Worksheet

Figures 2 through 5

Figure 1

Plan Sheet

Certification Worksheet – State

Certification Worksheet – Local Agency

Certification Worksheet Design Build – State

Certification Worksheet Design Build – Local Agency

The relocation part of the Certification Worksheet should be filled out with "x"s in the "None" column, and with numbers in the Residential and Non-Residential columns, unless the column header indicates that a date should be entered. If you feel it is appropriate to put something other than an "x" or a number to indicate something specific about a particular parcel, make sure that the marking you choose is listed in a legend at the bottom of the worksheet, or that you add an entry in the legend. Parcels should be entered in the worksheet according to their geographic order of location on the R/W plan/PS&E.

For design build projects with multiple R/W phases/segments encompassed under one contract, the worksheet should be organized by phase/segment and then according to their positions on the plan. The certification worksheet will need to be updated with each Certificate 3 submission. The worksheet should highlight the parcels in yellow that are being cleared with this submission. Any parcels cleared in a previous certificate need to be updated to green.

How to Choose the Correct Certification Form

Figures 2 through 5

The tables in the figures are intended to help you determine which certification template to choose. The "x"s in the columns indicates the type of relocation within an individual parcel. The yellow highlight indicates the overall certificate type to select based on looking at all the parcels, with the exception of the "combination." Remember, a project's R/W certificate covers all the parcels necessary to construct, operate, and maintain the facility. A project will not have different R/W certificates due to different types of relocation by parcel.

What should be done if project planning or scoping documents originally indicated R/W was needed, but the final design of the project does not require R/W?

The acquiring agency should provide a No Right of Way Certificate that will be included in the project agreement that states, "Design refinements eliminated the need for R/W."

- For WSDOT projects, this No Right of Way Certificate should be completed by the Region Real Estate Services Manager and sent to Program Management.
- For Local Agency projects, this statement should be made by the appropriate staff at the agency, and sent to the Region Local Programs Engineer.
- HQ RES will send a courtesy copy of the No Right of Way Certificate to:
  - For WSDOT federally-funded projects to FHWA with a copy to the region.
  - For Local Agency projects to FHWA with a copy to the LAC and the Region Local Programs Office.

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

NO RIGHT OF WAY CERTIFICATION

Dear Sir:

As per 23 CFR 635.309(g), acquisition of right of way is not required for this project.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Sincerely,

Manager, Real Estate Services

cc:

RES-383
Rev 6/2012

RES-383 WSDOT No Right of Way Certificate

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#1)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

Sincerely,

Manager, Real Estate Services

cc:

RES-384
Rev 6/2012

RES-384 WSDOT Certificate 1, No Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#1)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Manager, Real Estate Services

cc:

RES-385
Rev 6/2012

RES-385 WSDOT Certificate 1, Residential Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#1)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented.

Sincerely,

Manager, Real Estate Services

cc:

RES-383
Rev 6/2012

RES-386 WSDOT Certificate 1, Non-Residential Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#1)
RESIDENTIAL AND NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Manager, Real Estate Services

cc:

RES-387
Rev 6/2012

RES-387 WSDOT Certificate 1, Combination of Relocation Types

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#2)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

Sincerely,

Manager, Real Estate Services

cc:

RES-388
Rev 6/2012

RES-388 WSDOT Certificate 2, No Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#2)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Manager, Real Estate Services

cc:

RES-389
Rev 6/2012

RES-389 WSDOT Certificate 2, Residential Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#2)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented.

Sincerely,

Manager, Real Estate Services

cc:

RES-390
Rev 6/2012

RES-390 WSDOT Certificate 2, Non-Residential Relocation

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#2)
RESIDENTIAL AND NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Manager, Real Estate Services

cc:

RES-391
Rev 6/2012

RES-391 WSDOT Certificate 2, Combination of Relocation Types

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#3)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attached is the Certification Table, and pertinent right of way plan sheets or other equivalent documents that shows the acquired parcels.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

RES-392 WSDOT Certificate 3, No Relocation

Right of Way Certificate #
Date
Page 2

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. WSDOT will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Acquisition Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Manager, Real Estate Services

cc:

RES-392
Rev 6/2012

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#3)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Residential occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

RES-393 WSDOT Certificate 3, Residential Relocation

Right of Way Certificate #
Date
Page 2

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. WSDOT will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Acquisition Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Manager, Real Estate Services

cc:

RES-393
Rev 6/2012

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#3)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Non-residential occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

RES-394 WSDOT Certificate 3, Non-Residential Relocation

Right of Way Certificate #
Date
Page 2

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible non-residential displaced persons have been relocated from the right of way.

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. WSDOT will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Acquisition Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Manager, Real Estate Services

cc:

RES-394
Rev 6/2012

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Federal Aid #:
Project Title:
Program:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE (#3)
RESIDENTIAL AND NON-RESDIENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

RES-395 WSDOT Certificate 3, Combination of Relocation Types

Right of Way Certificate #
Date
Page 2

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. WSDOT will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Acquisition Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Manager, Real Estate Services

cc:

RES-395
Rev 6/2012

Under Construction

WSDOT Certificate 3, Design Build Phased

Certificate No. 1
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION											RELOCATION					
																Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO
0			0	0	0	0		0		0		0			0	0	0	0	0

RES-397
Rev 6/2012

Page 1

5/24/2012

RES-397 WSDOT Certification Worksheet – State Certificate 1

Certificate No. 2
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION												RELOCATION					
																	Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Possession Date	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO
0			0	0	0	0			0		0		0			0	0	0	0	0

RES-397
Rev 6/2012

Page 2

5/24/2012

RES-397 WSDOT Certification Worksheet – State Certificate 2

Certificate No. 3
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION											RELOCATION						
																Non-Residential				
Parcel Number	Owner	R/W Plan Sheet #	Fee	Pre-NEPA	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO	Estimated Possession Date
0			0		0	0		0		0		0			0	0	0	0	0	

RES-397
Rev 6/2012

Page 3

5/24/2012

RES-397 WSDOT Certification Worksheet – State Certificate 3

Certification No. 1 - Design Build
Agency: WSDOT
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL				ACQUISITION												RELOCATION					
																		Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO

RES-398
Rev 6/2012

Page 1

5/24/2012

RES-398 WSDOT Certification Worksheet – Design Build Certificate 1

Certification No. 2 - Design Build
Agency: WSDOT
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION												RELOCATION					
																	Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Possession Date	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO

RES-398
Rev 6/2012

Page 2

5/24/2012

RES-398 WSDOT Certification Worksheet – Design Build Certificate 2

Certification No. 3 - Design Build
Agency: WSDOT
Project Title: Project Title F.A. No.: Federal Aid Number

GENERAL			ACQUISITION													RELOCATION						
																		Non-Residential				
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Lease	Date Lease Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO	Estimated Possession Date
ROW Cert Phase 1 (Delivery Date)																						
Phase Description																						
ROW Cert Phase 2 (Delivery Date)																						
Phase Description																						
ROW Cert Phase 3 (Delivery Date)																						
Phase Description																						
ROW Cert Phase (as many phases as propsed) (Deliver Date)																						
Phase Description																						

Legend

Green	Previously certified parcels
Yellow	Newly certified parcels
Red	Parcel certified but not clear for construction

RES-398
Rev 6/2012

Page 3

5/24/2012

RES-398 WSDOT Certification Worksheet – Design Build Certificate 3

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Fed. Aid #:
Project Title:
Project #:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE #_____

Dear Sir:

As per title 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property.

I hereby concur with the Region Real Estate Services Manager that this project should be certified for construction.

Sincerely,

NAME
Acquisition and Title Program Manager
WSDOT Project Certification

cc: Region RES Manager

RES-399
Rev 6/2012

RES-399 WSDOT Certification Concurrence Letter

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

NO RIGHT OF WAY CERTIFICATION

Dear Sir:

As per 23 CFR 635.309(g), acquisition of right of way is not required for this project.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-383
Rev 6/2012

LPA-383 LPA No Right of Way Certificate

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#1)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

LPA-384 LPA Certificate 1, No Relocation

Right of Way Certificate #
Date
Page 2

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-384
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#1)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

LPA-385 LPA Certificate 1, Residential Relocation

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-385
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#1)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

LPA-386 LPA Certificate 1, Non-Residential Relocation

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-386
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#1)
RESIDENTIAL AND NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that all necessary rights of way, including control of access rights (when pertinent), have been acquired including legal and physical possession for the following project:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

LPA-387 LPA Certificate 1, Combination of Relocation Types

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-387
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#2)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

LPA-388 LPA Certificate 2, No Relocation

Right of Way Certificate #
Date
Page 2

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-388
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#2)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

LPA-389 LPA Certificate 2, Residential Relocation

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-389
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#2)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

LPA-390 LPA Certificate 2, Non-Residential Relocation

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-390
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#2)
RESIDENTIAL AND NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that although all necessary rights of way have not been acquired, the right to occupy and use all rights of way required for the proper execution of the following project have been acquired:

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

LPA-391 LPA Certificate 2, Combination of Relocation Types

Right of Way Certificate #
Date
Page 2

I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-391
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#3)
NO RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attached is the Certification Table, and pertinent right of way plan sheets or other equivalent documents that shows the acquired parcels.

No residential and/or non-residential relocation is required. There are no improvements to be removed or demolished for the above cited project.

I further certify that there were no residential individuals or families displaced by the above cited project. Therefore, the provisions of current FHWA directives covering the relocation of displaced person(s) to DS&S housing and availability of adequate replacement housing are not applicable to this project.

LPA-392 LPA Certificate 3, No Relocation

Right of Way Certificate #
Date
Page 2

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. The local agency will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Local Agency Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-392
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#3)
RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Residential occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible residential occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

LPA-393 LPA Certificate 3, Residential Relocation

Right of Way Certificate #
Date
Page 2

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. The local agency will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Local Agency Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-393
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#3)
NON-RESIDENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Non-residential occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible non-residential displaced persons have been relocated from the right of way.

LPA-394 LPA Certificate 3, Non-Residential Relocation

Right of Way Certificate #
Date
Page 2

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. The local agency will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Local Agency Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-394
Rev 6/2012

Date

Mr.
Local Programs Engineer
WSDOT _____ Region
Address
City, State Zip

RE: Federal Aid #:
Project Title:
Anticipated Ad Date:
Anticipated Bid Opening:
Local Agency:

RIGHT OF WAY CERTIFICATE (#3)
RESIDENTIAL AND NON-RESDIENTIAL RELOCATION

Dear Sir:

As per 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property and the following applies:

I hereby certify that the acquisition or right of occupancy and use of a few remaining parcels is not complete.

Insert Project Description: What is the planned project (scope, limits, work description, etc.)? Resources for information would be STIP, project web page, NEPA document (SEPA if state only funds).

Attach the pertinent right of way plan sheets or other equivalent document.

(Select (a) or (b))

(a) All residential and non-residential occupants have vacated the lands and improvements and the state has physical possession and the right to remove, salvage, or demolish these improvements and enter upon all lands.

(b) Occupants remain to be vacated and the agency ensures that occupants who remain in the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

(Select (a) or (b))

(a) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented. All eligible persons and occupants of the right of way within this project have been relocated to decent, safe and sanitary housing or have been offered decent, safe and sanitary housing.

LPA-395 LPA Certificate 3, Combination of Relocation Types

Right of Way Certificate #
Date
Page 2

(b) I further certify that our previously submitted assurances of an adequate relocation assistance program and real property acquisition policies have been fully implemented except for a few remaining parcels as explain the exception section.

I further certify that appropriate notification will be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

Justification: (Select A or B)

A. Bids will not be opened until Parcel No. is paid. The local agency will recertify with a Cert #1 prior to bid opening (Insert bid opening date).

B. Any other reasons must be discussed with the WSDOT Local Agency Program Manager so that he/she can work with the FHWA ROW Manager on description – R/W and/or LAG Manual.

Sincerely,

Name of Person Signing
Chief Administrative Officer or
Local Agency or Delegated Authority

Name of Region Manager
Manager, Real Estate Services
_____ Region

Name of Local Agency Coordinator
Local Agency Coordinator, Real Estate Services
_____ Region

cc:

LPA-395
Rev 6/2012

Under Construction

LPA Certificate 3, Design Build Phased

Certificate No. 1
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION											RELOCATION					
																Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt. X or S	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO
0			0	0	0	0		0		0		0			0	0	0	0	0

Key
S = Slope Easement
X = All Other Easements

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LPA-397 LPA Certification Worksheet
Certificate 1

Certificate No. 2
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION												RELOCATION					
																	Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt. X or S	Possession Date	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO
0			0	0	0	0			0		0		0			0	0	0	0	0

Key
S = Slope Easement
X = All Other Easements

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5/24/2012

LPA-397 LPA Certification Worksheet Certificate 2

Certificate No. 3
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION											RELOCATION						
																Non-Residential				
Parcel Number	Owner	R/W Plan Sheet #	Fee	Pre-NEPA	Access Rights	Perm. Esmt. X or S	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO	Estimated Possession Date
0			0		0	0		0		0		0			0	0	0	0	0	

Key
S = Slope Easement
X = All Other Easements

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5/24/2012

LPA-397 LPA Certification Worksheet
Certificate 3

Certification No. 1 - Design Build
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION											RELOCATION					
																Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	OPO

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Page 1

5/24/2012

LPA-398 LPA Certification Worksheet – Design Build Certificate 1

Certification No. 2 - Design Build
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid No.

GENERAL			ACQUISITION												RELOCATION					
																	Non-Residential			
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Possession Date	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO

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LPA-398 LPA Certification Worksheet – Design Build Certificate 2

Certification No. 3 - Design Build
Agency: Name of Agency
Project Title: Project Title F.A. No.: Federal Aid Number

GENERAL										ACQUISITION										RELOCATION						
																						Non-Residential				
Parcel Number	Owner	R/W Plan Sheet #	Pre-NEPA	Fee	Access Rights	Perm. Esmt.	Date Acquired	Effective Date TCE	Date TCE Expires	Effective Date Lease	Date Lease Expires	Effective Date Permit	Date Permit Expires	Effective Date Right of Entry	Date Right of Entry Expires	None	Res.	Bus.	Farm	NPO	PPO	Estimated Possession Date
ROW Cert Phase 1 (Delivery Date)																						
Phase Description																						
ROW Cert Phase 2 (Delivery Date)																						
Phase Description																						
ROW Cert Phase 3 (Delivery Date)																						
Phase Description																						
ROW Cert Phase (as many phases as proposed) (Deliver Date)																						
Phase Description																						

Legend

Green	Previously certified parcels
Yellow	Newly certified parcels
Red	Parcel certified but not clear for construction

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LPA-398 LPA Certification Worksheet – Design Build Certificate 3

Date

Mr. Dan Mathis
Division Administrator
Federal Highway Administration
Olympia, WA 98501

RE: Fed. Aid #:
Project Title:
Agency:
Anticipated Ad Date:
Anticipated Bid Opening:
County:

RIGHT OF WAY CERTIFICATE #_____

Dear Sir:

As per title 23 CFR 635.309(c), right of way has been acquired in accordance with current FHWA regulations (49 CFR Part 24) and policies covering the acquisition of real property.

I hereby concur with the Local Agency, the RES Region Manager and the Local Agency Coordinator that this project should be certified for construction.

Sincerely,

Dianna Nausley
Local Public Agency Program Manager
Project Certification

cc: Region RES Manager
Region Local Agency Coordinator

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LPA-399 LPA Certification Concurrence Letter