

2025

RIGHT-OF-WAY MANUAL



**OFFICES OF REAL ESTATE
AND
PROPERTY MANAGEMENT**

Functions - Procedures

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Preface

The purpose of this manual is to fully describe the standard operating procedures for the Real Estate Acquisition and Property Management programs within the State of Rhode Island Department of Transportation (RIDOT).

All Federal and federally assisted projects and programs will follow Federal and State regulations and this Real Estate Procedural Manual shall be used as a reference guide for such activities.

Rhode Island Department of Transportation (RIDOT) and the Federal Highway Administration (FHWA) have entered into a Stewardship and Oversight Agreement that list the various actions and describes approval and oversight responsibilities of each party for administering Federal-aid projects.

RIDOT, acting on behalf of FHWA, is expected to exercise judgments similar to the FHWA based on Federal laws, regulations, and policies.

The following table below defines each other's respective roles and responsibilities related to those items related to Right-of-Way and Real Estate Management Activities.

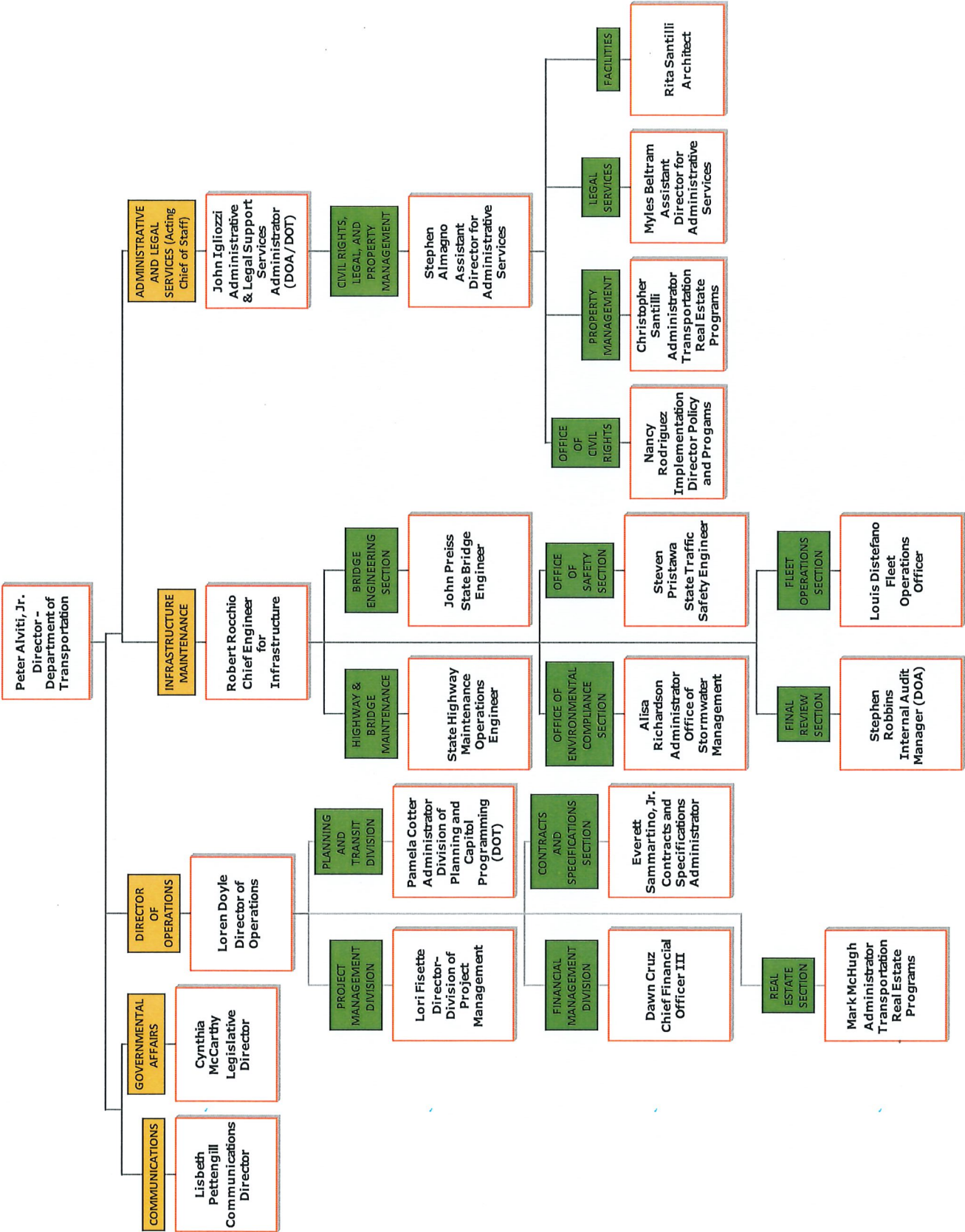
Activity	Authority	RIDOT ACTION	FHWA ACTION	Remarks
Maintain a Right-of-Way Manual and update/revise as required at regular intervals	23 CFR 710.201	Prepare and Submit	Review and Approve	Final Rule requires approval of ROW Manual no later than 6-3-2025; Next update 8-23-2028 and every 5 years thereafter
Project Authorization for Right-of-Way (informally calls this the obligation date)		Prepare and Submit (RIDOT Finance Section)	Review and Approve	Authorization to Acquire Right-of-Way
Right-of-Way Project Authorization Package		Prepare and Submit	Review	Note that the FHWA approval of this is inherent in the Project Authorization for Right-of-Way approval above
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)]	23 CFR 635.309(b)	Prepare and Submit (for Interstates) Prepare and Approve (Non-Interstates)	Review & Approve (for Interstates) None (Non-Interstates)	Permission to advertise the Federal-aid contract without all right-of-way available

Right-of-Way Certificates	23 CFR 635.309(c)	Prepare and Submit	Review & File	Closure on status of outstanding right-of-way
ROW Use Agreements (for Interstate only)	23 CFR 710.405	Prepare and Submit	Review & Approve	Assure safe and proper operation and maintenance of the facility
Approve retaining right-of-way encroachments	23 CFR 1.23(b) & (c) and 23 CFR 403(a)	Prepare & Submit (Interstate) Prepare and Approve (non-Interstate)	Review & Approve (Interstate) None (non- Interstate)	An encroachment may remain if it is determined that it is in the public interest to remain, or the removal would pose an extreme hardship on the property owner. In addition, the encroachment must not impair the highway or interfere with the free and safe flow of traffic and must be located outside the clear zone as defined in the most recent edition of the AASHTO Roadside Design Guide.
Non-Highway Use Agreement, at fair market value	23 CFR 1.23(c) and 23 CFR 710.405	Prepare & Submit (Interstate) Prepare and Approve (non-Interstate)	Review & Approve (Interstate) None (non- Interstate)	Determination that non-highway use does not impair the highway or interfere with safety and integrity of the Federally funded facility
Non-Highway Use Agreement at less than fair market value	CFR 1.23(c) and 23 CFR 710.403(e) and 23 CFR 710.405	Prepare & Submit	Review & Approve	Applicable to leases, licenses, but not permits. Determination that non-highway use does not impair the highway or interfere with safety and integrity of the Federally funded facility
Disposal of Real Property Interests at fair market value including disposals of access control	23 CFR 710.409	Prepare & Submit (Interstate) Prepare and Approve (non-Interstate)	Review & Approve (Interstate) None (non- Interstate)	Approval by the FHWA is needed for any change of use of property along the Interstate
Disposal of Real Property Interests for less than fair market value including disposals of access control	23 USC 156 23 CFR 710.403(e)	Prepare & Submit	Review & Approve	Public Interest Determination consistent with 23 CFR 710.409(d)
Early acquisition, protective buying, and hardship	23 CFR 710.501 and 503	Prepare & Submit	Review & Approve	
Functional Replacement	23 CFR 710.509	Prepare & Submit	Review & Approve	Determination that functional replacement is in the public interest
Requests for credits toward non-Federal share of construction costs for early acquisitions, donations, or other contributions	23 CFR 710.501	Prepare & Submit	Review & Approve	Coordination with Innovative Finance Plan

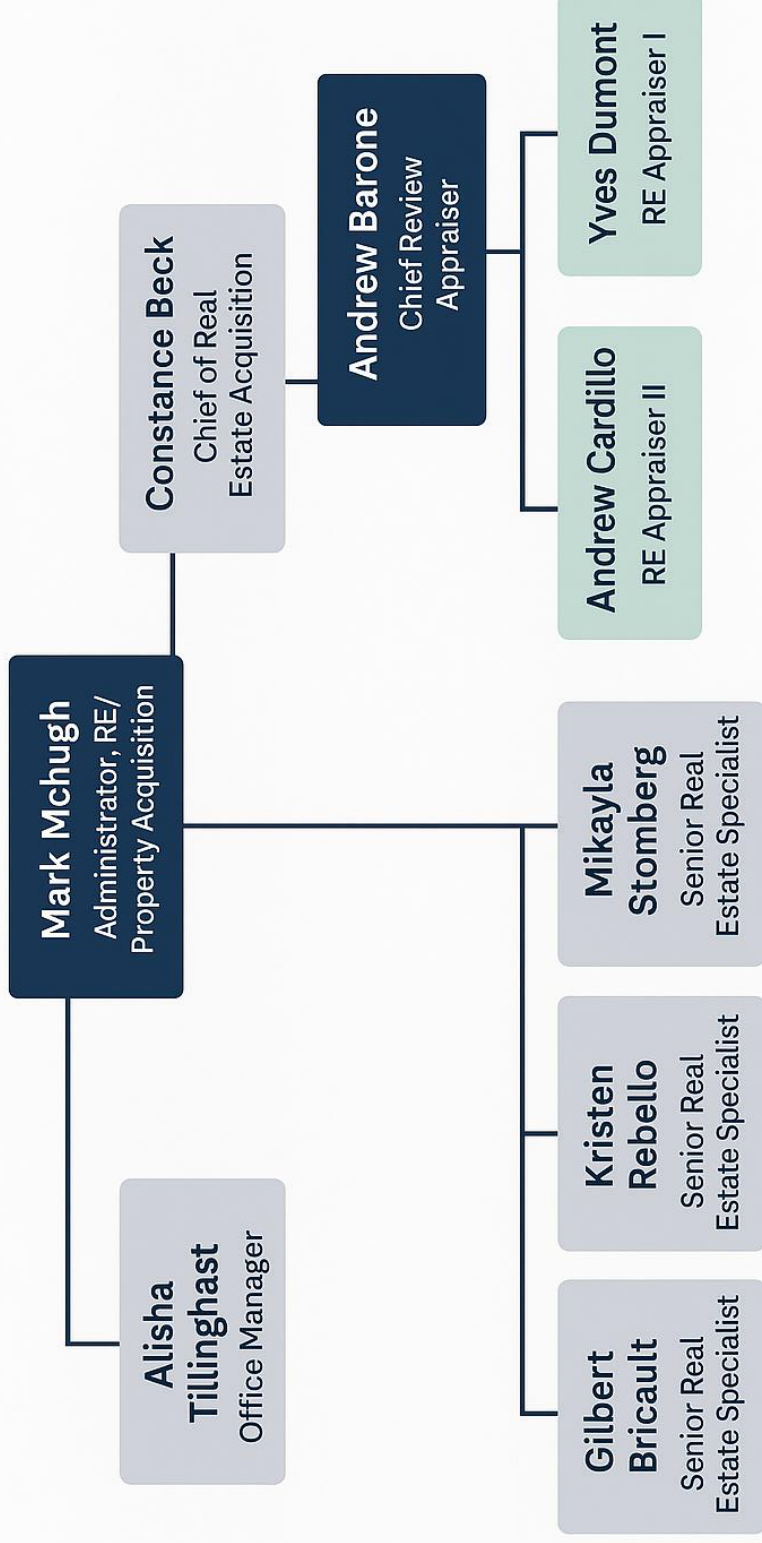
Federal Land Transfers	23 CFR 710, Subpart F	Prepare & Submit	Review & Approve	
Direct Federal Acquisition	23 CFR 710.603	Prepare & Submit	Review & Approve	Only applicable if the RIDOT is unable to acquire or obtain possession with sufficient promptness
Waivers from Availability of Comparable Replacement Dwelling before Displacement	49 CFR 24.7; 49 CFR 24.204(b)	Prepare & Submit	Review & Approve	Approved by the FHWA HQ (HEPR Office Director)
Review of Uniform Relocation Assistance & Real Property Acquisition Report (OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Submit Annually by 15-Nov	Review	Submitted to the FHWA HQ
Review of Real Property Statistical Report	FHWA Order 6540.1	Submit annually by 15- Nov	Review	
Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.304; 23 CFR 750.705; 23 USC 131	Submit as needed	Review and Approve	

Organizational Charts of the Department and individual Real Estate Offices as well as the descriptions of the qualified staff members on the proceeding pages:

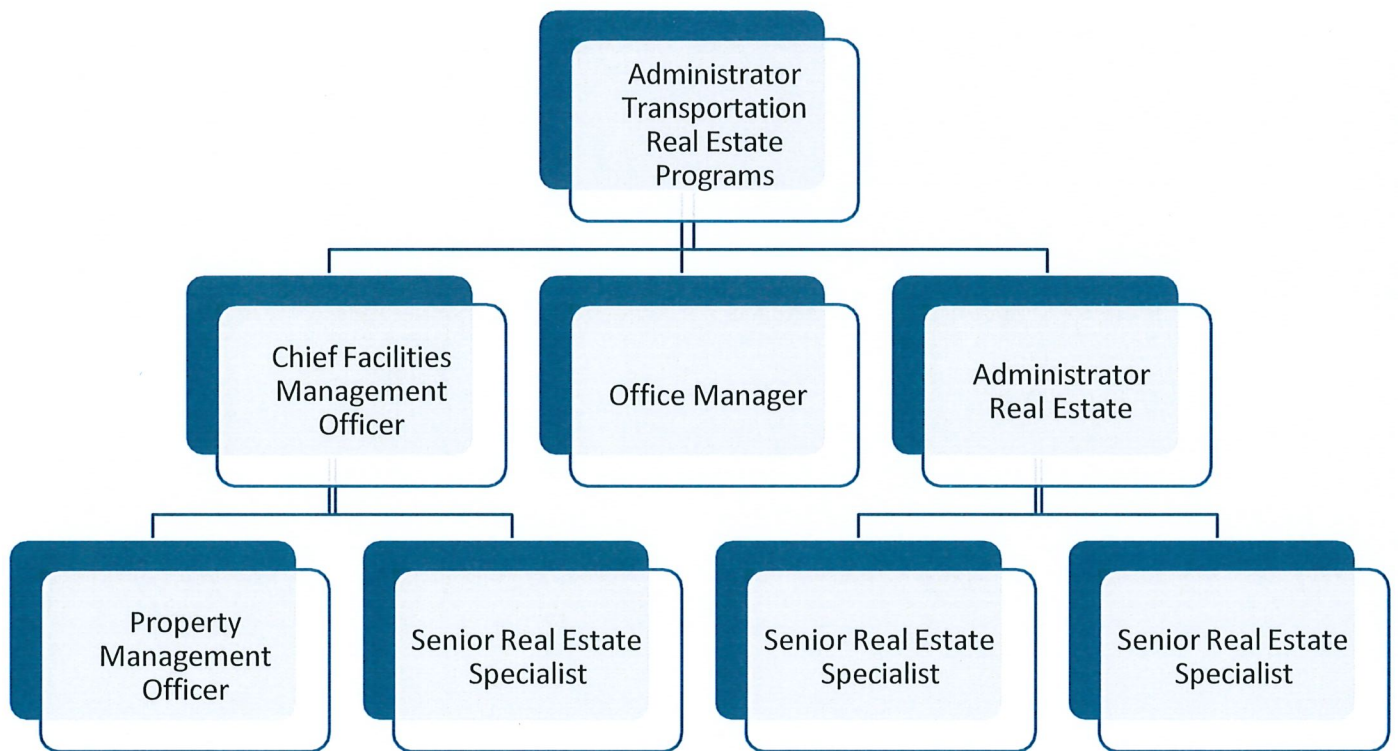
Rhode Island Department of Transportation
Organizational Chart



REAL ESTATE DIVISION ORGANIZATIONAL CHART



Section 14-Property Management Organizational Chart



**CLASS TITLE: ADMINISTRATOR, TRANSPORTATION REAL ESTATE
PROGRAMS (DOT)**

Class Code: 02555800
Pay Grade: 41A
EO Code: A

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: Within the Department of Transportation (DOT), to plan, coordinate and administer various state highway administration programs including comprehensive right-of-way, property management, facilities management, leasing, sales and/or real estate acquisition; to supervise, review and evaluate the work of a staff assigned in the execution of such programs; to support the department's Capital Program by overseeing all aspects of real estate acquisitions, easements and condemnations; to be responsible for supporting the delivery of real estate projects within scope, on schedule, on budget and to the highest quality; to coordinate program activities with other functional units to ensure cohesiveness among staff; and to do related work as required.

SUPERVISION RECEIVED: Works under the general direction of a superior with wide latitude for the exercise of authority, initiative, and independent judgment in the formulation of policies and program procedures; work is subject to review through consultations and reports for satisfactory performance and conformance with applicable state and federal laws, rules, regulations and departmental policies and objectives.

SUPERVISION EXERCISED: Plans, assigns, supervises, and reviews the work of a staff of professional, legal, technical, and clerical personnel.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

Within the Department of Transportation (DOT), to plan, coordinate and administer various state highway administration programs including comprehensive right-of-way, property management, facilities management, leasing, sales and/or real estate acquisition; to supervise, review and evaluate the work of a staff assigned in the execution of such programs; to support the department's Capital Program by overseeing all aspects of real estate acquisitions, easements and condemnations; to be responsible for supporting the delivery of real estate projects within scope, on schedule, on budget and to the highest quality; to coordinate program activities with other functional units to ensure cohesiveness among staff.

To be responsible for overseeing and reviewing complex staff work products involving: comprehensive right-of-way, property management, facilities management, leasing, sales and/or real estate acquisition programs involving such activities as:

obtaining accurate and complete information concerning land use privileges and real property, conditions of ownership and of any and all existing encumbrances such as mortgages, liens and restrictions; to obtain property divisional lines in instances where such lines are not on record; to verify data obtained with title records, deeds, probate records or other official records; and

making appraisals of the fair market value of land and all improvements thereon to be acquired for state use; to make appraisals for consequential or appurtenance damages, if any, to the remaining portions of property not to be acquired; and

making final negotiations with property owners or their agents for the purpose of obtaining property by deed and releases for damages resulting from condemnations, such as the removal and relocation of buildings and other improvements; to make final negotiations for slide slope easements, drainage easements and easements for the right of entry; to make final negotiations for obtaining options on land to be acquired by deed; and

providing a program of advice and assistance to owners and tenants of condemned property who must relocate their residences or commercial, industrial, manufacturing, mercantile or other establishments resulting from highway construction; and

providing a program for the management, maintenance and protection of property acquired for state use including the assessment and collection of rents prior to the demolition of such property; and

overseeing the unit operations and coordinating its support services with other departmental staff; to assist other state or local agencies as required.

To be responsible for reviewing and evaluating the reports of staff in connection with land taking activities.

To prepare reports and make recommendations to a superior for payments of all claims resulting from land acquisition activities.

To be responsible for overseeing the sale, lease, or license of real estate under the jurisdiction of the department.

To assist the Attorney General's Office in court cases, by providing all records and data involving land taking actions by the state.

To be responsible for overseeing the control of outdoor advertising located adjacent to the interstate and primary highways in accordance with the Federal Highway Beautification Act.

To guide staff and ensure that all project support, quality assurance/control and asset management efforts are carried out in an effective manner.

To make recommendations to a superior for the establishment or revision of the departmental policies governing real estate and land survey.

To recommend new or revised policies resulting from legislative changes, or changes in federal policies and regulations, requiring changes in operating and reporting procedures.

To plan, organize and direct the assignments of work to project teams through established supervision.

To develop and monitor a budget, schedule staff performance reviews, compose and submit performance reports on assigned projects.

To attend public hearings held concerning the acquisition of land involving Department of Transportation projects.

To appear before the State Properties Committee for the purpose of obtaining real estate by deed or obtaining releases or damages resulting from condemnation, and the sale, lease, or license of real estate under the jurisdiction of the Department.

To do related work as required.

REQUIRED QUALIFICATION FOR APPOINTMENT:

KNOWLEDGE, SKILLS AND CAPACITIES: A thorough knowledge of the principles, practices and techniques of real estate used in title examination, appraisal, and negotiation; a thorough knowledge of closing activities and problems of relocation resulting therefrom, in the acquisition of real property for state construction projects; a thorough knowledge of Departmental Real Estate operations used in planning, developing and implementing a board and comprehensive real estate program; a thorough knowledge of real estate legal instruments such as deeds, easements, sales contracts and related documents commonly used in real estate transactions; a thorough knowledge of the principles, practices and techniques of labor and industrial relations and/or business management; a thorough knowledge of state and federal real estate laws, rules and regulations related to state construction projects land condemnation proceedings; a thorough knowledge of the principles and practices of property management, maintenance and protection of property acquired for state use; the ability to supervise, review and evaluate the work of a subordinate professional, technical and clerical staff engaged in the administration of a real estate program; the ability to sell, lease or license real property under the jurisdiction

of the department; the ability to establish and maintain effective working relationships with state, local, and federal highway officials, property owners, and the general public; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with a Bachelor's Degree with specialization in Public Administration, Business Administration, Business Management, Economics, Law, or a closely related field; and

Experience: A minimum of four (4) years of employment in a highly responsible administrative capacity overseeing the administration, implementation and management of real property, real estate development, capital asset management, or related capital development projects; or, a minimum of six (6) years of employment in a responsible supervisory position in the public or private sector overseeing real estate management and/or facilities management.

Class Created: March 28, 1999

Editorial Review: March 15, 2003

Class Revised: December 20, 2020

Class Revised: July 14, 2024

ADMINISTRATOR-REAL ESTATE

GENERAL STATEMENT OF DUTIES: To be responsible for the supervision of all real estate programs and activities within the Real Estate Division, including the regulation and licensing of real estate schools, agents, brokers and appraisers; and to do related work as required.

SUPERVISION RECEIVED: Works under the general administrative direction of an Associate Director in the Department of Business Regulation with wide latitude for the exercise of initiative and independent judgement; work is reviewed for conformance to laws, policies, rules and regulations.

SUPERVISION EXERCISED: Plans, coordinates, supervises and reviews the work of a staff engaged in the regulation, licensing and supervision of real estate brokers, agent's schools and appraisers.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To be responsible for the supervision of all programs and activities within the Real Estate Division including the regulation and licensing of real estate schools, agents, brokers and appraisers.

To investigate and verify all claims made for payment by aggrieved parties against the real estate fund and to make deposits for same.

To be responsible for the licensing of real estate schools and to approve courses given by these schools.

To supervise the preparation and administration of examinations for licensing candidates.

To review license applications to ensure that applicants possess the proper qualifications, that the forms are properly completed, and that applications, license and recovery fund fees have been paid.

To be responsible for establishing procedures and designing forms for carrying out real estate regulations and laws.

To be responsible for receiving and accounting for all monies.

To be responsible for inspecting all real estate offices for compliance with laws, rules, regulations, bookkeeping methods and administrative procedures.

To conduct hearings and investigations to determine and review the facts concerning complaints against real estate agencies, brokers and salespersons; to order the correction of violations; and to recommend the suspension or revocation of the licenses of violators.

To supervise the preparation of data for submission to the Real Estate Commission and, when assigned, to act as the designee of the Director to the Real Estate Commission.

To receive applications for state licensing and/or certification of real estate appraisers; to establish the administrative procedures for processing applications for state licensing and/or certification of real estate appraisers; and to maintain a registry of the names and addresses of individuals licenses and/or certified under this chapter; to retain records and all application material submitted to the Real Estate Appraisal Board.

To assist in the preparation of legislation, rules and regulations, conduct administrative hearings and represent the department before trade associations, business organizations, public forums and the news media.

To provide testimony before legislative committees and to assist in monitoring legislation and prepare related responses and position statements.

To attend meetings and conferences related to real estate licensing and regulatory activities in and outside of the state and prepare reports as necessary.

To make recommendations for changes in laws, policies and procedures.

To do related work as required.

REQUIRED QUALIFICATION FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of state real estate licensing laws, rules and regulations and the ability to interpret and apply such laws, rules and regulations; a working knowledge of real estate principles, practices and techniques; the ability to plan, supervise and review the work of a staff engaged in a program of real estate regulation; the ability to gather and analyze data; the ability to conduct administrative hearings and make appropriate recommendations and decisions; the ability to communicate effectively with business organizations, trade associations, legislative committees and to establish and maintain effective working relationships with superiors, subordinates and the general public; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through graduation from a college of recognized standing; and Experience: Such as may have been gained through considerable employment in a supervisory capacity as a real estate broker or agent; or employment in a responsible supervisory position in the field of real property; or employment in a responsible position involving the regulation of real estate transactions.

Or any combination of education and experience that shall be substantially equivalent to the above education and experience.

CHIEF FACILITIES MANAGEMENT OFFICER

GENERAL STATEMENT OF DUTIES: To assist in planning, developing and implementing comprehensive departmental property management and facilities management program; to be responsible for participating in, as well as assisting in, reviewing and evaluating the work of a staff engaged in the administration of such programs; and to do related work as required.

SUPERVISION RECEIVED: Works under the general direction of a superior from whom general and specific work assignments are received with wide latitude in the exercise of initiative and independent judgement in carrying out such assignments; work is subject to review upon completion only for results obtained and conformance to state and federal laws, rules and regulations as well as departmental policies and objectives.

SUPERVISION EXERCISED: Assists in planning, supervising, reviewing and evaluating the work of a subordinate staff of professional, technical and clerical personnel.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To assist in planning, developing, and implementing comprehensive departmental property management and facilities management program; to be responsible for participating in, as well as assisting in, supervising, reviewing and evaluating the work of a staff engaged in the administration of such program and involving such activities as:

A departmental program of general supportive services including property management, buildings and grounds, and engineering consultative services for divisions, and sections as may require such services; to assist in the planning and implementation of a comprehensive program for the acquisition, leasing, construction repairs, replacement and maintenance of public buildings, and equipment, including responsibility for assisting in developing space utilization plans for department owned facilities; to assist in the development of a comprehensive plan for the management of state owned real property and such real property leased, rented or used by the department and to assist in the supervision of a staff assigned to the detailed development of specifications, leases, the development of appropriate additions and renovations and/or such space utilization plans, as may be required, assuring that all such real property as is used by the department conforms to appropriate codes and/or laws regulating their use; to assist in the development and administration of the capitol development and building improvement budget for the department including a comprehensive property acquisition plan; to assist in the direction of a staff for consultants engaged in the comprehensive review and inspection of construction projects in both the proposal and construction phases to ensure compliance with accepted professional standards and contract provisions; to be responsible for the coordination and preparation of all reports to include energy conservation; to compile fiscal management programs in conjunction with a superior involving preparation of the divisional budget, maintaining quarterly allotment systems, initiation of requests for transfer of funds, and maintenance of records; to assist in supervising and controlling procurement functions involving the review of requests for material, equipment and supplies; and the preparation of purchases requisitions.

As required, to review the sale, lease or license or real estate under the jurisdiction of the Department and make recommendations to a superior concerning such activities.

As required, to assist the appointing authority in labor negotiations and personnel administration activities.

As required, to appear in court and give expert testimony regarding real estate matters.

To attend public hearings held in conjunction with Department projects involving property management.

As required, to appear before the State Properties Committee for the purpose of obtaining real estate by deed or obtaining releases for damages resulting from condemnation as well as the sale, lease or license of real estate under the jurisdiction of the Department of Transportation.

To coordinate the planning, design and construction activities related to the acquisition, management and conveyance of real estate in conjunction with other departmental divisions, as well as local, state and federal agencies.

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGE, SKILLS AND CAPACITIES: A thorough knowledge of the principles and practices of public administration, property management and real estate; a thorough knowledge of the organization of state government; a thorough knowledge of the principles and methods used in the collection, analysis, evaluation and presentation of findings relative to departmental projected requirements for and utilization of office, facility or land and the apportionment and use of existing or newly acquired space, the ability to analyze and evaluate property proposals and make recommendations; the ability to use clear, precise language in the preparation of written and verbal presentations and in the writing of leases; the ability to establish and maintain effective working relationships with departmental officials and employees, representatives of the real estate and business communities, attorneys, architects and related professionals; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, economics or a closely related field; and receipt of a certificate in real estate from a college or university of recognized standing; and

Experience: Extensive employment in a highly responsible public property management position including space utilization studies, the projection of space requirements, the appointment of space, and the negotiation and preparation of leases for real property.

Or any combination of education and experience that shall be substantially equivalent to the above education and experience.

PROPERTY MANAGEMENT OFFICER

GENERAL STATEMENT OF DUTIES: To perform responsible and complex work in the management of state-owned real property and privately-owned real property used by state agencies; and to do related work as required.

SUPERVISION RECEIVED: Works under the supervision of a superior with wide latitude for the exercise of independent judgement; work is reviewed for conformance to law, policies, rules and regulations.

SUPERVISION EXERCISED: May assign and review the work of clerical personnel.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To perform responsible and complex work in the management of state-owned real property and privately- owned real property used by state agencies; and to do related work as required.

To determine the space requirements of state agencies, departments and commissions to be used for offices, classrooms and/or courtrooms.

To assist in the negotiating and writing of leases and renewals with owners or their managers on behalf of the state.

To negotiate and coordinate alterations, renovations and services with owners, attorneys or their architects and agents, and the state agency occupying the space.

To insure that leased space used by the state agencies conforms to all existing local, state and federal codes, statutes and regulations.

To present proposals for new leases and renewals in concert with representatives of the state agencies involved.

To create schematic layouts depicting designs of present and/or proposed usage of state-owned and leased space.

To review the proposals for the lease of privately-owned property and the usage of present state owned or privately-owned property leased space.

To write advertisements and legal notices inviting proposals for leased space to be used by state agencies.

To establish and maintain various files and records related to property management.

To assist in coordinating the acquisition of privately-owned property by the state and the disposal of state- owned property.

To coordinate the move to and occupancy of new space by a state agency. To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGE, SKILLS AND CAPACITIES: A working knowledge of the principles and practices of public administration, property management and real estate; a working knowledge of the organization of state government; a working knowledge of the principles and methods used in the collection, analysis, evaluation and presentation of findings relative to state agencies' present or projected requirements for and utilization of office, classroom and/or common space and use of existing or newly acquired space; the ability to analyze and evaluate property proposals and make recommendations; the ability to use clear, precise language in the preparation of written and verbal presentations and reports and in the

writing of leases; the ability to establish and maintain effective working relationships with departmental and agency officials and employees, representatives of the real estate and business communities, attorneys, architects and related professionals; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing supplemented by courses in real estate;

Experience: Employment in a responsible property management position including assisting in space utilization studies, the projection of space requirements, the apportionment of space, and the negotiation and preparation of leases for real property.

Or any combination of education and experience that shall be substantially equivalent to the above.

OFFICE MANAGER

GENERAL STATEMENT OF DUTIES: Within a large state department, to serve in a responsible capacity to a director or Associate Director by planning, coordinating, directing and supervising office operations and other administrative support services; and to do related work as required.

SUPERVISION RECEIVED: Works under the general direction of a superior with considerable latitude for the exercise of initiative and independent judgement; work assignments are subject to review for results obtained and conformance to departmental policies, objectives, rules and regulations.

SUPERVISION EXERCISED: Plans, supervises and reviews the work of a subordinate staff; may exercise functional supervision over other positions in the Office of the Director as assigned.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

Within a large state department, to serve in a responsible capacity to a director or Associate Director by planning, coordinating, directing and supervising office operations and other administrative support services.

To relieve the Director or Associate Director by supervising such details as: the acceptance of telephone calls, the reception of visitors, the preparation and processing of correspondence, the maintenance of files and records, the collection and dissemination of information, and the transmission of instructions to departmental officials.

To supervise and review the work of a staff engaged in providing various clerical support services required of the office.

To contact division chiefs and other officials for the purpose of obtaining information and recommendations for the planning of programs and policies.

To prepare reports and analyses for the use of the Director or Associate Director in their evaluation of the effectiveness of current programs and policies and/or determining the need for new programs and policies.

To confer with departmental officials for guidance and assistance in the preparation of reports on the application and interpretation of policies, standards and laws.

To analyze, as directed, statutes, rules and regulations and to report thereon to the Director or Associate Director.

To prepare agendas for conferences between the Director or Associate Director and departmental officials.

To gather data on information from a variety of sources relating to the functions of the Department for use of the Director or Associate Director in their preparation of speeches, reports and news releases.

To review all correspondence and departmental mail of office and to distribute or handle such correspondence not requiring superior's immediate attention.

To be responsible for the operational aspects of the office of the Director or Associate Director involving both routine and high-level administrative matters.

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A working knowledge of the principles and practices of modern office management and the ability to apply this knowledge in coordinating work of a state agency engaged in performing administrative supporting services; the ability to prepare findings, conclusions, and recommendations; the ability to assist the Director or Associate Director in broad areas of departmental policy development, implementation and coordination; the ability to clearly express the views of the Director or Associate Director and the Department as a representative of the Office of the Director; the ability to prepare agendas for various meetings and conferences when directed; the ability to review the department head's correspondence and mail and distribute or handle such correspondence not requiring his immediate attention; the ability to supervise the operational aspects of the Office of the Director involving both routine and high level administrative matters; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through graduation from a senior high school supplemented by completion of courses in the principles and practices of office management; and

Experience: Such as may have been gained through considerable employment as an office manager in an office served by the chief executive of a state department or a large business or corporation with total responsibility for the various office support functions.

Or any combination of education and experience that shall be substantially equivalent to the above education and experience.

CLASS TITLE: CHIEF OF REAL ESTATE ACQUISITION (DOT)

Class Code: 02674700
Pay Grade: 38A
EO Code: A

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: Within the Department of Transportation (DOT), to oversee the planning, promoting, and administering a complex comprehensive real estate program; to be responsible for participating in, as well as supervising, reviewing, and evaluating the work of a staff engaged in, the administration of such programs; and to do related work as required.

SUPERVISION RECEIVED: Works under the general direction of a superior from whom general and specific work assignments are received with wide latitude in the exercise of initiative and independent in carrying out such assignments; work is subject to review upon completion only for results obtained and conformance to state and federal laws, rules, and regulations as well as departmental policies and objectives.

SUPERVISION EXERCISED: Assists in planning, supervising, reviewing, and evaluating the work of a subordinate staff of professional, technical, and clerical personnel.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

Within the Department of Transportation (DOT), to oversee the planning, promoting, and administering a complex comprehensive real estate program; to be responsible for participating in, as well as supervising, reviewing, and evaluating the work of a staff engaged in, the administration of such programs.

To obtain accurate and complete information concerning the land use privileges and real property conditions of ownership and of all existing encumbrances such as: mortgages; liens and restrictions; and obtaining property divisional lines in instances where such lines are not on record and for verifying data obtained with little records, deeds, probate records or other official records.

To be responsible for making appraisals of the fair market value of land and all improvements thereon to be acquired for state use; and for making appraisals for consequential or appurtenance damages, if any, to the remaining portions of property not to be acquired.

To take part in final negotiations with property owners or their agents for the purpose of obtaining property by deed and obtaining releases for damages resulting from condemnations such as the removal and relocation of buildings and other improvements; and making final negotiations for slide slope easements, drainage easements and easement for the right of entry, and making final negotiation for obtaining options on land to be acquired by deed.

To provide a program of advice and assistance to owners and tenants of condemned property who must relocate their residences or commercial, industrial, manufacturing, mercantile or other establishment resulting from highway construction and providing a program for the management, maintenance and protection of property acquired for state use including the assessment and collection of rents prior to the demolition of such property.

To be responsible for reviewing and evaluating the reports of appraiser(s) and negotiator(s) in connection with land taking activities; and to prepare reports and make recommendations to superior for payment of all claims regulating from land acquisition activities.

To review the sale, lease, or license of real estate under the jurisdiction of the department and make recommendations to a superior concerning such activities.

To assist the appointing authority in labor relations and personnel administration activities, as required.

To assist the Attorney General's Office in court cases by providing all records and data involving land taking actions by the state.

To assist in the control of outdoor advertising located adjacent to interstate and primary highways in accordance with the Federal Highway Beautification Act.

To attend public hearings held in conjunction with Department of Transportation projects involving land acquisition.

As required, to appear before the State Properties Committee for the purpose of obtaining real estate by deed or obtaining releases or damages resulting from condemnation as well as the sale, lease, or license of real estate under the jurisdiction of the department.

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the principles, practices and techniques of real estate used in title examination, appraisal, and negotiation, as well as the closing activities and problems of relocation resulting in the acquisition of real property for state construction projects and the ability to apply such knowledge in planning, developing and implementing a broad and comprehensive real estate laws, rules and regulations as they related to state construction projects and related land condemnation proceedings; a thorough knowledge of the principles and practices of property management, maintenance and protection of property acquired for state use; the ability to supervise; review and evaluate the work of a subordinate professional, technical and clerical staff engaged in the administration of a real estate program; the ability to sell, lease or license real property under the jurisdiction of the Department of Transportation; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in Public Administration, Business Administration, Real Estate, or a closely related field; and

Experience: Considerable employment in a responsible supervisory position with a governmental agency involving real estate; **or**, considerable employment in a highly responsible supervisory position in a private real estate firm involving title searching, appraising, or the buying and selling of real property.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

Class Created: July 1, 2012

Class Revised: July 14, 2024

CLASS TITLE: REAL ESTATE SPECIALIST (DOT)

Class Code: 02676300

Pay Grade: 26A

EO Code: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform technical duties involving the acquisition of real property for state highway construction and reconstruction purposes; to negotiate for the purchase of property; to advise and assist in the location of displaces; to assist in the management and maintenance of property acquired; to assist in the development of a surplus property inventory; to assist in the inventory of outdoor advertising devices; to recommend approval or denial of sign permits in accordance with the Outdoor Advertising Rules and Regulations; and to do related work as required.

SUPERVISION RECEIVED: Works under the close supervision of a superior from whom work assignments are received in detail; work is reviewed in process and upon completion for conformance to law, policies, procedures, rules, and regulations.

SUPERVISION EXERCISED: May supervise the work of clerical assistants as required.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To perform technical duties involving the acquisition of real property for state highway construction and reconstruction purposes; to negotiate for the purchase of property; to advise and assist in the location of displaces; to assist in the management and maintenance of property acquired; to assist in the development of a surplus property inventory; to assist in the inventory of outdoor advertising devices; to recommend approval or denial of sign permits in accordance with the Outdoor Advertising Rules and Regulations.

To understand and be able to explain how an appraisal of properties and improvements is produced and utilized for acquisition purposes.

To negotiate an equitable settlement with a property owner of the market value established.

To perform preliminary title examinations and to comprehend title certificates in order to determine the correct property owner, mortgages, leases, property line assessments and requests for abatement of real estate taxes and, etc.

To offer relocation advice and assistance to occupants displaced by the department acquisitions.

To compute and process relocation payments.

To assist in the management, maintenance and protection of properties acquired.

To attend public hearings or workshops as required.

To participate in on-the-job training and education programs relative to real estate activities.

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the eminent domain and real estate laws, the principles, practices and techniques applied in the appraisal of real property and improvements; the ability to apply such principles, practices and techniques; the ability to negotiate with property owners and to be knowledgeable of property values, deed restrictions, zoning ordinances, assessments, easements and encroachments; the ability to conduct preliminary and final negotiations with property owners or their agents for the purpose of obtaining releases of property to be acquired by condemnation or deed; the ability in understanding highway acquisition plans and specifications; the ability to write clear, concise and informative reports; the ability to establish and maintain effective working relationships with associates, property owners, public officials and others contacted in this work; the ability to utilize personal computers and other technology to perform these duties; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, real estate, or a closely related field; and receipt of a certification in real estate from a college of recognized standing or possession of a Rhode Island Broker's License; and

Experience: Employment in a position of selling, purchasing, or developing real estate, or appraisals work in such fields as real estate, banking, insurance, or taxation.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

Class Revised: April 18, 1993

Editorial Review: 3/15/03

Class Revised: July 14, 2024

CLASS TITLE: SENIOR REAL ESTATE SPECIALIST (DOT)

Class Code: 02676400

Pay Grade: 29A

EO Code: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform complex duties involving the acquisition of real property for state highway construction and reconstruction purposes; to negotiate for the purchase of property; to assist in the relocation of displaces; to assist in the management and maintenance of property acquired; to assist in the inventory of outdoor advertising devices; to recommend approval or denial of sign permits in accordance with the Outdoor Advertising Rules and Regulations; to prepare and execute lease and license agreements; and to do related work as required.

SUPERVISION RECEIVED: Works under the general supervision of a superior from whom work assignments are received; work is reviewed upon completion for conformance with overall policies, laws, rules, regulations, and procedures.

SUPERVISION EXERCISED: May supervise the work of technical and clerical subordinates assigned to assist as required.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To perform complex duties involving the acquisition of real property for state highway construction and reconstruction purposes; to negotiate for the purchase of property; to assist in the relocation of displaces; to assist in the management and maintenance of property acquired; to assist in the inventory of outdoor advertising devices; to recommend approval or denial of sign permits in accordance with the Outdoor Advertising Rules and Regulations; to prepare and execute lease and license agreements.

To understand and be able to explain technical value estimates and appraisals of properties by the State.

To handle the more technical difficult negotiations with property owners for the purchase of their property by the State.

To handle the more technical relocation assistance to occupants displaced by department acquisitions.

To compute and process relocation payments.

To assist in the management, maintenance and protection of property acquired.

To review the work of others to ensure conformance to state law, federal regulations, rules, policies, and procedures.

To assist in the pre-trial preparation of land damage cases.

To testify as a witness in court.

To attend public hearings or workshops as required.

To assist and participate in on-the-job training and education programs relative to real estate activities.

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPABILITIES: A thorough knowledge of the eminent domain and real estate laws, negotiations to deal effectively with property owners or their agents, the effect of property values, deed restrictions, zoning ordinances, assessments, easements and encroachments, highway acquisition plans and specifications; the ability to apply such principles, practices and techniques; the ability to handle the more difficult negotiations with property owners in order to obtain the necessary release to acquire their property by condemnation or purchase; the ability to write clear concise and informative reports; the ability to utilize computer technology for routine applications; the ability to establish and maintain effective working relationships with associates, property owners, public officials and others contacted in this work; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, real estate, or a closely related field; and receipt of a certificate in real estate from a college of recognized standing, or the possession of a Rhode Island Broker's Licenses; and

Experience: Considerable employment in a responsible full-time position with a public or private agency involving the acquisition and/or management of real estate, title searching, appraisal, property management, acquisition, disposition of real estate and/or relocation assistance.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

Class Revised: June 7, 1998

Editorial Review: 3/15/03

Class Revised: July 14, 2024

CLASS TITLE:

REAL ESTATE APPRAISER I (DOT)

Class Code: 02701500

Pay Grade: 30A

EO Code: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform complex duties involving the appraisal of real property for state highway construction and reconstruction purposes; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals; to appraise outdoor advertising devices; and to do related work as required.

SUPERVISION RECEIVED: Works under the general supervision of a superior from whom work assignments are received; work is reviewed upon completion for conformance with overall policies, laws, rules, regulations, and procedures.

SUPERVISION EXERCISED: May supervise the work of technical and clerical subordinates assigned to assist as required.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To perform complex duties involving the appraisal of real property for state highway construction and reconstruction purposes; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals; to appraise outdoor advertising devices.

To appraise easement, reversions, lease hold interests and strip takings.

To examine each assigned parcel of real estate noting its condition, measurements, appointments, age, peculiarities, etc., for both land and buildings thereon.

To examine all comparable real estate in the immediate vicinity to compile a "comparable portfolio."

To visit town and city land record offices to perform title examining duties to the extent of determining ownership, abutting landowners, mortgages, zoning regulations, etc.

To prepare appraisal reports for each parcel incorporating all the data that was used in arriving at the fair market value.

As required, to testify in court in real estate condemnation cases.

To develop technical appraisals of properties and improvements that are to be acquired for state use including the establishment of market value to be offered owners whose property is to be acquired.

To review the work of others to ensure it conforms to state law, federal regulations, rules, policies, and procedures.

To assist in pre-trial preparation of land damage cases. To attend public hearings or workshops as required.

To assist and participate in on-the-job training and education programs relative to real estate activities.

To do related work as required.

REQUIRED QUALIFICATION FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the eminent domain and real estate laws; a thorough knowledge of the principles, practices and techniques applied in the determination of fair market value or real property and the ability apply such knowledge; the ability to compile real property data and apply appraisal criteria to this data; a familiarity with common legal records, practices and terminology used in real estate work and the ability to perform routine title examining duties; the ability to prepare comprehensive real estate appraisal reports; the ability to testify in court proceedings; a thorough knowledge of the principles, practices and techniques applied in the

appeal; write clear, concise and informative reports; establish and maintain effective working relationships with associates, property owners, public officials and others contacted in this work; the ability to utilize computers and other technology to perform these duties; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, real estate, economics, or a closely related field; and receipt of a certificate in real estate or the possession of a Rhode Island Broker's License; and

Experience: Considerable employment in a responsible full-time position with a public or private agency involving the acquisition and/or management of real estate, title searching, appraisal, property management, acquisition, disposition of real estate and/or relocation assistance.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

SPECIAL REQUIREMENT: At the time of appointment must possess a certificate as a Certified Residential Real Estate Appraiser issued by the Rhode Island Department of Business Regulation and/or State Board of Registration for Real Estate Appraisal and must maintain such certification as a condition of employment.

Class Created: February 23, 1992

Editorial Review: 3-15-2003

Class Revised: July 14, 2024

CLASS TITLE: REAL ESTATE APPRAISER II (DOT)

Class Code: 02701600
Pay Grade: 32A
EO Code: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform complex appraisals involving the acquisition of real property for state highway construction and reconstruction purposes; to prepare or review appraisals; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals for consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals; and to do related work as required.

SUPERVISION RECEIVED: Works under the general supervision of a superior from whom work assignments are received; work is reviewed upon completion for conformance with overall policies, laws, rules, regulations, and procedures.

SUPERVISION EXERCISED: May supervise the work of technical and clerical subordinates assigned to assist as required.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To perform complex appraisals involving the acquisition of real property for state highway construction and reconstruction purposes; to prepare or review appraisals; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals for consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals.

To appraise easement, reversions, lease hold interests and strip takings.

To examine each assigned parcel of real estate noting its condition, measurements, appointments, age, peculiarities, etc., for both land and buildings thereon.

To examine all comparable real estate in the immediate vicinity to compile a "comparable portfolio."

To visit town and city land record offices to perform title examining duties to the extent of determining ownership, abutting landowners, mortgages, zoning regulations, etc.

To prepare appraisal reports for each parcel incorporating all the data that was used in arriving at the fair market value.

As required, to testify in court in real estate condemnation cases.

To develop technical appraisals of properties and improvements that are to be acquired for state use including the establishment of market value to be offered owners whose property is to be acquired.

To supervise and review, as required, the appraisal work performed by staff and fee personnel and confer with and advise them on difficult claims.

To review the work of others to ensure it conforms to state law, federal regulations, rules, policies, and procedures.

To assist in pre-trial preparation of land damage cases.

To attend public hearings or workshops as required.

To assist and participation on-the-job training and education programs relative to real estate activities.

To do related work as required.

REQUIRED QUALIFICATION FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the eminent domain and real estate laws; a thorough knowledge of the principles, practices and techniques applied in the determination of fair market value or real property and the ability apply such knowledge; the ability to compile real property data and apply appraisal criteria to this data; a familiarity with common legal

records, practices and terminology used in real estate work and the ability to perform routine title examining duties; the ability to prepare comprehensive real estate appraisal reports; the ability to testify in court proceedings; a thorough knowledge of the principles, practices and techniques applied in the appraisal and review appraisals of real property and improvements by staff and/or fee appraisers; write clear, concise and informative reports; establish and maintain effective working relationships with associates, property owners, public officials and others contacted in this work; the ability to utilize computers and other technology to perform these duties; and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, real estate, economics, or a closely related field; and receipt of a certificate in real estate or the possession of a Rhode Island Broker's License; and

Experience: Considerable employment in a responsible full-time position with a public or private agency involving the acquisition and/or management of real estate, title searching, appraisal, property management, acquisition, disposition of real estate and/or relocation assistance.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

SPECIAL REQUIREMENT: At the time of appointment must possess a certificate as a Certified General Real Estate Appraiser issued by the Rhode Island Department of Business Regulation and/or State Board of Registration for Real Estate Appraisal and must maintain such certification as a condition of employment.

Class Created: February 23, 1992

Editorial Review: 3-15-2003

Class Revised: July 14, 2024

CLASS TITLE: REAL ESTATE APPRAISER III (DOT)

Class Code: 02701700

Pay Grade: 35A

EO Code: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To plan, supervise and coordinate the work of one of the technical units within the Division; to perform complex appraisal or reviews involving the acquisition of real property for state highway construction and reconstruction purposes; to review appraisals; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals for consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals; and to do related work as required.

SUPERVISION RECEIVED: Works under the general supervision of a superior with wide latitude for the exercise of independent judgement; work is reviewed upon completion for conformance to prescribed policy and procedure.

SUPERVISION EXERCISED: Plans, assigns, supervises, and reviews the operations and work of a staff assigned.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To plan, supervise and coordinate the work of one of the technical units within the Division; to perform complex appraisal or reviews involving the acquisition of real property for state highway construction and reconstruction purposes; to review appraisals; to perform responsible duties involving the highway construction and reconstruction purposes; to make appraisals for consequential or appurtenance damages to the remaining property not to be taken for state use; to assist in the development of surplus property appraisals.

To review in process and upon completion, the work of a staff and provide the necessary guidance, correction, and expertise as required.

To be responsible for the orderly operation of a unit and coordinate its functions with the work of other units.

To attend staff meetings and present verbal and written reports concerning the activities and progress of the unit.

To establish and maintain effective public and working relations with the general public and others involved in the normal operation of the unit's activities.

To perform the most difficult and complex assignments, when required.

To attend public hearings, court sessions, civic forums, and make presentations regarding functions and operations.

As required, to perform complex duties involving the acquisition of real property for state highway construction and reconstruction purposes; to review appraisals.

As required, to perform responsible duties involving the appraisal of real property for acquisition of such real property for state highway construction and reconstruction purposes.

As required, to make appraisals for consequential or appurtenance damages to real property not to be taken for state use; to appraise easements, reversions, lease hold interests and strip takings; to examine each assigned parcel of real estate noting its condition, measurements, appointments, age, peculiarities, etc., for both land and buildings thereon; to examine all comparable real estate in the immediate vicinity to compile a "comparable portfolio", and to prepare appraisals reports for each parcel incorporating all the data that was used in arriving at the fair market value.

To develop technical appraisals of properties and improvements that are to be acquired for state use including the establishment of market value to be offered owners whose property is to be acquired.

To supervise and review, as required, the appraisal work performed by staff and fee personnel and confer with and advise them on difficult claims.

To review the work of others to ensure it conforms to state law, federal regulations, rules, policies,

and procedures.

To assist in pre-trial preparation of land damage cases.

To attend public hearings or workshops as required.

To assist and participate in on-the-job training and education programs relative to real estate activities.

To do related work as required.

REQUIRED QUALIFICATION FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the eminent domain and real estate laws; a thorough knowledge of the principles, practices and techniques applied in the determination of fair market value of real property and the ability to apply such knowledge; the ability to compile real property data and apply appraisal criteria to this data; a familiarity with common legal records, practices and terminology used in real estate work and the ability to perform routine title examining duties; the ability to prepare comprehensive real estate appraisal reports; the ability to testify in court proceedings; a thorough knowledge of the principles, practices and techniques applied in the appraisal and review appraisals of real property and improvements by staff and/or fee appraisers; write clear, concise and informative reports; supervise, establish, and maintain effective working relationships with associates, property owners, public officials and others contacted in this work; apply the proper principles, practices and techniques in the performance of their duties; to be familiar with and utilize computers and other technology in conjunction with technical duties and related capacities and abilities.

EDUCATION AND EXPERIENCE:

Education: Graduation from a college of recognized standing with specialization in public administration, business administration, real estate, economics, or a closely related field; and receipt of a certificate in real estate or the possession of a Rhode Island Broker's License; and

Experience: Considerable employment in a responsible full-time position with a public or private agency involving the acquisition and/or management of real estate, title searching, appraisal, property management, acquisition, disposition of real estate and/or relocation assistance.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

SPECIAL REQUIREMENT: At the time of appointment must possess a certificate as a Certified General Real Estate Appraiser issued by the Rhode Island Department of Business Regulation and/or State Board of Registration for Real Estate Appraisal and must maintain such certification as a condition of employment.

Class Created: February 23, 1992

Editorial Review: 3-15-2003

Class Revised: July 14, 2024

Section 1

2025 PROCEDURAL MANUAL

RIGHT-OF-WAY/ACQUISITION



INTRODUCTION/ RIGHT-OF-WAY PROPERTY ACQUISITION

The function of the Right-of-Way/Property Acquisition Section is multi-faceted, and all activities are managed and monitored by the Administrator for Real Estate Transportation Programs. The Administrator for Real Estate Transportation Programs is accountable to the Chief Operating Officer. Real Estate/Property Acquisition is one of five (5) divisions reporting to the Chief Operating Officer of the Department of Transportation. The Chief Operating Officer reports to the Director of Transportation. An organizational chart that depicts the Section within the Department's overall hierarchy, along with an organizational chart depicting staffing for the Right-of-Way/Property Acquisition Section, are attached. The Department maintains a qualified staff within the Right-of-Way/Property Acquisition Section, and their job classifications are appended to this Chapter of the manual.

RIGHT-OF-WAY/Property Acquisition Section

The Right-of-Way/Property Acquisition Section is responsible for the acquisition of land, buildings, and/or easements required for the construction and reconstruction of the State Highway System in accordance with Federal Highway Administration Guidelines and the General Laws of the State of Rhode Island. Pursuant to Federal regulations, any governmental agency that acquires property is referred to as "agency" and is responsible for all Federal-aid projects, including those projects that may be administered through local cities/towns. To that end, the State of Rhode Island, acting through the Department of Transportation (Right-of-Way/Property Acquisition Section), may need to exercise the power of eminent domain. It is the right of a sovereign government to condemn private property for public or quasi-public use without an owner's consent if the owner(s) are paid just compensation pursuant to the Fifth and Fourteenth Amendments to the United States Constitution. The Right-of-Way/Property Acquisition functions are further divided into Units which are identified as follows:

The Designated “Liaison” is responsible for the coordination and monitoring of work that flows into the Section from various Divisions/Sections within the Department, i.e., Planning, Engineering, and Design, as well as any work associated with Local Public Agencies (LPAs) and other State Offices. Specific coordination involves review of all right-of-way submissions, development of project timelines to meet the scheduled advertising dates, obtaining Federal Highway Administration funding, obtaining title abstracts/title policies (when appropriate), and preparing quarterly and annual reports regarding expenditure of funds used to support right-of-way reimbursement claims to the Federal Highway Administration. In addition, the Designated Liaison is responsible for obtaining all necessary condemnation documents and plats.

Appraisal/Appraisal Review Unit is responsible for the development of clear and supportable appraisals of property (total and partial takings, easements, etc.) to be acquired to establish fair market value together with severance (damage to the remainder), if any. Further, it is the responsibility of this Unit to contract for “fee appraisal” services when necessary and process payment for same. The Unit provides input to the Office of Legal Counsel relative to valuation issues if court proceedings commence. In addition, they provide valuation services to the Property Management Section when necessary.

Acquisition/Negotiation Unit is responsible to negotiate with property owners for the acquisition of land and easements. The negotiator will make all reasonable efforts to personally contact property owner(s). Further, they will strive to establish rapport with property owners to inspire confidence in the fairness of the offer and the correctness of the procedure. It is the intention of the Department that all property owners will be treated fairly and will have the ability to counter any offer provided that appropriate support and documentation is forthcoming.

Relocation Unit assists in relocating any person(s) and/or business(es) affected by a project. In instances where Federal aid is involved in any portion of a “project,” all residential, tenant, and/or business relocations will be completed in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (“the Act”). Until property is free and clear of all owners/tenants and their possessions, we will institute an interim management program that will include, when appropriate, rental collection, building monitoring, rubbish collection, snow removal, and payment of utilities until the final disposition of the acquired structures is evaluated.

The Acquisition/Negotiation Unit and Relocation Unit have been combined to streamline resources and to provide effective and efficient implementation of tasks. Should circumstances such as volume or the nature of projects change in the future, these Units may be separated in the future.

Additionally, the Right-of-Way/Property Acquisition Section has significant input into the review and comment process of highway location studies, draft of Environmental Assessments (EA), development of preliminary right-of-way cost and relocation estimates, contracting for title examinations, and, when necessary, handling the functional replacement of a “special use facility” located within the right-of-way.

When practical, the Right-of-Way/Property Acquisition Section, with input from all its Units, handles claims through administrative settlements. The Right-of-Way/Property Acquisition Section also works closely with the Office of Legal Counsel on litigation cases, legal settlements, and the processing of court judgments.

Section Objective:

The overall objective of this Section is:

- To acquire the necessary real estate in a timely manner consistent with the needs of the Department's overall Transportation program in compliance with all applicable laws and regulations.
- To manage this Section's right-of-way in a professional and cost-effective manner until such time as the real estate is vacated and is put to the intended use for highway purposes.

The Rhode Island General Laws empower the Director of Transportation to acquire Real Property for Highway Purposes subject to specified approvals, including but not limited to, authorization by the State Properties Committee. Personnel within the Real Estate Acquisition office should be familiar with, and adhere to, the appropriate statutes listed below.

Rhode Island General Laws:

Title 37, entitled Public Property and Works, Chapters 5, 6, 6.1, 6.2 & 7

Additionally, for all real property being acquired for a project to be undertaken in whole, or in part, using Federal funds, the applicable Federal regulations must be adhered to.

Federal Regulations:

23 CFR, PART 710 RIGHT-OF-WAY AND REAL ESTATE

49 CFR, PART 24 UNIFORM RELOCATION ASSISTANCE AND REAL
PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY
ASSISTED PROGRAMS

Real Estate Acquisition Management Plan - **RAMP** (Exhibit 3.01)

In the event a Non-State department of transportation grantee, subgrantee **LPA**, or design-build contractor will administer the Title 23 ROW and real estate requirements for its project or program of projects. A Real Estate Acquisition Management Plan (RAMP) must be approved by the RIDOT, or by the funding agency in the case of a non-RIDOT grantee before any acquisition work may begin. It must lay out in detail how the acquisition and relocation assistance programs will be accomplished and any anticipated issues that may arise during the process. If relocations are reasonably expected as part of the Title 23 projects or program, the Real Estate Acquisition Management Plan (RAMP) must address relocation assistance and related procedures. See the template for a model for a RAMP to be used as guidance appended hereto Chapter 3 and referenced in Chapter 5 (exhibit 5.4 LPA Program Responsibility).

CHAPTER 1 REAL ESTATE SECTION “LIAISON”

1.1 Mission Statement

The Administrator for Real Estate Transportation Programs and/or the qualified department designee, such as Chief of Real Estate Acquisition, and/or appropriately trained staff members, act as Liaisons and are responsible for tracking the progression of projects through the right-of-way process. This includes participation in project development with all Divisions within the Department as may be necessary to coordinate and facilitate the Section’s real estate acquisition process or to provide support to those areas that may require information developed within the Section for their use. Interaction with the Office Manager, Appraisal, Appraisal Review, and Acquisition/Relocation Units is necessary to monitor, coordinate, and facilitate the workflow and to insure adequate recordkeeping and reporting.

Other related functions include: the establishment of guidelines for the development of Plans and conveyance documents with Legal Counsel’s assistance, review of right-of-way submissions, securing FHWA approval and funding, securing title abstracts, calculation of cost estimates for acquisition projects, development of various reports on either a regular or occasional basis, and maintenance of hardcopy and/or electronic records.

These duties are further described in the following procedures.

1.2 Real Estate Involvement in Proposed New Alignments

1.2.1 The Right-of-Way/Property Acquisition Section becomes involved in reviewing proposed new alignments at such time as a project is being conceptually designed and as a project evolves through the planning process. Generally, this occurs when the environmental analysis is being performed for the project and prior to a designated alternate being chosen to proceed to final design.

1.2.2 Other Divisions or Sections may request input from the Right-of-Way/Property Acquisition Section to evaluate the impact of each alternative being studied for a proposed alignment by the Department of Transportation. The evaluation should consist of an estimate of fair market value to acquire any necessary land, residences, and/or businesses located within the proposed right-of-way for a project. In addition, the number of residential and commercial (for profit and nonprofit businesses) relocations and/or any functional replacements of special properties and businesses should be considered. Any municipal facilities that may be eligible for functional replacement pursuant to Federal regulations (23 CFR, Part 710) also will be identified. All estimated costs and any problematic issues, anticipated difficulties, or recommendations that may affect

the acquisition process are outlined in writing with a conclusion that addresses the feasibility of any or all the alternatives.

1.2.3 Apart from the above action, other Divisions or Sections within the Department may request an evaluation of a specific property to be performed during the conceptual stage of a project to determine the feasibility of various alternatives. Consideration such as environmental issues, funding, and public opinion are considered prior to a project's progressing. Likewise, a request for a broad cost estimate may be required for the right-of-way. This estimate assists in supplying one or more alternative designs involving real estate while plans are being developed for any project.

1.3 Intentionally Omitted

1.4 Developing Files and Monitoring Acquisition Projects

1.4.1 Right-of-Way Plans and Condemnation Plats are received from the Project Manager accompanied by a written transmittal, Structural Disposition List, and Legal Descriptions if developed at this time. This submission is logged in and tracked accordingly. Submissions also may consist of deeds, agreements, or any other documents prepared for use by Right-of-Way/Property Acquisition personnel in completing required tasks. The review of plans depicting the right of way must be accurate and only contain the necessary areas needed to construct, operate, and maintain the transportation infrastructure. The right of way plans must be accurate and clearly identify areas that need to be acquired to construct the project.

1.4.2 A copy of the transmittal form and a set of Plans, Plat, Structure Disposition List, and any other pertinent documents are forwarded to the Chief of Real Estate Acquisition who will direct the Appraisal/Appraisal Review Unit Chief and/or the Acquisition/Relocation Unit Chief to conduct a preliminary review of the project. Remaining sets are held for future use/reference.

1.4.3 A copy of the Condemnation Plat is placed in the main file with instructions to develop a complete and cohesive main project file, individual parcel files, and to update the Land Damage Book and Active Projects Listing. The main project file will incorporate information from the previously established preliminary file and will be held in the Main Office and/or additionally stored digitally on a cloud-based service maintained by the State of Rhode Island.

1.4.4 Title examinations/ownership determinations are ordered at this time. They may be completed either by independent title examiners through a competitive bid process. The appropriately trained department staff will review all ownership determinations for each file. *Reference Section 1.7 Title Examinations*

1.4.5 The Liaison will continue to monitor a project through Right-Of-Way certification and until the project account is closed out with the Federal Programs

Office. A log of project related activities, transmittals, etc. is maintained both in a physical main file and/or additionally stored digitally on a cloud-based service maintained by the State of Rhode Island.

1.5 Field Review Procedures

1.5.1 Once the Plans and the structural disposition list for a new project are received, the plans are reviewed by the Chief of Real Estate Acquisition and/or appropriately trained staff member(s) for format, a project precedence determination. A field review that is coordinated with one or more of the appropriate personnel from the Appraisal/Appraisal Review and Acquisition/Relocation Units, Project Manager, and consultant engineer may be scheduled. A determination should be made to ensure the right-of-way interest being acquired is adequate to construct, operate, and maintain the highway infrastructure improvements.

1.5.2 Any concerns arising from the field review or review of plans, should be transmitted in writing to the Project Manager in a timely manner and received notification.

1.6 Requesting FHWA Funding

Upon receipt of a right-of-way cost estimate for the project, or a portion thereof, a request for FHWA funding is prepared. The information for this request is obtained from the current year's "Approved State Transportation Improvement Program" (STIP) and any supplements thereto. When requesting funds for acquisition, the Department must obtain an approved Environmental Determination (i.e., Categorical Exclusion (CE), FONSI, Record of Decision, etc.) for the project. The approval date, as relayed by the Project Manager, should be included in a letter requesting authorization to acquire Right-of-Way. CE's are generally required for advance or hardship acquisition parcels. The Project Manager is responsible for obtaining any environmental approvals needed for the acquisition of right-of-way.

1.6.2 The project cost estimate to be incorporated into this request comprises an estimate of the market value of right-of-way to be acquired to be obtained from appraisal staff taking in to account the number of parcels to be impacted as shown on current right-of-way plans, the type of appraisals to be performed, the number of relocations (if any), and any other related right-of-way costs.

1.6.3 A letter requesting FHWA authorization or State Funds, to acquire Right-of-Way is developed for a construction project that requires right-of-way not already owned by the State. These letters typically indicate the Assessors Plat and Lot number(s), location along with Project Name, PTSID Number, State Contract Number, Highway Plat (s) and instruments. Additionally submitted with

the request are the estimated costs (itemized) related to acquisition, relocation assistance, and any related tasks and administrative overhead, (i.e., salary charges, title examiners, appraisal, and review, advertising notices, etc.). The date and type of environmental approval should be referenced in the body of the request letter.

1.6.4 Request for Right-of-Way Authorization letters are completed in coordination with the Project Manager who prepares a "Data Sheet" and the Financial Management Personnel reviews and assigns the Federal Aid or State Funded Project Number. FMISW96A form is sent directly to FHWA by electronic mail concurrently or shortly after distribution of the letter.

1.6.5 Copies of the letter are made, and the original letter, along with a copy of the project plans and a plat, are signed, scanned, and emailed to the Division Administrator of the Federal Highway Administration and to the Division's Realty Officer, for authorization of funds. The entire correspondence with FHWA, is also distributed to all applicable Rhode Island Department of Transportation Department staff.

1.6.6 An approved form FMISW96A authorizing funds is usually received within a few days. However, its status should be monitored to insure a timely reply. When the approval is received, the clerical staff distributes copies to senior staff members, and the original form is placed in the main project file and/or additionally stored digitally on a cloud-based service maintained by the State of Rhode Island. The approved Federal Aid Project number is then added to the "Active Project Listing" of project numbers maintained in the Front Office. The Active Project Listing contains all projects assigned to the Right-of-Way/Property Acquisition Section with corresponding project numbers, open and closed.

1.6.7 Occasionally the actual cost of performing right-of-way activities may exceed the initial cost estimate. When additional authorization is required to properly fund the acquisition of right-of-way and/or related activities previously authorized, the Right-of-Way/Property Acquisition Section and the Office of Financial Management will initiate a "modification" to the initial Authorization (Form FMISW96A). A written correspondence to the FHWA Realty Officer, including a revised estimate to perform right-of-way activities and/or an explanation for the request for additional funds, is prepared in coordination with the Assistant Administrator for Financial Management.

1.6.8 Occasionally, in contrast to a modification, because of the need to acquire additional right-of-way or otherwise change the scope of the project, an additional authorization may be required. In these cases, the cost estimate, approvals, circulation, and distribution procedures are the same as in the paragraphs above. Evidence that the Environmental Determination for the project is still valid and that there are no additional National Environmental Policy Act (NEPA) or Section 106 (Historical) issues to be addressed should be included by reference in the body of requests for funds to acquire additional right-of-way.

1.7 Title Examinations

1.7.1 Title examinations are conducted for the Right-of-Way/Property Acquisition Section by the Department's Real Estate Staff or contracted to independent title examiners or title insurance companies prior to the acquisition of land or easements required for roadway construction projects.

1.7.2 The Chief of Real Estate Acquisition and/or appropriately trained staff members, will determine whether title examinations will be performed by staff or contracted out to independent title examiners based on the number of title searches needed, the complexity of the reports, the timeframe scheduled for completion, and the present workload of the staff examiners and/or availability of staff examiners.

1.7.3 The Liaison will monitor the title examiner's progress and, upon receipt of the approved title abstracts, will forward them to the appraiser or review appraiser to review and place in the individual parcel files. The Liaison will also deliver copies of the reports to the Project Manager for transmittal to the Consulting Engineer. The Consultant should review all existing easements to determine if any of them will be affected by the proposed construction work and if the Legal Descriptions of any parcel should reference the affected easement. Also, a copy of ownership changes should be relayed to the Consultant so plats can be revised accordingly.

1.8 Solicitation, Preparation, Award, and Processing of Title Examiners Contracts

1.8.1 If a project involves many title searches, complex and or specialized searches, or many full acquisitions requiring title insurance, deed preparation, settlement, and closing services, the Right-of-Way/Property Acquisition Section may retain the services of a Title Company/Escrow Agent from the Master Price Agreement (MPA). The cost of title examinations, title insurance fees, transfer stamps, and the services of a closing attorney for a project (or group of projects) for a specified period. The Department may decide to solicit bids through the Purchasing Division and to select more than one bidder if time constraints or other circumstances warrant it. The Department will adhere to the rules and regulations of the State Purchasing Division/ Office of Financial Management for the solicitation and awarding of contracts for title services through our Master Price Agreements Process.

1.8.2 When title services are complete and an invoice is approved and forwarded the office of Financial Management, for services rendered, a voucher for payment for the selected vendor is prepared and processed. A copy of the vendor's invoice is attached to the voucher, approved by the Chief of Real Estate Acquisition, and forwarded to the Financial Management Office.

1.9 Escrow Withdrawals from the Registry of Superior Court

Occasionally requests are received from property owners for the withdrawal of funds from the Registry of the Rhode Island Superior Court or to claim funds that were reposted and not paid at the time of acquisition. With the assistance of the Department's Office of Legal Counsel the Acquisition/Negotiation Unit will work to obtain the information that will be necessary for a condemnee or their representative to retrieve monies placed into the Registry of the Court. This information will include, but not be limited to, names on the check, amount of check, plat number, parcel number, petition number, and date entered by the judge. Acquisition/Negotiation Unit will also work with the Departments' Financial Management Unit to assist in claiming of funds not paid at the time of acquisition, funds forwarded to the courts or legal or financial management offices within the State.

1.10 Annual Budget Report

1.10.1 Occasionally the Right-of-Way/Property Acquisition Section is asked to compile information related to past or future costs related to the acquisition of right-of-way. The Section will gather information from relevant sources if so requested, including any of the following:

- (A) Costs associated with right-of-way activities for prior periods.
- (B) Estimated future costs associated with right-of-way activities based on projects in design or listed in the State's Transportation Improvement Plan.
- (C) Completed "budget narratives" for prior and future years.
- (D) Fiscal Year Cost Reporting
- (E) Federal Fiscal Year Statistical Reporting
 - Quarterly Tabulation of ROW Costs using Land Damage Reconciliation Data Sheets.
 - Reporting the Annual Fiscal Report for the State at end of Fiscal year June 30.
 - Annual Uniform Statistical Reporting Federal 49 CFR Part 24.9 (c) for financial fiscal year end on September 30th- to be filed no later than November 15th of each year.

CHAPTER 2

APPRAISAL/APPRAISAL REVIEW

2.1 Mission Statement

The mission of the Appraisal/Appraisal Review Unit of the Property Acquisition Section is to generate reasonable and supportable estimates of the market value of real property the Department acquires for a variety of public purposes, and, where appropriate, State property which is declared surplus. "Market Value" is defined as follows: the most probable price in terms of money which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. For the purposes of the initial acquisition of real property under eminent domain, "market value" has been stipulated [49CFR24.102 (d)] as the appropriate measure of "just compensation," the constitutional mandate which underlies all phases of the right-of-way certification process.

2.2 Compliance to Law and Appraisal Standards

In the accomplishment of its mission, the Appraisal/Appraisal Review Unit is subject to the United States Constitution, as well as State constitutions, requiring that "just compensation" be paid to the owner(s) of private property taken for public use. The Fifth Amendment addresses the right of "just compensation," and the Fourteenth Amendment guarantees citizens "due process" and "equal protection of the laws." In 1970, the United States Congress passed the Uniform Relocation and Real Properties Acquisition Policies Act (P.L. 91-646) to add specifics to the constitutional mandates and to allow for updated applications. Its sections Nos. 301 and 302 are especially applicable to appraisal activities. Some of the above-noted specifics, as well as other concerns, have been drafted into Federal regulations; those pertaining to appraisal-related activities are contained in 49 CFR 24.102,103. The complementary body of State law relating to eminent domain is found in the Rhode Island Code, Section 37-6.

2.2.1 A Federal statute that requires separate commentary on the subject of appraisal standards is the Federal Financial Institutions Reform, Recovery Enforcement Act (1989). One of its provisions was the establishment with a Congressional charter of the semi-autonomous Appraisal Foundation to oversee and set criteria for appraiser qualifications and standards of practice. Regarding qualifications, the Foundation provided advisory services in the enactment of legislation in various states establishing appraiser certification criteria. It will be noted that staff appraisers of the Property Acquisition Section, as well as fee contractors, are required to keep current the local certification developed by this process. With regards to standards, the Foundation has issued the Uniform Standards of Professional Appraisal Practice (USPAP), which is periodically revised.

2.2.2 The question arises as to whether appraisers, staff, and fee, are subject to the USPAP when performing services for the Property Acquisition Section, Department of Transportation. The overriding consideration in this matter is that the Uniform Act and 49CFR24, as law and regulation, are prior to and supersede standards issued by an independent governing board, even one with official Congressional recognition. Moreover, one of the four provisions which serve as a preamble to the USPAP, the Jurisdictional Exception, explicitly recognizes that its authority is subservient to just such statutory priority. However, it is important also to note that in response to an inquiry from the Chief of the Operations Division of the U.S. Department of Transportation, the Chairman of the Appraisal Standards Board of the Appraisal Foundation stated that the appraisal provisions of 49CFR24.103 are “consistent” with those of the USPAP (October 25, 1990). Accordingly, since terminology and other descriptive verbiage contained within the USPAP have become widely recognized within the appraisal community and since 49CFR24.103 makes repeated mention of the relevance of “commonly accepted professional appraisal practice,” the Property Acquisition Section allows such references and allusions to be inserted into much of its officially sanctioned appraisal reportage as long as the prior authority of the Uniform Act is recognized in possible conflict situations.

2.3 Personnel

The staff members of the Appraisal/Appraisal Review Unit serve under one of three Departmentally established employment titles: Appraiser I, Appraiser II, and Appraiser III. The Property Acquisition Section also retains private fee contractors on a case-by-case solicitation basis, usually due to workload or specialty expertise requirements. Qualifications for staff positions and fee contractor eligibility are contained in the appendix to these procedures; however, it is important to note that the Department of Business Regulation must currently certify all appraisers performing assignments for the Property Acquisition Section of the Department of Transportation at the appropriate level.

2.3.1 Appraiser responsibilities associated with specific aspects of Section operations are contained in succeeding sub-divisions of these procedures, but a sketch of general duties follows. The Appraiser III is the Chief of the Appraisal/Appraisal Review Unit and as such is responsible for monitoring workflow within the unit, making tasking decisions, and ensuring that the appraisal products generated conform to the Uniform Act and recognized appraisal standards. The Appraiser III is the principal representative of the Appraisal/Appraisal Review Unit to all external personnel and agencies, reporting directly to the Chief of Real Estate Acquisition and coordinating, as appropriate, with the heads of other Units and Divisions within the Department. The duties of the persons holding the title of Appraiser II primarily center on the review of appraisals submitted by both staff and fee contractors. Since the review process is explicitly mandated for all appraisals in 49CFR24.104, the Appraiser II provides a critical administrative as well as technical service to the right-of-way certification process. The Appraiser II also generates appraisals at the direction of the Appraiser III. The duties of the Appraiser I are to

perform appraisals and administrative cost estimates at the direction of the Appraiser III.

2.3.2 Fee Appraisers are subject to the same appraisal standards as permanent staff and must submit their product for approval of the Appraiser II or above. However, they also operate under qualification and contracting rules proper to the Department and State government. These will be detailed in succeeding paragraphs of these procedures.

2.4 Operations

Below, displayed under a “workflow” model, is the typical sequence of activities of the Appraisal/Appraisal Review Unit from receipt of tasking to forwarding of the appraisal product and post-completion services related thereto. It is important to note that the steps enumerated below are a model to which there are often exceptions in the practical order. Succeeding paragraphs of these procedures elaborate in detail on some of the salient components of the model.

2.4.1 The Administrator of Real Estate Transportation Programs or The Chief of Real Estate Acquisition receives the project Right-of-Way plans from the Design Section, stamps them in and records reception, then forwards them to the Appraisal/Appraisal Review Unit. (See Exhibit 2.1)

2.4.2 The Appraiser III assigns an Appraiser and/or Appraiser II to perform a desk audit of the plans prior to the field review to discover discrepancies, if any. (See Exhibit 2.2)

2.4.3 An overall review of the project plans, and a field review if necessary is conducted by the Appraisal Staff. Other Real Estate staff, the Project Manager, and/or Design Consultant may be included or consulted, to determine the kind of appraisals needed for each parcel, and to assess the need for fee contract appraisers.

2.4.4 Upon completion of the field inspection, results are analyzed by pertinent staff, and a memorandum is prepared. The latter may include, but are not limited to, inquiries as to the feasibility of changing boundaries of acquisitions and easements to minimize the Department’s exposure to severance damages or requests for “before and after” parking plans for properties affected by parking loss. At this time, they assign a staff appraiser or review appraiser the task of preparing an administrative cost estimate to be used in securing approval from the Federal Highway Administration for the funding to acquire the designated properties. Concurrently or subsequently, the Appraiser III directs an Appraiser I or Appraiser II to prepare a scope of work for appraisal services, if needed, to be forwarded to fee contractors on the approved list.

2.4.5 The Appraiser III assigns an Appraiser I or Appraiser II to perform a value determination or appraisal, as applicable, on those parcels not designated to be

appraised by the fee contractor. (See Exhibit 2.2) The choice of a staff appraiser may have already occurred at the time of the initial cost estimate (See below: “Duties of the Appraiser”).

2.4.6 The Appraiser III attends a bid opening meeting to assess the proposals of the fee contractors who have responded to the solicitation. At a minimum, those present must include, in addition to the Appraiser III, a member of the Real Estate Acquisition Unit, Administrator of Real Estate Acquisition, or their designees, and a member of the clerical staff (stenographic services only; this person does not play a deliberative role). The members of this *ad hoc* committee, after due deliberation, award the contract to the successful bidder (See below “Fee Appraiser Contracting Process”). It is important to note that in the case of complete acquisitions of improved property, the appraiser, whether staff or fee, shall prepare an inventory of personal property in advance of the valuation process, coordinating with Section relocation personnel as appropriate.

2.4.7 The Appraiser III assigns a review appraiser for the project. (See Exhibit 2.10) In the practical order this may occur as early as the initial plan audit. The reviewer must be an Appraiser II; and the same reviewer, for the sake of consistency, should monitor both the staff and fee appraisers. It is generally understood that the reviewer will be a member of the permanent staff; however, in rare instances and for good cause, the reviewer may also be a fee contractor. It is important to note in this regard that in Federal-Aid projects, only the acquiring agency can set just compensation. Accordingly, the Appraiser III or their designee must provide a certification of value based on an appropriate oversight process. (See below: “Duties of the Reviewer”).

2.4.8 At the conclusion of the review process, the review appraiser submits the finalized appraisals to the Appraiser III, who, after rendering their approval, forwards them in turn to the Acquisition Unit.

2.4.9 In the process of negotiations leading to the acquisition of real property, it sometimes happens that a property owner is dissatisfied with the Department’s offer of just compensation, but it is discovered that their objections may be satisfied by a reasonably minimal increase in the designated total. In such instances, the Chief of Real Estate Acquisition and/or the Administrator, is empowered to negotiate an administrative settlement, provided they provide an adequate rationale. The Appraiser III or, at their direction, the review appraiser may be asked to contribute a technical memorandum in support of such an effort.

2.4.10 In case a property owner elects to file a petition in Superior Court, the Appraiser III will coordinate with representatives of the Legal Section in the preparation of the State’s case. At the discretion of the head of Appraisal/Appraisal Review, they may delegate this responsibility to the review appraiser for the project, who, in turn, will task the staff or fee appraiser to participate in the process as prescribed in the master price agreement contract.

2.4.11 Following upon the acquisition process and the construction of the respective public work (highway, bridge, sidewalk), the real property that is not eventually encumbered falls under the jurisdiction of Property Management. In certain instances, individual parcels may be declared in surplus and suitable for marketing. Accordingly, appropriate personnel within the Property Management section will communicate with the Administrator of Real Estate Acquisition to secure services leading to final disposal of the property. At the direction of the Administrator of Real Estate Acquisition, personnel from the Appraisal/ Appraisal Review Unit will supply value estimates, appraisals, and reviews, as appropriate, in support of such conveyances.

2.5 General Duties of the Appraiser

As specified in 49CFR24.103 (d), the Property Acquisition Section is required to employ or retain appraisers who are qualified at a level commensurate with the difficulty of the appraisal assignment. The Section ensures compliance with this norm by application of State certification criteria with its graduated ranking system according to type and complexity of appraisal subject.

2.5.1 Those performing services for the Property Acquisition Section, Department of Transportation, whether staff or fee, are required to exhibit the highest standard of ethical conduct, arriving at value conclusions in an impartial and objective manner without accommodation of personal interests. They must always protect the confidentiality of their work product (unless specifically directed otherwise by the State), maintain sufficient records (especially when mandated to produce an abbreviated reporting instrument), and promptly disclose lack of competency in any specialized appraisal field related to an assignment.

2.5.2 In developing an appraisal, employees or fee contractors must be careful to identify the subject real estate, the specific rights in realty impacted, and, especially in the case of partial takes, the precise location of acquisitions, easements, and affected site improvements as determined from right-of-way plans. They should be diligent in the use of all data sources relevant to the description and valuation of the subject property/properties, including reportage of national, regional, state, municipal, and market area information; local multiple listing services; cost indexes; and town hall records. Regarding the latter, the appraiser should investigate assessor's records, title information including deed restrictions, and zoning and land use regulations.

2.5.3 In all cases, appraisers are to make a personal inspection of the subject property/properties exterior and/or interior, as appropriate and, in accordance with the Uniform Act, afford the property owner the opportunity to accompany them. The owner contact is not merely a statutory requirement; however, it is also a useful valuation tool: the owner or their representative often disclose crucial information about the subject property, unavailable from other data sources, which may have a bearing on value estimation. Additionally, since property owners many times experience feelings of fear, anger, and frustration during the condemnation process,

the appointment may serve an important public relations function. Accordingly, the appraiser should always exhibit a high degree of patience and courtesy, answering all of the property owner's appraisal-related questions fully and honestly. At the same time, the appraiser should avoid, as far as possible, conveying information that is properly the responsibility of the acquisition or relocation agent or engaging in discussions of larger policy issues which are in the province of Department management. Finally, in instances of the complete acquisition of improved property, the appraiser uses the personal inspection to segregate real from personal property—a necessary ingredient of their own identification of the subject of valuation and as an aid to other Property Acquisition personnel who must inventory items to be relocated. The basis for such segregation is the standard analysis of fixtures and, in the case of commercial property, trade fixtures.

2.5.4 Highest and Best Use & Approach to Value: The actual valuation portion of the appraisal process begins with a carefully crafted highest and best use analysis, which the appraiser should undertake, employing the conventional analytical tests. Valuations depend on the collection, analysis, and reconciliation of appropriate data points under the generally recognized valuation techniques including, but not limited to, the Cost, Sales Comparison, and Income Approaches. Variations of these approaches or specialized methodologies are required in instances of partial acquisitions, commonly occurring in highway improvement projects, severance damage assessment, and the appraisal of surplus property. The appraiser's duty to verify comparable data points, especially sales and rentals, with parties to the transactions, as well as municipal records or other written or electronic data sources, cannot be overemphasized. Finally, in accordance with 49CFR24.103 (b), the appraiser is to disregard general project influences with reference to negative or positive effects on the market value of the subject property.

2.6 General Duties of the Review Appraiser

The Code of Federal Regulations 49-24.104 mandates that agencies acquiring property under the Uniform Act ensure that appraisals undergo a review process performed by a person qualified in this area—a requirement the Section meets by entrusting the review function only to an Appraiser II or above and/or persons holding a "General" appraisal certification. The review appraiser is authorized by the Agency (RIDOT) to approve an appraisal as the basis for the establishment of just compensation. The review appraiser must be thoroughly schooled in both the full range of techniques employed in the wider appraisal community as well as all relevant components of Federal, State, Departmental and Sectional procedures. Because he/she must bring to bear all these resources in the performance of his/her function, the review appraiser must be deemed a critically situated individual in the overall management of the right-of-way certification process.

2.6.1 In conjunction with CFR 49 Section 24.104 (a), if the initial appraisal submitted for review is not acceptable, the review appraiser is to communicate and work with the appraiser to the greatest extent possible to facilitate the appraiser's development of an acceptable appraisal. In doing this, the review appraiser is to

remain in an advisory role, not directing the appraisal, and retaining objectivity and options for the appraisal review itself. Note, however, that all elements of an appraisal must be presented in the report and is the responsibility of the appraiser in accordance 49 CFR 24 which is consistent with Standards Rules 1, 2, and 3 of the 2024 edition of USPAP. The review must not supplement or include in the review report required elements such as property description, neighborhood analysis, purpose of the appraisal, highest and best use, and approach to value. Although the appraisal reports are critically evaluated in all respects by the review appraiser the description and analysis of the real estate, pertinent data, valuation mythology, and supporting relevant information are the responsibility of the appraiser. The omission of required elements will be brought to the attention of the Appraiser III.

2.6.2 Before acceptance of an appraisal (CFR49, Section 24.104(c) the review appraiser must determine that the appraiser's documentation, including valuation data and analysis of that data, demonstrates the soundness of the appraiser's opinion of value. An acceptable appraisal is any appraisal that, on its own, meets the requirements of Section 24.103. An approved appraisal is the one acceptable appraisal that is determined to best fulfill the requirement to be the basis for the amount believed to be just compensation. Recognizing that appraisal is not an exact science, there may be more than one acceptable appraisal of a property, but for RIDOT purposes, there may be only one approved appraisal. In evaluating the appraiser's work, the reviewer must draw a reasonable conclusion, and be persistent in obtaining any essential support that is lacking in the appraisal report and must never attempt to dictate value or impose opinions upon the appraiser. Conversely, a review appraiser cannot accept unsupported opinions advanced by the appraiser.

2.6.3 While the review appraiser is granted broad authority, it is tempered by serious limitations. Any changes that may be requested by the reviewer cannot be arbitrary or capricious but must be supported by reason and documentation. Without sound and supporting reasoning, the review appraiser may not substitute personal judgment over the appraiser's professional opinion, especially if it merely involves the substitution of one opinion or judgment for another. The reviewer must never instruct an appraiser without support to change the appraisal. The appraisal always must reflect the independent judgment of the appraiser who produced it.

2.6.4 The reviewer's work begins as early as the pre-appraisal field inspection if the Chief of Appraisal/Appraisal Review (Appraiser III) has made the appropriate personnel decision. At that time or subsequently, the review appraiser, under the direction of the Appraiser III, may be tasked to assist in, or take the primary responsibility for: a) auditing right-of-way and construction plans, b) segregating parcels according to staff and fee assignments, c) preparing draft communications to the Design Section regarding plan or in-place discrepancies, and d) drafting a scope of work to accompany bid solicitations to fee contractors.

2.6.5 Once the Section management has made the determination of staff and/or fee appraisers, the review appraiser enters upon the "monitoring" phase of his/her

duties. (See Exhibit 2.18) At this time, the review appraiser acts in part as a resource for the staff employee or fee contractor, securing appropriate documentation from other divisions with the Department and conducting discussions with the appraiser concerning methodologies and data points. It is important to note that the reviewer undertakes these activities **without in any way** directing the appraiser or interfering in the integrity of the process by which he/she achieves an inference of market value for a particular subject. The review appraiser is encouraged to be pro-active during the monitoring phase, not only for the reasons cited above, but also to ensure that the appraiser is advancing in an orderly fashion toward completion by designated due dates or is able to demonstrate in an acceptable manner why this is not possible. For fee appraisers, deadlines have additional contractual sanction, and failure to meet them without proper justification requires fines (See below “Fee Appraiser Contracting Process”).

2.6.6 Upon submission of the appraisal report to the Appraisal/Appraisal Review Unit, the review appraiser enters the core phase of their functionality: certification of market value. As part of their effort, the review appraiser essentially replicates all the research steps of the appraiser in regard to the descriptive and valuation aspects of the process, with a special emphasis on surveying market sources for all estimates under the latter category. Included in this process is a personal inspection of the subject property, interior and/or exterior, as appropriate. The reviewer’s opinion of the appraiser’s product is expressed under one of three options:

2.7 Acceptance of Reports

2.7.1 Reports that are Recommended or Accepted (See Paragraph 2.15 below): The reviewer agrees with both the valuation and supporting data and analysis and expresses the approval using the “Market Value Determination” form and a very brief “review report” (See below “Reporting Formats”). Implicit under this option is the possibility that the appraiser’s report may contain minor discrepancies such as computational errors, misidentifications of data, and typographical mistakes. With the permission of the Appraiser III and depending on the circumstances, the review appraiser may direct the appraiser to submit a corrective addendum or make such corrections themselves in the “review report.”

2.7.2 Reports that are Not Accepted (See Paragraph 2.15 below): Under this alternative, the reviewer has a fundamental disagreement with the appraiser on the key issue of value estimation. Implicit here, as under Option No. 2, is that the reviewer and the appraiser have attempted to achieve a consensus during the monitoring process but have reached an impasse and that the reviewer has reported the problem to the Appraiser III as soon as it emerged. Under this circumstance the review appraiser with the concurrence of the Appraiser III has two options as stipulated in 49CFR24.104 (b):

2.7.2.1 Order a new appraisal from a different staff employee or fee contractor. This is often not practicable due to time constraints, as the regulation envisions.

2.7.2.2 Direct the review appraiser to become the appraiser of record by establishing the “review report” as the official reporting vehicle. Under this option, the reviewer is obliged to perform all the descriptive and valuation steps of the appraiser. They may also incorporate data and analysis from the non-approved report as well as from their own sources.

2.7.2.3 Invocation of Paragraph 2.7.2.1 should be relatively rare. The Section, through its civil service employee titles and “Fee Appraiser Contracting Process,” has developed a list of appraisers that have achieved professional recognition within the wider appraisal community and/or are of proven competence. Still, such basic appraiser/reviewer disagreements cannot be ruled out, hence the necessity for this option.

2.7.2.4 After rendering their approval, the review appraiser submits the appraisal, “Market Value Determination” (Exhibit 2.11) and “Review Report” to the Appraiser III, who, if they concur, in turn forwards these to the Acquisition/Relocation Unit for further processing. In the immediate aftermath of the reviewer’s submission, they are required to perform several related administrative duties. If the appraiser was a fee contractor, the reviewer processes the appropriate portions of the “Fee Appraiser Authorization Form” (Exhibit 2.12) for payment and writes a form/narrative evaluation of the appraiser (Exhibit 2.19). Regarding the former, the reviewer may have already approved a 50% payment at the time of the initial submission of the report if it met basic deadline and format requirements. It is important to note that the latter, that the reviewer’s on-going evaluation of fee appraisers is a key ingredient in maintaining a corps of quality private contractors. In all cases, the reviewer fills out the “FHWA Project Record” (Exhibit 2.12) which reports to Federal oversight officials the types and values of all project impacts.

2.7.2.5 As noted above in “Operations,” the reviewer provides additional services to personnel (Acquisition and Relocation Agents) whose responsibilities follow the appraisal/review process. An important point concerning this is that in cases where such personnel have an inquiry or request for assistance, they should typically contact the reviewer first and not the appraiser. The reviewer is thus enabled to gauge whether they may address the request themselves or if it requires the attention of the appraiser. Adhering to this sequence ensures both expeditiousness and full communication and is responsive to the statutory role of the reviewer as the person who ultimately approves value findings.

2.7.2.6 A final note concerns a crucial aspect of the reviewer’s post-approval function: evaluating property owner-generated alternative data and/or analysis. The reviewer should seriously consider any information submitted to them, transmitting it also, if appropriate, to the staff or fee appraiser for their opinion; however, if the property owner is forwarding an appraisal with a view to its substitution for that of Section’s, the person who performed it must be appropriately certified and the report itself must meet all minimum standards. In all cases the review appraiser is to provide a written evaluation of the submitted material to the Appraiser III for

inclusion in the file. It should be noted that, in most instances, the reviewer would have already been on record as approving a staff or fee-contracted appraisal. The reviewer thus cannot switch approval to the newly submitted appraisal based on subjective criteria or to further an administrative function. The new report must reveal a crucial data-based or analytical stance lacking in the Department's appraisal or otherwise demonstrate its superiority to the latter appraisal in a manifest and tangible form.

2.8 Valuation Formats and Reporting Vehicles

The form and content of the Section's appraisal reporting vehicles are in general governed by 49CFR24.103(a) which stipulates three overarching norms: 1) Standards for appraisal development and reporting should mirror commonly accepted professional practice; 2) variations in format should be a function of the complexity of the appraisal problem; and 3) the acquiring agency should set the minimum standards for appraisal reporting. The Section secures further specific guidance from the Federal Highway Administration Appraisal Guide (1993 Edition, pp. 15-46). Finally, a third input is the appraisal waiver, a dispensation from performing an appraisal and substituting a less rigorous estimation process when the valuation task is non-complex and the compensation suitably low. The Federal Highway Administration has established the threshold to be \$15,000.00.

2.8.1 The Property Acquisition Section has, in compliance with 49CFR24.103(a), set minimum requirements for the reporting of valuations whenever there is to be an offer of just compensation. Examples of the relevant forms can be found in the list of exhibits appended and include those for Acquisitions, Temporary Easements, and Permanent Easements (Exhibits 2.5 through 2.7). These exhibits are formatted for the partial acquisition situation, which represents most of the property impacts under eminent domain, and therefore include tabular displays for aggregate area and unit value. The easement forms contain addition spaces for percentage of market value and, in the case of temporary easements, discount factors; and all the forms contain space for comments, signatures, and date. Compensable site improvements may be listed on the Acquisition Sheet or enumerated on a separate sheet along with compensation figure; and, where there are multiple effects, Section staff add a summary sheet with figures for each impact and the total, rounded to the nearest five-dollar increment. It goes without saying that, in instances of total acquisition, the Acquisition Sheet can easily be modified to reflect a total market value conclusion rather than an expression containing per unit value and aggregate area.

2.8.2 Accompanying these valuation documents are the certificate of the appraiser (Exhibit 2.3), signed and dated (this date in effect becomes the "as of" date of the valuation or appraisal); a photo of the subject; the property owner contact letter (Exhibits 2.8 and 2.9); the appraiser's log detailing the results of the appointment with the property owner and interaction with Design and Legal staff, if any; and the portion of the plan identifying the subject both by condemnation parcel, assessor's plat and lot, and title holders. In partial acquisition situations, these plans

are typically color-coded to manifest the various effects; however, if there are no plans, the parcel identification, alluded to above, must be included separately. Appended to these instruments, where appropriate, is the “Market Value Determination” (Reviewer’s approval sheet, referred to as the “Review Sheet”) containing a similar tabular representation of the partial acquisition/easement effects on the appraiser’s documents; space for site improvement enumeration; space for the listing of severance damages; a reviewer’s certificate; and signature and date box.

2.8.3 The above-listed series of forms comprise the market value determination “packet” which is the minimum documentary evidence the Appraisal/Appraisal Unit must forward for further processing. It is contained in an individual parcel file, which, upon transfer to the Acquisition/Relocation Unit, becomes the negotiating file containing the acquisition agent’s log and additional forms. The record of the appraiser’s substantive work—support for the value determinations—is separate from the “packet” and is contained in various formats listed as follows in order of the complexity of the appraisal task and routing: a) It is retained in the appraiser’s files and not forwarded (“Administrative Cost Estimate,” “Administrative Value Finding”); b) It is packaged in one document which coordinates with a number of parcel files and is forwarded (Databook for “Value Finding Appraisal”); c) It is appended to an individual parcel file (“Short Form Appraisal”); or d) The “packet” is contained within a larger reporting vehicle (“Detailed Format,” but note, the Review Sheet is still appended to the exterior of the report.).

Following are specifications for the formats noted above:

2.9 Administrative Cost Estimate

2.9.1 Purpose/Occasion for Use: The Administrative Cost Estimate is **not** an appraisal; rather it is a forecast estimation of total project/properties acquisition/easement values used as a support for the request of Federal-Aid funding. Occurring therefore in advance of the right-of-way certification process, the reporting vehicle is **not** used in coordination with the market value determination “packet” alluded to above.

2.9.2 Development of the Cost Estimate

2.9.2.1 Typically, expeditiousness is the highest priority in performing a cost estimate since its approval triggers right-of-way certification activities. Accordingly, the appraiser or Real Estate Specialist (or review appraiser) will confine themselves to the Sales Comparison Approach and use of cost manuals for the estimation of site improvements to be acquired. The appraiser/Real Estate Specialist should consult any in-house resources, including assessor’s maps, zoning books, and sales information and perform an on-site inspection, noting especially site improvements in partial acquisition situations. Town hall research should include the items mentioned above as well as assessor’s field cards in the case of total acquisitions.

2.9.2.2 Using comparable sales, the appraiser/Real Estate Specialist should establish a reasonable range of value for each property and/or effect. The precision associated with the adjustment and reconciliation processes to achieve a defensible point estimate is not required here; rather the appraiser/Real Estate Specialist should simply locate the cost estimate within the discovered range in each case, ideally somewhat “high” to avoid repetition of the funding request. The appraiser/Real Estate Specialist should establish the percentage of market value for each easement by observed severity of effect; for temporary easement percentages, the appraiser/Real Estate Specialist may make use of ground rental information, if available, otherwise, for the sake of expeditiousness, should investigate rates for safe money investments as gleaned from local lending institutions. For site improvements in partial acquisition situations, the appraiser/Real Estate Specialist should generate a simple estimate from cost manual information, arriving at a “ballpark” evaluation of depreciation based on observed condition.

2.9.3 Reporting the Cost Estimate: The reporting vehicle for the cost estimate should be in simple tabular form, representing per parcel totals and the grand total (See Exhibit 2.4). In certain instances, and at the direction of the Appraiser III, the appraiser/Real Estate Specialist or review appraiser will further refine the report to include expressions of costs *per effect*. The appraiser/Real Estate Specialist or review appraiser performing the cost estimate should retain in his/her files the supporting documentation for the report’s conclusions in sufficient order and “retrievability” to be able to respond in expeditious fashion to any queries on value.

2.10 Appraisal Waiver Valuation

2.10.1 The agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and has a low fair market value, and the anticipated value of the proposed acquisition is estimated at \$15,000 or less, based on a review of available data. The agency representative making the determination to use the waiver valuation option must understand valuation principles, techniques, and use of appraisals in order to be able to determine whether the valuation of the proposed acquisition is uncomplicated and has a low fair market value. Our department of licensed appraisers prepare a value finding report based on the available data of equivalent sales within a proximity and timeframe to the subjects’ properties. They build a datasheet of justification and propose accurate findings of value for the project scope. (See appendix A to this part, section CFR49 24.102(c)(2).) Although there are provisions of appraisal waiver, with conditions, the Department has opted not to allow waivers in excess of \$15,000 as an opportunity expressed in section 24.102(d).

2.11 Value Finding Appraisal/Mass Appraisal Format (USPAP)

2.11.1 As mentioned in section 2.10.1, the mass data appraisal technique is used in connection with multiple-parcel, road widening projects. Each parcel and property are identified and reviewed thoroughly for value, area, zoning, ownership, improvements and location in determining a broad value datasheet for multiple

properties along a project corridor. If it's been determined by the appraiser that there's a potential or likely that there could be damages to the remainder that require a different method for appraising the property, it will be employed in accordance with the other portions of the section to determine value of the affected property.

2.11.2 The Value Finding Appraisal Format is consistent with the Uniform Standards of Professional Appraisal Practice Standard 5 mass appraisal development and Standard 6 mass appraisal reporting. USPAP does not recognize any valuation range for utilization of this format.

2.11.3 Developing the Value Finding Appraisal/Mass Appraisal Format: Under this format, the appraiser uses the Sales Comparison Approach exclusively to generate a per unit value of the portion of the properties acquired and applied to a class of parcels or, in many cases, all the parcels on the project. The value, as in the case of the Administrative Value Finding, is a function of the value of the parent or larger parcel considered as vacant and able to be put to its highest and best use. Additionally, the appraiser will enter an estimate of all easements, acquired site improvements and landscape items. The appraiser should investigate the title and sales history for each subject for the preceding five years.

2.11.4 Reporting the Value Finding Appraisal/Mass Appraisal Format: The reporting vehicle is the market value "packet" contained in the parcel file along with the support for the per unit finding, which in this instance is not retained in the appraiser's files but is forwarded in a coordinating document known as the Project Databook. It should be noted that another coordinating document is the project plans which includes the register of all owners, property identifications, and representation of all parcels with project effects. As such, the information the plans transmit need not be included in the Databook.

The following are the components of the Project Databook:

(A) Descriptive Information

1. Assumptions and Limiting Conditions
2. Project Description and Project Limits Map
3. Purpose of Appraisal (Narrative)
4. Property Rights Appraised (Narrative)
5. Project Zoning (List of categories)
6. Neighborhood and Market Area Analysis (Narrative)
7. Definition of Market Value

(B) Valuation Information

1. Project Highest and Best Use (may be more than one; Narrative)
2. Approach to Value (Narrative explaining exclusive use of the Sales Comparison Approach)

(C) Sales Information

1. Location Map for Individual Comparable
2. Photograph of Comparable
3. Assessor's Plat/Lot
4. Grantor/Grantee
5. Deed Record (Book/Page)
6. Zoning/Utilities
7. Aggregate Area
8. Frontage (linear measure)
9. Sale Date
10. Condition of Sale
11. Type of Deed Instrument
12. Sale Price
13. Verification Information
14. Value Per Unit

(D) Location Map with All Comparables

(E) Sales Grid and Adjustment Narrative

(F) Reconciliation (Narrative)

(G) Declaration of Per Unit Point Estimate (each category)

(H) Easement Information

1. Permanent - (Narrative explaining percentage ranges for each type; direction of reader to parcel file for determination in each case)
2. Temporary - (Narrative explaining basis of percentage—ground rents; safe money investments—term, and discount factors)

(I) Site Improvement/Landscape Information - (Narrative explaining methodology of depreciation and role of the Principle of Contribution)

2.12 Short Form Appraisal

2.12.1 Purpose/Occasion for Use: In road widening and re-surfacing projects there sometimes are individual subjects with acquisitions/easements which involve higher ratios of aggregate area and/or large numbers of site improvements, translating into significant awards of compensation, yet with a very low probability of severance damages to the remainders. Such cases require a more direct appraisal of the subject not possible under the value finding methodology but something less than consideration under a Detailed Appraisal format. Additionally, there are full acquisitions of certain types of property—most notably, single-family residences—the values of which, in the wider appraisal community, are communicated under something less than the most fulsome reporting vehicle. For both these appraisal

tasks, staff or fee contractors working for the Property Acquisition Section may use the “short form” format.

2.12.2 Developing the Short Form Appraisal: The “Short Form” format differs from the Value Finding methodology in that it is a direct appraisal of one subject only; it differs from the Detailed Appraisal format in that it deploys, by design, less than all the conventional approaches to value. For acquisitions of vacant land, the Short Form includes the Sales Comparison Approach only with identified, photographed comparables; sales grid; adjustment narrative; reconciliation; and inference of per unit point estimate. As in the Value Finding methodology, appraisal of site improvements may be based on cost manual data with depreciation estimate by observed condition.

2.12.2.1 For complete acquisitions of properties such as single-family residences, the appraiser uses sales comparison analysis of the parcel, as improved, with identified, photographed comparables, sales grid, adjustment narrative, and reconciliation. As in the estimation of such properties in the wider appraisal community, the staff or fee contractor should perform a basic version of the Cost Approach, unless manifestly inapplicable, to include the following elements: site value by sales comparison analysis of vacant land conveyances; Reproduction Cost New of the principal improvement by Comparative Unit Multiplier and sub-multipliers (cost manual); Reproduction Cost New of the site improvements by cost manual; uniform depreciation estimate by the simple Age-Life method.

2.12.3 Reporting the Short Form Appraisal: The key element in the written transmission of the Short Form is the “summarization” of many, if not most, of the reporting components. In this matter, the Short Form is analogous to the “Summary” report under the Uniform Standards of Professional Appraisal Practice. It is important to note also that The Appraisal Guide (p.21) stipulates no format for the written Short Form.

2.12.3.1 In cases of the use of a Short Form with partial acquisition projects, the reporting vehicle will become part of the parcel file for the subject. However, there normally will be a Databook, as described above, containing generic descriptive data for the entire project. Accordingly, it is permissible for the appraiser to reference the Databook for all non-parcel specific descriptive information (e.g., area and neighborhood analysis). Parcel-specific descriptive information (e.g., property identification, project effects) must be included and may be represented in tabular or enumerated form (i.e., in summary form). Regarding valuation, the appraiser must include photographed, identified sales in the manner described in the reporting requirements for the “value finding appraisals” unless the sales are same as those for the rest of the project. In all cases, the appraiser must append a parcel-specific sales grid, adjustment narrative and reconciliation leading to a per unit point estimate.

2.12.4 For complete acquisitions of single-family residences the appraiser should include all the descriptive and valuation information stipulated for the “value finding

appraisal” in summarized, subject-parcel tabular or enumerated form. Additionally, since 49CFR24 stipulates that agencies should keep in mind norms and practices of the wider appraisal community, the appraiser may also consult the Uniform Residential Appraisal Report (A “Summary” report under USPAP) for guidance. In certain instances, and with the approval of appropriate authority, staff and fee appraisers may use this form for the appraisal of single-family residences.

2.13 Detailed Appraisal Format

2.13.1 Purpose/Occasion for Use: The Detailed Appraisal format is used to estimate the values of full acquisitions of complex properties with high forecast compensation awards or partial acquisitions where severance damages to the remainders are anticipated. Examples of the former are improved commercial, industrial, or special purpose properties that are amenable to evaluation by a variety of appraisal approaches; examples of severance damages to properties—the latter category—include, but are not limited to, changes in highest and best use; creation of obstacles to buildability; creation of zoning non-conformance; parking loss; loss of access; and proximity damages. The reporting vehicle for the Detailed Appraisal format is sometimes called a “full narrative” and can be compared to the “Self-contained Report” under the Uniform Standards of Professional Appraisal Practice.

2.13.2 Developing the Detailed Appraisal: The two key components of the Detailed Appraisal format are extensive and fulsome narratives for all descriptive and valuation sections of the appraisal and use of **all** conventional approaches to value. These approaches, if the appraiser deems any of them to be inapplicable, must be written with a sufficiently detailed narrative explaining the rationale(s).

2.13.2.1 In the matter of full acquisitions, the Sales Comparison Approach must include properly identified sales data, an adjustment grid, adjustment narrative, and reconciliation narrative to achieve the point estimate. For the Cost Approach, the appraiser may, depending on the circumstances, consider a more refined version of this methodology to include indirect costs under Reproduction Cost New and a more nuanced depreciation analysis—breakdowns of the different kinds of physical depreciation and analysis of functional and economic obsolescence. The Income Approach should contain fulsome treatments of its various components: rental information complete with comparables, grid, adjustment narrative and reconciliation; comprehensive expense statement; and development of the capitalization rate through mortgage equity analysis or other appropriate technique. If the appraiser determines that yield capitalization is required by the appraisal task, he/she should consider “discounted cash flow analysis” or similar indicated methodologies.

2.13.2.2 In the case of the partial acquisition situation with severance damages to the remainder, the appraiser should perform all the above for the “before” situation. To measure severance damages to the remainder, the appraiser may choose from a variety of techniques appropriate to the task, including, but not limited to: analysis of “before” and “after” sales; adjustment of “before” sales to the “after” condition;

“capitalized rent loss” under the Income Approach; and parking space evaluation. The appraiser should also address the issue of benefits accruing to the remainder due to project action. Two critical points in regard to the analysis of severance damages and benefits are: 1) severance damages, if any, are to be measured against the **remainder** parcel only, that is, the parcel considered after the acquisition has been removed; and 2) “benefits” are to be understood as parcel-specific, not local area improvements as a result of the project, and, in this jurisdiction, their value may be used to offset **severance damages only**, not the “part taken.”

2.14 Reporting the Detailed Appraisal

The reporting requirements for this appraisal format are essentially implied under the above paragraph on “Development.” The distinguishing element here is fulsomeness, that is, descriptive and valuation sections should in no case be “summarized,” but should contain extensive narrative support for all contentions with little or no information left in the appraiser’s files that is not expressed. For instance, vacant land sales supporting the Cost Approach in full acquisition situations should be identified, photographed, and analyzed, where in lesser reporting vehicles (e.g., the Uniform Residential Appraisal Report) only the results are reported. Similarly, the rental information/analysis under the Income Approach should be fully contained in the report. When dealing with partial acquisitions and value consideration of severance damages, the findings must be reported using the “Summation Display” (Exhibit 2.21).

2.15 The Review Report/Just Compensation

The level of review analysis depends on the complexity of the appraisal problem. As needed, the review appraiser shall, prior to acceptance, seek necessary corrections or revisions. The review appraiser shall identify each appraisal report as:

- **Recommended** – accepted and approved as the basis for the establishment of the amount believed to be just compensation;
- **Accepted** – meets all requirements, but not selected as recommended;
- **Not accepted** – include reasons for not accepting this appraisal.

The review appraiser will recommend an appraisal as the basis for the establishment of the amount believed to be just compensations and develop and report the amount believed to be just compensation. Any damages or benefits to a remaining property shall be identified in the review appraiser’s report. If the review appraiser is unable to recommend (or 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, as a part of the review, present and analyze market information to support a recommended

value. This information can include information contained in the appraisal report under review.

2.15.1 Neither the Administrative Cost Estimate nor the Administrative Value Finding requires a Review Sheet, since they are not technically appraisals; however, the Chief of Appraisal/Appraisal Review, review appraisers are directed to subject these reporting vehicles to an informal verification process with other staff appraisers. For the Value Finding, Short-form and Detailed Appraisal formats, the review appraiser must forward a Review Sheet with Review Reports of varying degrees of comprehensiveness. In the case of the Value Finding Appraisal, the Review Report will be appended to the Project Databook, while the Review Sheets will be contained in the individual parcel files; for the Short Form and Detailed Appraisal formats, the Review Report and the Review Sheet will together be appended to the individual appraisal or file.

2.15.2 Review Format and Certification

2.15.2.1 The review appraiser shall prepare a written report that identifies the appraisal reports reviewed and documents the findings and conclusions arrived at during the review of the appraisal(s). The review appraiser shall also prepare a signed certification that states the parameters of the review. The certification shall state the recommended value.

2.15.2.2 Summary of Valuation Formats and Reporting Vehicles

Format	Purpose/Use	Development	Reporting	Review
Administrative Cost Estimate	Forecast acquisition costs of a project as part of funding request.	Sales Comparison Approach only; simple location of estimates within developed ranges; easement percentage by observation; data sources for site improvements.	Valuation per parcel or per effect in tabular form; display of grand total; support for values in appraisal file.	Not required
Administrative Value Finding/Appraisal Waiver	Partial acquisitions and/or easements under \$15,000.	Sales Comparison Approach only of a group of parcels; point estimate by adjustment of sales to subject group; easement percentages by observed impact based on ground leases, safe money rates; data sources for site improvement.	Value finding form; easement sheets; photos, plans, certificate. (Support for valuation in appraiser's file.)	Not required
Value Finding Appraisal/Mass Appraisal Format (USPAP)	Partial acquisitions and/or easements no minimum or maximum.	USPAP Standard 5	USPAP Standard 6	Yes

Short Form Appraisal	Partial acquisitions of more complexity or high compensation but no anticipated severance damages; complete acquisitions of certain types of property (vacant land, residences).	Direct appraisal of one subject only; Sales Comparison Approach only, or, for residences, add Cost Approach.	Descriptive and valuation sections in summary form (Ex.: URAR)	Yes
Detailed Appraisal Format	Complex complete acquisitions (commercial, industrial, special-use properties); partial acquisitions with severance damages anticipated.	Direct appraisal of one parcel only; use of all conventional valuation methods. For partial acquisitions, value part taken first; assess severance damages against remainder.	Extended reporting in all descriptive and valuation sections. For partial acquisitions, use summation display.	Yes

2.16 Fee Appraiser Contracting Process

For contract management, the Chief of Appraisal/Appraisal Review (Appraiser III) is the primary responsible staff member, delegating some related tasks to the review appraiser (Appraiser II) and working closely with the clerical staff. Some of the details regarding contract stipulations, as well as a copy of the contract itself (Exhibit 2.23), are contained in the Exhibits Appendix. What follows is a narration of the fundamental procedure and criteria for scopes of work.

2.16.1 The Property Acquisition Section maintains a list of qualified fee appraisers established through an annual solicitation process (See Exhibit 2.13). The Department of Administration keeps and solicits the Master Price Agreements for all contractors with the State. Appraisers may also petition to be put on the list by forwarding evidence of credentials and examples of their work. The decision to retain a fee appraiser for an assignment occurs in several ways: the appraisal task from the beginning clearly requires the expertise of a specialty contractor; the pre-appraisal field review discovers that the effects on certain parcels are sufficiently complex, indicating the need for private appraisal services; a property owner files a petition in Superior Court and the Section management feels, in the particular instance, that it will be better represented by a fee appraiser, and so on.

2.16.2 If the Chief of Real Estate Acquisition in consultation with the Appraiser III makes the decision in favor of the retention of a fee contractor, the latter prepares a memo of request to the Department Director. This transmittal should contain, at a minimum, a description of the project and/or appraisal task and the rationale(s) for utilizing a fee appraiser. In certain instances, due to a time factor or other constraint, the memo might include the additional request to “short-list,” i.e., solicit only a portion of the fee appraiser list. If so, the memo should carefully delineate the justification. Upon approval of the Director, the Appraiser III directs a member of the clerical staff to prepare a solicitation letter to be addressed to all or a portion of the fee list (sent via certified mail, return receipt requested—as are all postings under

the contracting process), appended to which is a copy of the “Scope of Work for Appraisal Services” (see below).

2.16.3 In certain instances of complex appraisal tasks or projects with large numbers of parcels, the Section will hold a pre-bid conference, during which the Appraiser III or his/her designee will make a short presentation and provide copies of plans and other related documents for candidate-appraisers to inspect. (See Exhibit 2.14) Subsequent to this meeting, if one is held, a member of the Section’s clerical staff receives, and records sealed bids within the time/date constraints specified in the scope of work. When the time for submission of bids has expired, the Appraiser III schedules a bid opening and evaluation meeting. Upon selection of the appraisal firm, the Appraiser III directs a member of the clerical staff to send an appropriate notification letter to the successful bidder to schedule execution of the contract, followed by submission for appropriate signatures within the Department and the Department of Administration. (See Exhibits 2.16 and 2.17) The appraisal firm is then notified by mail of the contract dates. (In practice, the appraiser will already be aware of them.)

2.16.4 During the contract term, the Appraiser III—or more likely his/her designee, the review appraiser—monitors the appraiser’s progress at intervals to ensure completion by the contract termination date (see contract and contract addendum for specifications for monitoring in “thirds” and schedule of fines for lateness). Upon receipt and time/date stamping of the reports in the Section business office, the Appraiser III distributes them to the appropriate review appraiser for review. In addition to reviewing for right-of-way certification, the reviewer initiates the approval process for payment of the contract fee through the “Fee Appraiser Authorization Form” (see Exhibits). He/she has several options in this regard: a) if there are a substantial number of reports and in service to the goal of expeditious payment, the reviewer may verify them all for basic format compliance and approve a 50% payment while examining the contents in more detail; or b) when there are fewer reports and the appraisal task is not exceedingly complex, the reviewer may be able to approve 100% of the contract fee earlier in the process (see contract contained in the list of Exhibits). The review appraiser submits the Fee Appraiser Authorization Form to the Appraiser III, who forwards it to the Chief of Real Estate Acquisition for his/her signature. At the completion of this process, the Appraiser III directs a member of the clerical staff to prepare a voucher for payment.

2.16.5 In order to permit interested fee appraisers to prepare reasonable bids for a particular solicitation, the Appraiser III will prepare or assign for preparation (Appraiser II) a “Scope of Work for Appraisal Services.” The criteria/components for a standard scope of work are as follows:

(A) Heading

1. Project Number (if any)
2. Condemnation Plat Number (if any)
3. Municipality/Traffic Artery
4. Condemnation Parcel Numbers To Be Appraised

(B) General Description of Project and/or Area

(C) Subject Parcels To Be Appraised

1. Condemnation Parcel Number
2. Assessor's Plat and Lot
3. Title Holder(s)
4. Location (on Project)
5. Aggregate Area
6. Type Property (Zoning, Usage, Improvements)
7. Impacts
 - a. Total or
 - b. Partial
 - (1) Areas/Types of Acquisitions and/or Easements
 - (2) Improvements Affected
 - (3) Consideration of Severance Damages

(D) Appraisal Tasks/Reporting Requirements

1. Level of Appraisal Development and Reporting Required
 - a. Reference to Statutory/Regulatory Norms
 - b. Reference to USPAP equivalencies (optional)
 - c. If a "Before and After" Appraisal, reference to the "Summation Display"
2. Other Reporting Specifications
 - a. Separation of Realty and Personality (Complete Acquisitions)
 - b. Inclusion of Owner Contact Letter
 - c. Necessity to include data/based and analytical support for major contentions and use of widely recognized methodologies appropriate to the appraisal task.

(E) Timeframes/Bid Formats

1. Term of Contract (Number of Days)
2. Instructions on the Formatting of Bids
 - a. By Total Contract
 - b. By Parcel
 - c. Other
3. Ending Date/Time for Submission of Bids

(F) Additional General Specifications

1. Instructions on Securing Necessary Materials (e.g., Plans)
2. Fees for Pre-Trial Conferences and Court Testimony
3. Obligation to Provide Right-of-Way Staff with Opportunities to Monitor Progress
4. Obligation to include Costs of Any Necessary Sub-contracting in Bid Proposal

2.17 Specialized Appraisal Tasks

2.17.1 Administrative Settlements: In several cases of property acquisition, the acquisition agent is unable successfully to negotiate the property owner's acceptance of the Offer of Just Compensation. Under these circumstances, the Chief of Real Estate Acquisition may, for good cause, consider an Administrative Settlement rather than simply acquiesce in ensuing litigation. An Administrative Settlement is defined as an award of compensation more than that established by the approved appraisal and rendered in the Offer of Just Compensation.

2.17.1.2 The statutory rationale for the administrative settlement process is in the language of the Uniform Act, which enjoins expeditious processing, and all reasonable efforts to acquire real property by negotiation. Accordingly, the Chief of Real Estate Acquisition may look at a variety of cost/benefit indices—property owner's and other appraisals, recent court awards, typical trial costs, extended labor costs—to determine if a reasonable increment of compensation beyond that of the Department's original offer, is warranted.

2.17.1.3 It is important to note that the Administrative Settlement is precisely that—an administrative process, not to be confused with appraisal development. Indeed, as per 49CFR24.102 (i), appraisal/review staff and supervisory personnel are prohibited from using the appraisal process to "justify...settlements." Nevertheless, appraisal point estimates—the final reconciled estimate as well as those of the separate methodologies—are typically inferred from reasonable ranges of value for the subject in question. Thus, it is not inappropriate for the Chief of Real Estate Acquisition to forward a query about such ranges and the opinion of the review appraiser as one input for decision making in regard to an Administrative Settlement. Accordingly, the Appraiser III may task the review appraiser to draft a

memorandum for the Chief of Real Estate Acquisition discussing the above noted subjects.

2.18 Appraisal/Appraisal Review for Litigation Purposes

2.18.1 The appraisal/appraisal review process for court purposes is triggered upon notification to the Chief of Real Estate Acquisition that a petition has been filed for a particular subject. This notice comes directly from the Department's Legal Counsel. The Appraiser III, or, more likely, his/her designee (review appraiser), will prepare a scope of work for the use of a staff appraiser or for solicitation of the fee list. In the overwhelming number of cases, the Section will require a Detailed Appraisal reporting vehicle and, if the action is a partial acquisition, a "before and after" format. It should be noted that, if the pre-appraisal field inspection had stipulated the likelihood of significant damages to the property, the Section might already have a court-acceptable appraisal report at the time of the filing of the petition.

2.18.2 In many respects appraisal/appraisal review for litigation purposes proceeds in the same manner as narrated in previous paragraphs of these Procedures; however, for court purposes, Department legal counsel takes an active and supervisory role that is unique. For instance, he/she may mandate that the scope of work instruct the appraiser to address certain items in particular; or, if the report is already in hand, that it be amended accordingly. In the post-approval phase, the Appraiser III or his/her designee (review appraiser) works closely with legal counsel, coordinating appointments with the appraiser for the preparation of testimony, doing additional research, giving advice during trial, or performing any related tasks the attorney in question may have. Thus, for court purposes, Appraisal/Appraisal Review staff and fee appraisers are under the operational supervision of Department legal counsel and are to take their lead in the execution of all their duties from the direction of the latter.

2.19 Surplus Property Valuations and Appraisals

2.19.1 The responsibilities of the Appraisal/Appraisal Unit regarding the disposition of State property deemed to be in surplus from previous highway takings begins when the Section is tasked for valuation from the Administrator of Real Estate Property Management. The subject property will have emerged either from the Division's marketing program or a request from an interested abutter or other party. In all cases, the assigned property management staff person will have a file with the documentary history of subject including approval for conveyance from all required State agencies.

2.19.2 Having been tasked by the Appraiser III, the first duty of the appraiser is to examine the above-noted file since it may contain crucial information (e.g., the interested party's intentions with regard to the subject) bearing on value. In the overwhelming number of cases, the subject will be vacant land and the indicated approach to value will be governed by this contingency. In consultation with the

Appraiser III, the assigned appraiser will choose a reporting format from the list enumerated above and within the Property Management procedure. In this matter, the Federal Highway Administration has mandated formats with respect to different appraisal situations, as follows:

2.19.2.1 The subject is a “stand alone” parcel. In this instance, the subject is competitive in the market, that is, it is developable on its own and would be of interest to a variety of possible purchasers, not just one or two abutters. For such a property—assuming it is vacant—the appraiser would likely use the Sales Comparison Approach exclusively, reporting the results in a “Short Form” format. In isolated cases, the Land Development Method might be indicated as a supporting methodology.

2.19.2.2 The subject significantly enhances the value of the property of an abutter: Under this contingency, the subject adds crucial value to the property of an interested abutter, such as providing additional or necessary parking capacity to a proposed or extant improved commercial property; providing a necessary access point; or adding aggregate area that allows for initial development or a value augmenting change in highest and best use. In this circumstance, the appraiser may be required to use “before and after” analysis to discover enhancement value much as this methodology is used to discover severance damages in acquisition situations. Reporting may, depending on the circumstances, require a Detailed Appraisal format.

2.19.2.3 The subject is of little or no value even to an interested abutter.

(A) The subject in this instance is likely of odd configuration, poor topography, sub-standard size, or otherwise undevelopable. Often the interested party desires it for aesthetic or other reasons not readily translatable into value added. The appraiser will use a version of what is sometimes termed an “across the fence” value estimation process or an “inverse value finding”—that is, the appraiser will attempt to discover the value of the subject and abutting parcel in assemblage and considered as vacant and able to be put to its highest and best use, deriving a per unit value to be applied to the subject alone. As noted above, this is similar to the Value Finding methodology, except in that case the subject is severed from a parent parcel rather than added.

(B) In general, property management appraisals must be responsive to two opposing constraints: on the one hand, the Federal Highway Administration requires that agencies disposing of surplus property acquired under Federal-Aid projects seek the highest net return for the conveyance; on the other hand, in many cases there is no powerful impelling force, only a mild interest, motivating purchasers. It must be remembered that, especially for Option No. 3 above, but even in certain circumstances for Nos. 1 and 2, there may be a limited market or a market of one buyer for the subject property. Thus, even an assemblage value may be rejected in cases of less than optimum motivation. Accordingly, the appraiser should demonstrate flexibility, within the constraints of good appraisal practice,

seeking broad use of ranges of value and weighting toward the low end of the range to facilitate a consummation of the sale—without which there will be no return to the Federal government or the State at all.

(C) In certain instances, Property Management personnel will request a lease or rented/ license valuation rather than a conveyance value. Appraisal staff will use well-recognized data sources and methodologies such as ground rent analysis to complete such an assignment.

2.20 Miscellaneous

2.20.1 Minimum Payments for Various Effects: At the time of the revision of the Procedures for Appraisal/Appraisal Review, the most current Property Acquisition Policy Memorandum mandated the following minimum payments for partial acquisitions and easements:

2.20.1.1 Total effects on railroads, government agencies and municipalities should be offered the established value and then, once identified as a mutual public benefit, the agreed place holder value of \$1.00 should be the consideration.

2.20.1.2 \$100.00 – Partial acquisitions, temporary, guy, utility, permanent, and pole easements; also, any combination of these impacts.

2.20.2.3 In a related matter, the Section may require two appraisal reports whenever the compensation totals for acquisitions can reasonably be expected to exceed \$500,000 or damages to the remainder \$100,000.

2.20.2 Sign Policy: On-premise advertising signs of commercial entities will be regarded as realty to be appraised based on depreciated cost new. If a property owner wishes to have his/her sign relocated on the parcel, the Department will arrange for a relocation estimate and will pay the owner the lesser of the two compensation totals, that is, depreciated cost new versus relocation. In many instances, the performance of appraisal/relocation estimates will require the services of a specialized sub-contractor. Additionally, on certain projects the construction contractor is responsible for the relocation of advertising signs with costs subsumed under his/her contract award. If this is the case, the Design Section will notify the Property Acquisition Section to remove sign valuation from the activities of staff and fee contractors of Appraisal/Appraisal Review. During the various contact appointments, the appraiser and/or the acquisition agent will inform the property owner of this eventuality.

2.20.2.1 In an overwhelming number of cases, the Property Acquisition Section will deem off-premise signs such as billboards to be personalty. Billboards will be valued utilizing the cost approach to value with the proper depreciation applied at the discretion of the Chief Review Appraiser. Billboard/sign valuation companies may be solicited to perform billboard appraisal reports.

2.21 List of Exhibits

- 2.1 Section Assignment Sheet
- 2.2 Appraisal Unit Assignment Sheet
- 2.3 Certificate of Appraiser
- 2.4 Cost Estimate Report
- 2.5 Value Finding Form
- 2.6 Temporary Easement Valuation
- 2.7 Permanent Easement Valuation
- 2.8 Appraiser Contact Letter – “A”
- 2.9 Appraiser Contact Letter – “B”
- 2.10 Appraisal Review Assignment Sheet
- 2.11 Market Value Determination (“Review Sheet”)
- 2.12 Project Appraisal and Review Project Record
- 2.13 Approved Fee Appraisers List
- 2.14 Solicitation Letter – Fee Appraiser Attendance at Pre-Bid Conference
- 2.15 Solicitation Letter – Fee Appraiser Bid Proposal
- 2.16 Contract Award Letter
- 2.17 Notification Letter – Fee Appraiser Non-Selection
- 2.18 Fee Appraiser Contact Report
- 2.19 Evaluation of Project Appraiser
- 2.20 Annual Evaluation of Appraisers
- 2.21 Summation Method Display (“Before and After” Appraisals)
- 2.22 Fee Appraiser Authorization Form

2.23 Fee Appraiser Contract

CHAPTER 3

ACQUISITION/NEGOTIATIONS

3.1 Mission

3.1.1 The Property Acquisition Unit within the Right-of-Way/Real Estate Property Acquisition Section of the Department of Transportation, “The Department”, conducts negotiations for the acquisition of real property for roadway construction and/or reconstruction purposes as well as other transportation projects. The negotiations exercised are exclusive of legal and court settlements that are conducted by the Office of Legal Counsel.

3.1.2 The acquisition process is conducted in compliance with regulations published by the Federal Highway Administration (FHWA) CFR 49 Subtitle A Part 24 Subpart B Real Property Acquisitions, CFR Title 23 Chapter 1 Subchapter H Part 710, the General Laws of the State of Rhode Island, Title 37, Chapter 6, 1956, as amended.

3.2 Organizational Structure

3.2.1 The Acquisition/Real Estate Unit is one of the units located within the Department of Transportation, Right-of-Way/Property Acquisition Section, which is under the supervision of the Chief of Real Estate Acquisition.

3.2.2 The Acquisition/Real Estate Unit that possess adequate knowledge, skills, and train to carry out property acquisitions in accordance with the applicable laws and regulations, is staffed by qualified Senior Real Estate/Real Estate Specialists.

3.3 Right-of-Way Policies

3.3.1 A Senior Real Estate/Real Estate Specialist should possess sufficient technical background to fully explain the project to the property owner(s)¹ and describe any effects this project may have on his or her property. In addition, knowledge of real estate law, a clear understanding of appraisal methods, and familiarity with the condemnation process are necessary.

3.3.2 The Department shall make every reasonable effort to provide equitable treatment to all owners and tenants of property acquired for highway and/or related purposes.

3.3.3 If a determination is made by qualified staff that an appraisal is unnecessary because valuation problem is uncomplicated and has a low fair market value, and the anticipated value of the proposed acquisition is estimated

¹Use of term property owner also extends to include tenant(s).

at \$15,000 or less, based on a review of available data the Department may opt to use a “Waiver Valuation” in accordance with 49 CFR 24.102. Waiver Valuations do not require review by an appraiser and may be used as “Just Compensation” for negotiation with the owner. Waiver Valuations are not typically used but may be used to reduce the cost and time associated with performing an appraisal. Waiver Valuations that exceed \$15,000 are not currently used by the Department.

3.3.4 The State shall make every reasonable effort to provide for expeditious acquisition practices. A negotiator should strive to establish a successful relationship with property owner(s) or their representative. Every effort should be made to successfully acquire the property first by mutual negotiation, i.e., deed, agreement, or full release, to prevent litigation through the court system. Further, in case of a difference of opinion relative to valuation issues, the negotiator should encourage an owner to present a counter proposal for review by the Department. In the event the negotiator and property owner(s) are unable to reach a mutual agreement, a condemnation proceeding shall commence.

3.3.5 The State of Rhode Island, for the purposes of treating each property owner fairly, must present to each property owner "one offer" which is an approved fair market value amount established as just compensation.

3.3.6 In no event shall the State take any action determined to be coercive in nature with the aim of compelling an agreement with a property owner.

3.3.7 When property is to be acquired, the State shall provide a property owner with a written offer of just compensation based on fair market value.

3.3.8 No property owner shall be forced to surrender possession of their property before the State has made the “Just Compensation” (defined as a payment equal to the approved fair market value) available to them. If the State deposits in the Registry of the Rhode Island Superior Court (when appropriate) the amount will be not less than 100% of this payment offered by the State. In accordance with the provisions of RIGL 37-6-23.2 the State may deposit an amount not less than 100% of the payment offered by the State into the Registry of the Rhode Island Superior Court for the benefit of the Owner(s).

3.3.9 When property is acquired, the State shall also acquire an equal interest in all buildings, structures, and other improvements deemed ‘real estate’ located upon the subject property. Personal Property not acquired will be relocated.

3.3.10 If the acquisition of a portion of real property would leave the remainder as an uneconomic remnant (defined as a remainder parcel having little or no utility value to the owner), the Department shall offer to acquire this remaining portion of property by deed. The State’s Reviewing Appraiser, Chief of

Real Estate Acquisition and the Administrator for Real Estate Acquisition shall be consulted to ensure the remainder parcel qualifies as an Uneconomic Remnant. The process for completing the acquisition of Uneconomic Remnants by deed is outlined in Section 3.10.

3.3.11 The State shall pay costs incidental to the acquisition including but not limited to recording fees, transfer fees, and any penalty costs incurred for pre-payment for existing mortgages and other appropriate expenses relating to the acquisition. The State is not required to pay expenses solely to perfect title.

3.4 Acquisition Procedures in Accordance with RIGL Title 37

3.4.1 FHWA Approval: For any project, in which the FHWA will participate in funding, authorization must be received from the FHWA prior to the acquisition process being initiated.

3.4.2 Authorization to Begin Negotiations

3.4.2.1 Once the FHWA has authorized the acquisition of Right-Of-Way, the Financial Management Division will forward a copy of the written authorization, (form FMISW96A). The Chief of Real Estate Acquisition or his/her designee may then instruct the Acquisition/Negotiations Unit to initiate the acquisition process and commence with activities related thereto (i.e. Appraisal, Title, etc.). Assignments should be in writing and contain specific parcels to be negotiated by a Senior Real Estate/Real Estate Specialist (See Exhibit 3.2, Assignment Sheet).

3.4.3 Authorization from State Properties Committee: The Department is required to identify the parcels and any interest in real property it wishes to acquire for highway purposes and obtain the authorization of the State Properties Committee prior to initiating negotiations in accordance with Title 37 of the R.I. General Laws.

3.4.3.1 Approval Procedure

(A) When approved appraisals establishing 'just compensation' for each affected parcel have been received from the Appraisal/Appraisal Review Unit, a letter will be drafted to the State Properties Committee seeking authorization to acquire property (by Eminent Domain if necessary) for the project in accordance with R.I.G.L. § 37-6. The letter shall contain the following information:

- (1)** Name of project;
- (2)** Location of project;
- (3)** State Highway/Condemnation Plat number or proposed type of conveyance document;
- (4)** Federal Aid Project Number; State Contract Number
- (5)** Limits of project;

- (6) Total area(s) affected by acquisition and easements;
- (7) Total cost for acquisition; Source of Funding
- (8) Number of parcels to be affected;
- (9) Proposed use; and
- (10) Director's signature.

(B) Copies of the letter (and deeds or Condemnation Plat, whichever is applicable), should be presented before the State Properties Committee for conceptual approval. Additionally, the State Properties Committee has requested a spreadsheet that itemizes the parcel information be made part of the presentation (See Exhibit 3.3, SPC Spreadsheet).

(C) Once authorization to acquire land or easements by virtue of a condemnation plat or other means has been obtained by the State Properties Committee, negotiations with property owners may begin.

(D) If there are significant changes to the areas to be acquired, additional parcels, or amounts of compensation as a result of changes to the scope of the project, they should be re-presented to the State Properties Committee in the same manner (i.e., cover letter with a revised spreadsheet highlighting the revisions).

(E) The “authorization of State Properties Committee” is not intended to mean that the amount of “Just Compensation” established by the State’s appraiser is subject to further review or revision. This authorization is obtained for the purpose of compliance with the General Laws as to whether certain parcels of land may be acquired as necessary for the project.

(F) In the event the State Properties Committee will not authorize the acquisition of real property, or the compensation established by the State’s Review Appraiser for a Federal Aid Project, Federal funding for that project is at risk.

3.5 Comprehensive Acquisition Report

3.5.1 The parcel file shall contain an accurate, chronological, legible record of each negotiation, including all communications, whether by phone, in person, or by mail/e-mail. This record must be maintained for each parcel of property acquired. It shall be permanent and documented following each contact. Included in this record shall be the following:

- (A) Date and location of meeting.
- (B) Names of persons present; and
- (C) An accurate statement of information and materials presented to the owner. Also, remarks, counter offers, suggestions, and

perspectives should be accurately recorded. Any questions, problems, and inquiries should be addressed or brought to the attention of the Administrator and/or Chief of Real Estate Acquisition for appropriate action. This is considered important supporting documentation. Someone unfamiliar with the claim should be able to easily understand all that has transpired simply by referencing the comprehensive acquisition report (See Exhibit 3.4, Acquisition Report).

3.6 Preparation and Actual Negotiations with Property Owners

3.6.1 To discuss an acquisition intelligently with a property owner, a Senior Real Estate/Real Estate Specialist must be completely familiar with each parcel assigned to them and the overall construction of the project. In preparation for this, the Senior Real Estate/Real Estate Specialist will thoroughly review the following:

3.6.1.1 Appraisal and Review: These documents establish fair market value and further express the thought process used in establishing fair market value and just compensation including improvements and damages (if any).

3.6.1.2 Title Certificate: The Senior Real Estate/Real Estate Specialist will carefully review the Title Certificate and, if necessary, update and/or verify information at the appropriate city or town hall. He/she will check for any discrepancies, changes in ownership, omissions, mortgage and lien holders, or any encumbrances attached to the property. If necessary, the Senior Real Estate/Real Estate Specialist should seek guidance from Legal Counsel regarding any encumbrances or restrictions on the title that need to be addressed prior to acquisition.

3.6.1.3 Maps and Plans: The Senior Real Estate/Real Estate Specialist will review the right-of-way plans and general construction plans both in the office and in the field. When necessary, cross-sections, utility plans, drainage plans, etc. should also be reviewed prior to contacting property owner(s) in anticipation of any questions that may arise. The Senior Real Estate/Real Estate Specialist should be knowledgeable of the purpose of the project and of the effect it will have on each parcel assigned to be negotiated.

3.6.1.4 Other Disciplines: Any questions or problems with the Appraisal/Appraisal Review Unit, title certificate, right-of-way plans, general construction plans, or other plans utilized should be brought to the attention of the Chief of Real Estate Acquisition for further action.

3.6.1.5 The Senior Real Estate/Real Estate Specialist shall address all concerns of property owner(s) to successfully conclude each negotiation. Such issues may involve clarification of engineering concerns as well as appraisal issues.

3.6.2 Contact with Property Owner

3.6.2.1 The negotiator will prepare a written offer to property owner(s).

3.6.2.2 At the onset of negotiations, every reasonable effort shall be made to personally contact each property owner(s) to develop a rapport with the property owner(s).

3.6.2.3 All property notices will be sent by certified mail, return receipt requested or hand delivered by the designated Real Estate Specialist with receipt of delivery. (See Exhibit 3.5, Contact Letter to Property Owner). Although 49 CFR, 24.5 indicates notices may be delivered by companies other than USPS, such as electronic delivery and with certain with safeguards, RIDOT has not implemented such and will use only in person delivery and/or U.S.P.S mail delivery.

3.6.2.4 Out-of-State Property Owner(s): Out-of-state property owner(s) may be contacted personally with approval of the Chief of Real Estate Acquisition and/or the Administrator for Real Estate Acquisition or contacted by certified mail, return receipt requested.

3.6.3 First Meeting with Property Owner(s): During the first meeting the property owner(s) shall be provided with the following information:

3.6.3.1 Letter of Rights: All affected parcel owners shall be presented with a letter of rights explaining the rights, privileges, and options of the property owner(s) (See Exhibit 3.6, Letter of Rights). He/She will also explain the following options:

- (A) Full Release;
- (B) Receipt and Acknowledgement;
- (C) Escrow Deposit - Registry of the Rhode Island Superior Court; and
- (D) Deed, Agreement, or other voluntary conveyance document if applicable.

3.6.3.2 All affected acquisition property owners shall be provided with an informational packet that includes the Program Brochure, a detailed map showing the property affected, and a W-9 form to be completed by the owner(s) (indicating property owner(s) social security number or tax identification number) (See Exhibit 3.7, Acquisition Program Brochure).

(A) An Explanation of the "One Offer System" will be presented. (In the interest of equitable treatment for property owners, the State of Rhode Island negotiates for acquisition of property with a One Offer System.) RIDOT shall make every reasonable effort to expeditiously acquire the real property necessary for the project by negotiations.

(B) Just Compensation: The full-approved amount of just compensation, that is equal to and not less than 100% of the approved appraisal or waiver valuation, must be presented in writing and must be dated and signed. In addition to the fair market value of real property to be acquired, the offer should identify any improvements to be acquired and shall separately list damages assigned to the remaining property (if any) because of our acquisition (See Exhibit 3.8, Offer of Just Compensation and Repurchase).

(C) In addition to the above, names (and addresses) of property owners should be provided to the clerical staff for the purpose of preparing and mailing Civil Rights Survey forms (see Exhibit 3.27). The survey form will be mailed out to the property owners during property negotiations and/or may be enclosed in the initial informational packet to the property owners.

(D) If the offer to acquire right-of-way includes improvements, the owner of these improvements may be given the option of repurchasing these improvements at a mutually agreed value based on a current market valuation. This value may be made available at the initiation of negotiations or within a reasonable period of time afterward.

(E) Property owner(s) are given a reasonable time frame (generally not less than 30 days) in which to consider the State's offer. In the event of a difference of opinion, the owner(s) are encouraged to submit information that they believe may materially affect the value and/or resultant damages to the property. Please note that this information must be presented to the negotiator in a reliable and verifiable format. Property negotiations may continue as may be necessary to reach a settlement even beyond the date the property is acquired if by condemnation.

(F) If, after a reasonable effort has been made, the negotiator is unable to obtain an agreed settlement, then condemnation shall commence. Pursuant to the provisions of Title 37, the property owner will be afforded the right to receive 100% of the State's offer of approved compensation on the date of condemnation.

(G) Each individual document (deed, conveyance document, or other agreement involving real property) must be presented to the State Properties Committee for signature prior to recording. A cover letter requesting signatures of the State Properties Committee on documents that pertain to the conveyance of real property should be drafted.

(H) When the State Properties Committee has signed/approved the document(s), a voucher for payment consistent with the amount authorized will be prepared by the office of Financial Management, so that funds are available on the date of acquisition.

3.6.3.3 In the event that a revised offer must be made to the property owner(s), it must be made in writing by a Revised Statement of Just Compensation Form delineated as such. Revised offers are made when there is a change to the land area, interest in real property being acquired, or a change in the amount of compensation based on a new determination made by the State's appraiser.

3.6.4 Additional Meetings with Owners: In most cases additional meetings are necessary to obtain the property owner(s)' decision regarding the acceptance of the just compensation established. These meetings, as with any other contact, must be accurately documented in the Acquisition Report. Further calls/e-mails/sms or short message service, (only on state issued devices), with the property owner(s) may be necessary summarizing the way any concerns or issues will be resolved.

3.6.5 Negotiating with An Attorney or the property owners authorized representatives: When a property owner notifies the Department about their representation by an attorney or authorized representative, a letter of representation must be obtained from the attorney or authorized representative. This letter should clearly state that they will act as the exclusive agent for the property owner during the acquisition process. Following this, the Department will engage exclusively with the designated attorney or representative. For any non-routine discussions or meetings, it is important to consult with an attorney from the Office of Legal Counsel when the property owner has retained legal representation.

3.6.6 Tenant-Owned Improvements: If the State must acquire any tenant-owned improvements, the tenant(s) shall receive the same rights and privileges as that of a real property owner for determination. If a lease is in existence, it must be thoroughly reviewed and, if necessary, a legal opinion sought for clarification. Accordingly, similar procedures should be followed in arriving at a settlement which include making a separate offer to the tenant(s). For the tenant(s) to receive direct payment, the real property owner(s) must sign a Disclaimer Form. If the property owner(s) refuses to sign the Disclaimer Form, one hundred percent (100%) of the amount established as just compensation for the tenant-owned improvement shall be deposited in the Registry of the Rhode Island Superior Court in an escrow account under both the names of the property owner(s) and the tenant(s) (See Exhibit 3.9, Disclaimer Form).

3.6.7 Real Estate Tax Pro-Rations: When the property owner(s) have paid real estate taxes beyond the date of closing or condemnation, the State shall reimburse the property owner(s) for taxes that were prepaid (covering a period after acquisition in which the State has title to the property) unless an abatement is made by the municipality. This will be done by a voucher made payable to the property owner for reimbursement. Prorated to the day of recording.

3.7 Settlement Procedures (Completion of Negotiations)

3.7.1 When negotiations are successfully completed, a written agreement must be prepared to the effect that this agreement embodies all consideration agreed upon between the State and the property owner(s).

3.7.2 This written agreement usually will take the form of either a Deed or Release.

3.7.2.1 Deed: If the State acquires the property by deed, the procedure in Section 3.10 shall be adhered to.

3.7.2.2 Full Release: If the State acquires the property by condemnation and the property owner(s) accepts the offer as full and just compensation, a Full Release must be signed and dated by the property owner(s) and witnessed by a third party. The property owner(s) receives payment of one hundred percent, (100%), of the offer of just compensation and releases all rights to file a petition in court for the assessment of damages (See Exhibit 3.10, Full Release).

3.7.2.3 Receipt and Acknowledgement Form: When an offer is not accepted by a property owner(s) as full and just compensation, the property owner(s) may choose to sign a Receipt and Acknowledgement form. The property owner(s) receives payment of one hundred percent, (100%) of the Offer of Just compensation and retains the right to petition the court for the assessment of damages within one (1) year from the date of condemnation (See Exhibit 3.11, Receipt and Acknowledgement Form).

3.7.3 Work Sheet: After determining that a property owner(s) will provide a deed, sign a full release, or a receipt and acknowledgement, an informational worksheet will be prepared to assist the clerical staff in preparing the appropriate documents (See Exhibit 3.12, Work Sheet).

3.7.4 When property to be acquired is held in title of a corporation or other legal entity (i.e., LLC, Trust, Partnership, etc.), sufficient documentation shall be obtained that insures the person executing the documents has the authority to do so on behalf of the entity. A Letter of Corporate authority generally states that the officer executing the release is a duly authorized officer of the corporation and is the party authorized by the corporation to execute the release form.

3.7.5 Vouchering: Payment vouchers will be prepared in accordance with guidelines from the Office of Financial Management. Vouchers for all proposed acquisitions shall be prepared in a timely fashion and reviewed for accuracy such that checks are available for disbursement on the projected date of acquisition to meet the project schedule. For condemnations, upon recording the checks payable to the owner of each parcel shall be available for disbursement but may be withheld until the W-9 form is approved by accounts and control.

3.7.6 Escrow (Registry of the RI Superior Court): In the event that title to the subject property is defective or unclear, the property owner(s)' whereabouts are unknown; the property owner(s) are minors or other persons not capable in law to act on their own behalf, or the property owner is in military service, one hundred percent (100%) of the Offer of Just Compensation may be deposited in the Registry of the Rhode Island Superior Court for their benefit in accordance with R.I.G.L. §§ 37-6-23.1 and 37-6-23.2.

3.7.6.1 Process for Unclaimed Checks: Checks payable to both the R.I. Registry of the Superior Court or the property owner may be disbursed on the date of acquisition provided that the reason for the deposit with the court has been determined to be acceptable to Legal Counsel. The Chief of Real Estate Acquisition shall maintain an accurate list of checks that are to be deposited in the Registry of the Superior Court and shall work with Legal Counsel by providing the necessary information for making a petition to the Superior Court

3.8 Mortgage and Lien Holders

3.8.1 When verifying the Title Certificate, the Senior Real Estate/Real Estate Specialist will address any ownership changes and note any mortgages, lien holders, and/or encumbrances attached to the property.

3.8.1.1 If there are any outstanding mortgages, liens, or encumbrances, each party having an interest in the property must be contacted to see if they desire any consideration in the settlement. As previously stated in 3.6.1.2, Legal Counsel should be consulted when a lien, encumbrance, or restriction exists that may not be fully understood, or which will not be released prior to acquisition.

(A) If the mortgage or lien holder requests consideration, it must be deducted from the amount of consideration being paid to the property owner(s). An authorized representative of the mortgagee or lien holder must execute the release and have his/her signature witnessed by a third party. Separate payment checks for each property owner and each lien holder will then be processed.

(B) If a mortgage or lien holder does not require consideration from the settlement, it must be documented on the release. An authorized representative of the mortgagee or lien holder is required to sign the release for no consideration. A separate partial release duly executed and obtained from the mortgage holder may also be utilized to clear title.

3.9 Administrative Settlements

3.9.1 Definition: An administrative settlement is any settlement made and authorized by the Department which is more than the Amount of Just Compensation established by the State's Review Appraiser. Administrative Settlements must be approved by the Administrator for Real Estate Acquisition and the Director of Transportation and will require concurrence by the State

Properties Committee. On Federally Aid projects, non-concurrence by the State Properties Committee of an Administrative Settlement that has been authorized by the Director of Transportation, and which is acceptable to the Federal Highway Administration, will put the entire project at risk in terms of Federal Funding.

3.9.2 Administrative settlements are generally approved when it has been determined that such actions are reasonable, prudent, and in the best interest of the public. In arriving at a determination to make an administrative settlement, full consideration must be given to all pertinent information by thoroughly reviewing:

- (A) All available appraisals;
- (B) The approved estimate of just compensation;
- (C) Recent court awards for similar type property;
- (D) The comprehensive acquisition report.
- (E) The opinion of Legal Counsel pertaining to trial cost (including the probable range of testimony and number of expert witnesses), and the Department's exposure given the deviation between the Owner's appraisal and amount of Compensation established by the State.

3.9.3 The Department of Transportation's records shall be accurately documented whenever an administrative settlement is made. The basis and rationale for the settlement must be in writing.

3.9.4 Administrative Settlement (Approval Procedure): When it becomes apparent that an administrative settlement is to be pursued, the procedural steps are as follows:

3.9.4.1 The Senior Real Estate/Real Estate Specialist will inform the Chief of Real Estate Acquisition that an administrative settlement should be considered by the Department and provide the reasoning behind the recommendation.

3.9.4.2 After thorough analysis of the situation, the Chief of Real Estate Acquisition will then make a recommendation to the Administrator for Real Estate Acquisition, in writing, why an administrative settlement should or should not be considered. Supporting documentation and a summary outlining the reason for the recommendation shall be included. The Review Appraiser may be asked to weigh in and review any supporting data.

3.9.4.3 If an administrative settlement is warranted after taking into consideration the items in 3.9.2, the settlement offer shall be documented in a letter to be drafted for approval and signed by the Director of Transportation for

presentation to the State Properties Committee in accordance with Section 3.4.3.1(D).

3.9.4.4 A letter to the State Properties Committee will be prepared seeking their concurrence to settle this claim for an amount more than the State's appraised value. The letter will contain a full detailed explanation of events leading to a request for an administrative settlement, a detailed explanation of all data reviewed in arriving at the administrative settlement amount to be paid to the property owner, and why it is the best interest of the State. As previously stated, if the State Properties Committee does not approve an Administrative Settlement that has been authorized by the Director of Transportation, and which is acceptable to the Federal Highway Administration on a Federal Aid project, the entire project is at risk in terms of Federal Funding.

3.9.4.5 A Full Release must be fully executed before processing the appropriate settlement payment. Payment processing shall be as expeditious as possible.

3.9.4.6 A legal settlement is not an acquisition function as it is processed by the State's own Legal Counsel. A court settlement also is not an acquisition function as it is processed by the State's Legal Counsel.

3.10 Acquisition by Deed

3.10.1 Upon conclusion of negotiations, the Senior Real Estate/Real Estate Specialist or Closing Officer (title attorney) will complete the items below. A Closing Officer is an attorney acting as an agent for the Title Insurance Company hired by the State to act as an Escrow Agent, to conduct the closing, disburse funds necessary to discharge liens, record documents, distribute proceeds to the landowner, and, if requested, provide a title insurance policy for the interest acquired by RIDOT.

3.10.1.1 Senior Real Estate/Real Estate Specialist will review the file and obtain descriptions for the parcel(s) to be acquired. The record description (supplied by the Title Insurance Company) or a new metes and bounds description from the Design Consultant may be utilized subject to the approval of the title attorney.

3.10.1.2 The Closing Officer will update the title for the property, obtain a municipal lien certificate, and provide an estimate the settlement costs as of the date of acquisition.

3.10.1.3 After obtaining the deed descriptions, a draft warranty deed will be prepared and forwarded to the Closing Officer (title attorney) for review. The Department's Office of Legal Counsel should be consulted to review the deed and the title commitment and to contact the closing officer to arrange to review a draft settlement sheet prior to closing. In some cases, with approval by the

Department's Legal Counsel, another form such as a Quit-Claim Deed may be acceptable (See Exhibit 3.14, Warranty Deed, and Exhibit 3.15, Quit Claim Deed).

3.10.1.4 A memo to the State Properties Committee requesting execution of these deeds will be prepared. This memo will be forwarded by the Chief of Real Estate Acquisition, along with the deeds for execution by the Director of Transportation and the State Properties Committee.

3.10.1.5 A voucher payable to the "Closing Officer (acting as an Escrow Agent)" will be prepared for the full amount of compensation for the closing. The Closing Officer may then disperse the funds to the appropriate lien holders.

3.10.1.6 Upon receipt of the checks from the Treasurer's Office, the Title Company/Closing Officer will be contacted to schedule a closing. At the closing, the Closing Officer will explain all closing costs, calculate appropriate pro-rations, present the property owner(s) with an executed copy of the deed, the mortgage discharge or release form, and a check representing the net amount payable to the property owner. It is desirable to review the draft settlement sheet in advance of the closing.

3.10.1.7 All forms and documents appurtenant to the transfer are made a permanent part of the parcel file. In addition, a covering memo will be drafted, transmitting a copy of the deed to the Office of Property Management. An accurate report of transactions shall be retained on the acquisition report located within the parcel.

3.10.1.8 The Closing Officer will record the executed deed in the city or town hall where the property is located and obtain evidence of recording. Copies of all recorded documents, title insurance policies, and settlement sheets are placed in the parcel file.

3.11 Condemnation Plats Filing Procedure

3.11.1 After negotiations have been finalized and prerequisite approvals, including a review by Survey, have been received (including the Federal Highway Administration if it is a Federal Aid Project), a sufficient number of Mylars and paper copies for recording and for RIDOT records will be ordered from the Project Manager/Design Consultant.

3.11.2 Three (3) copies of the Notice of Prerequisite Approval and Authorization to File form, a Recording Form (See Exhibit 3.16) and a set of each type of legal descriptions for each city or town involved in the condemnation project (See Exhibit 3.17, Notice of Prerequisite Approval and Authorization to File and Exhibit 3.18, Notice of Condemnation).

3.11.3 Signature of the Chief Engineer and the Director of Transportation on the Condemnation Plats (including original title page), deed descriptions, and Authorization to File forms are needed to proceed. After the plat has been recorded, the original cover sheet with required signature(s) will be returned to the Plan Room with a note attached indicating the State Properties Committee authorization date and the date of recording.

3.11.4 Once the plat and legal descriptions have been signed, and prior to recording, the staff will be instructed to fill in the date of condemnation of the Plats, Descriptions, and Authorization form. A special emphasis will be given to the State Properties date and the date the condemnation is filed. The provisions of Title 37, Chapter 6 of the General Laws of Rhode Island, 1956, as amended, and pursuant to the provisions of Chapter III of the Public Laws of Rhode Island 1970, provide that within six (6) months after the State Properties Committee has authorized condemnation proceedings, the condemnation can be filed. If it is later, the project must be reauthorized to condemn the project.

3.11.5 The Real Estate staff will hand deliver one fully executed condemnation plat, executed deed description, and original filing paper to the clerk's office or the recorder of deeds in the city or town for recording. The Recording Officer should sign the Recording Form and fill in the dates and time of recording in the space provided and return the completed Form for our records as evidence of recording. For "Total Acquisitions" the closing will be conducted by a Closing Officer (Title Attorney/Escrow Agent) in the same manner as in Chapter 3.10 to ensure all liens are discharged.

3.11.6 Upon receipt of the executed Recording Form, the clerical staff completes the remaining copies of the Recording Form and distributes copies to the State Properties Committee, the Chief Engineer, and the Chief of the Design Section. The original Recording Form, the original legal description, and the plat map will be placed in the master file for the plat by the clerical staff.

3.11.7 The clerical staff will be provided with the names and addresses of all persons known to have an interest in the real property acquired by condemnation, copies of all the recorded documents, and the recording form so that formal notice of the condemnation may be served in accordance with R.I.G.L. § 37-6-15.

3.11.8 The clerical staff will order the number of plat sheets from the Plan Room required to complete the service of notice requirement. They also will photocopy the applicable number of legal descriptions for each claimant. They then will prepare the service of notice which includes the name, address, and parcel number for each claimant. If the claimant is represented by an attorney or authorized representative, the service of notice will be sent to their representative. The service of notice for each county shall be delivered along with blank service of notice forms by a Senior Real Estate/Real Estate Specialist to the Sheriff's or constable's office in the county in which the property owner(s)

resides or his/her attorney is located. The property owner(s) will receive a copy of the plat sheet(s) and description(s) by certified mail, return receipt requested, if they are located out of state (R.I.G.L. § 37-6-15) (See Exhibit 3.19, Service of Notice).

3.11.9 Legal notices shall be placed in one or more newspapers in accordance with R.I.G.L. § 37-6-16.

3.11.10 Upon receipt of the service of notice form executed by the Sheriff or constable, the clerical staff will file a copy of the notice in the plat's master file.

3.12 Temporary Easement Agreements, Grant of Easement, and Miscellaneous Conveyance Documents

3.12.1 The need to encumber private property permanently or temporarily for a specific purpose may arise from the Division of Maintenance or the Design Section. In such cases, a document and/or a drawing will be forwarded to the Real Estate Section with a formal request for assistance in that endeavor.

3.12.2 The Real Estate staff shall be responsible to review the documents and consult the project engineer of the Design Section and Maintenance Division, if necessary, for the details of the project to ensure a full understanding of the purpose and effects on the parcel.

3.12.3 The Real Estate staff will then be responsible to work with the appropriate personnel to obtain copies of the applicable document. A copy of a plan should be attached to each agreement. (See Exhibits 3.20, Loop Detector Easement, 3.21 Temporary Easement Agreement, and 3.22 Grant of Drainage).

3.12.4 Once reviewed, verify title/ownership to the property and, if applicable, obtain conceptual approval from the State Properties Committee before attempting to secure the necessary signature of the property owner(s).

3.12.5 When signature of the property owner(s) has been obtained, a letter to the State Properties Committee is prepared for the Director's signature requesting execution of the documents.

3.12.6 After the Director has executed both the letter and the agreement, they shall be presented to the State Properties Committee for execution. A payment voucher shall be prepared to have a check available for disbursement on the projected date of recording so that the project schedule can be met.

3.12.7 Once fully executed copies have been returned, except for one copy, which is retained for State Properties Committee records, Real Estate staff will prepare to record the documents pending availability of the check.

3.12.8 The original document shall be taken to the town or city hall where the property is located for recording. Evidence of recording shall be provided upon return and retained in the file with a copy of all documents entered into the land evidence records.

3.12.9 The Senior Real Estate/Real Estate Specialist will also be responsible to forward copies of the fully executed documents to:

- (A) The Property Owner;
- (B) The Division of Maintenance (if applicable);
- (C) The Project Manager; and
- (D) Real Estate Main Office

3.12.10 Payment should be delivered or be mailed to the property owner certified mail, return receipt requested, upon recording of the document.

3.13 Payment Procedures

3.13.1 The Real Estate staff shall be responsible for providing the necessary information to financial management to assist in the preparation of payment vouchers to parcel owners or for payments incidental to the acquisition of real property/easements. Before signature and approval, the voucher should be carefully reviewed by Real Estate staff to ensure accuracy. Supporting documentation required by the Financial Management Division or the State Controller should be appended to vouchers before processing.

3.13.1.2 Checks to be hand delivered (whenever possible) by Real Estate staff member who did not negotiate the claim.

3.13.1.3 A check receipt form should be prepared for each check to be delivered. The Real Estate staff member (other than who negotiated the claim) shall obtain the signature of the property owner or authorized agent who receives the check (See Exhibit 3.23, Check Receipt).

3.13.1.4 Delivery by Mail: If it is not possible for the payment check to be hand delivered, it may be delivered by certified mail, return receipt requested.

3.14 Temporary Use and Access Agreements:

3.14.1 In some cases the State requires the temporary use of property for highway purposes and, because of work on the property, there is a betterment. Signatures are requested on this agreement with the stipulation that the property owner(s) acknowledge they are entitled to receive the appraised value for the area needed but waive their rights to just compensation in exchange for a nominal \$1.00 for the work being performed (See Exhibit 3.24, Temporary Use and Access Agreement).

3.15 Improvement Repurchase

3.15.1 In some cases an owner may request to repurchase property improvements being acquired for highway construction. Signs and similar improvements will be considered real estate, and as such are part of the acquisition. These items may be sold back at the salvage value subject to the approval of the Department. All requests to purchase items should be made in writing, and improvements shall remain the property of the State until such time as written approval is granted, and a payment has been received. All payments should be made by check or money order in the amount of the salvage value established by the State.

3.16 Right-of-Way (ROW) Certification

3.16.1 When Condemnation Plat maps and legal descriptions (or other forms of conveyance documents) have been fully executed and recorded in the land evidence records, and all owners of record have been paid and/or a check, or compensation is otherwise available, A ROW Certificate will be issued by the Administrator for Real Estate Transportation Programs after obtaining full Legal and Physical possession of the right-of-way necessary for construction. ROW Certification is required prior to the authorization of funds for construction/advertising the project for bids. The ROW certification is sent via email to the Director of Project Management with a copy to FHWA, the Project Manager, and all others on the department's distribution list.

3.16.1.1 Except as otherwise provided for design-build projects in 3.16.4 (below) of this Section, ROW Certification letter should state when applicable, that all individuals and families have been relocated to decent, safe and sanitary housing or that the State has made available to relocates adequate replacement housing in accordance with the provisions of the Uniform Act (49 CFR part 24).

3.16.2. Conditional ROW Certification(s)

3.16.2.1 A Conditional ROW Certificate may be issued by the Administrator for Real Estate Transportation Programs , to allow for the authorization of funds in cases where some or all parcels have not yet been acquired and/or some occupants remain to allow for the authorization of construction funds and for the advertisement for bids subject to the following:

- There is an inherent public interest obligating funds so the project may be advertised for construction.
- Prospective bidders shall be provided a list of parcels that have not been acquired, or that are not yet available, with a realistic date they will be available for construction.
- Notice that the construction contract will not be awarded and notice to proceed will not be issued until a ROW Certificate for the project issued.

The Conditional ROW Certificate is sent to the Director of Project Management with a copy to FHWA, the Project Manager, and all others on the department's distribution list. In extraordinary situations with the written approval from FHWA, a Conditional ROW Certification may be issued to allow a project to proceed to physical construction. A notice to proceed (NTP) allowing physical construction to proceed under a contract or through force account work when there are exceptional circumstances that make it in the best public interest to proceed before all acquisition activities are completed. The department shall ensure that occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the ROW are protected against any unnecessary inconvenience and disproportionate injury or any action coercive in nature.

3.16.2.2 In extraordinary circumstances a Conditional ROW Certificate may be issued by the Administrator for Real Estate Transportation Programs subject to the written approval of the FHWA, to allow physical construction to proceed under a contract, or through force account work, where acquisition or right of occupancy and use of a few parcels has not been obtained subject to the following:

- The FHWA must concur there are exceptional circumstances that make it in the public interest to proceed with construction before acquisition activities are complete.
- A complete explanation and reasons therefore, including identification of each such parcel, will be set forth in the State's request to FHWA along with a realistic date when physical occupancy and use is anticipated as well as substantiation that such date is realistic.
- All occupants of the residences on such parcels have had replacement housing made available to them in accordance with 49 CFR 24.204.
- Appropriate notification must be provided in the request for bids, identifying all locations where right of occupancy and use has not been obtained along with a realistic date when physical occupancy and use is anticipated. Prior to the State issuing a notice to proceed with construction to the contractor, steps to ensure the contractor does not commence with physical construction in areas where ROW is not available will be implemented and periodic updates will be provided to FHWA until the full and final ROW certification is issued.
- Occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the ROW must be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.
- The contractor should have ample work or construction activities that can be performed in other areas within the project limits without the need to occupy parcels not yet available.
- Notice that the construction activities cannot be performed in areas

not yet available until a ROW Certificate is issued will be issued to the Project Manager and/or the contractor.

3.16.3 When a Conditional ROW Certificate is issued, it should include an acknowledgement that the FHWA will determine the extent of title 23 participation in costs related to construction delay claims, if any, in accordance with 23CFR 635.124 if the claim is the result of unavailable parcels if RIDOT does not follow approved procedure.

3.16.4 In the case of a Design-Build (DB) or Construction Management/General Contractor (CM/GC) project, the Department typically performs all right-of-way tasks and issues a right-of-way certification or conditional right-of-way certificate as outlined above. Should a decision be made to have the DB or CM/GC Contractor performs these activities the following Right-Of-Way Certification requirements apply:

- (a) All Right-of-Way must be acquired and cleared in accordance with the Uniform Act and the provisions set forth above to ensure that Right-Of-Way is available prior to the start of physical construction on individual properties.
- (b) The decision to advance a Right-Of-Way segment to the construction stage shall not impair the safety or in any way be coercive in the context of the Uniform Act (49 CFR 24.102(h)) with respect to unacquired or occupied properties on the same or adjacent segments of the project.
- (c) The Department may choose not to allow construction to commence until all property is acquired and relocations have been completed; or may permit the construction to be phased or segmented to allow Right-Of-Way activities to be completed on individual properties or a group of properties, with Right-Of-Way certifications done in a manner satisfactory to the Department for each phase or segment.
- (d) If the Department elects to include Right-Of-Way services within the design-builder's scope of work for the design-build contract, the following provisions must be addressed in the request for proposals document:
 - (1) The design-builder must submit written certification in its proposal that it will comply with the process and procedures in this FHWA-approved Right-Of-Way Manual, or an approved Real Estate Acquisition and Management Plan (RAMP).
 - (2) When relocation of displaced persons from their dwellings has not been complete, a hold off zone around all occupied properties will be established to ensure compliance with Right-of-Way procedures prior to starting

construction activities in affected areas. The limits of this zone will be established by the Department prior to entering on to the property. No construction-related activity will be allowed within the hold off zone until the property is vacated. The design-builder must have written notification of vacancy from the Department prior to entering the hold off zone.

- (3) Contractors' activities must be limited to those that the Department determines do not have a material adverse impact on the quality of life of those in occupied properties that have been or will be acquired.
 - (4) The Administrator for Real Estate Transportation Programs and/or the qualified department designee, such as Chief of Real Estate Acquisition will act as the Right-of-Way Project Manager and will serve as the first point of contact for all Right-of-Way issues.
- (e) When the Department elects to acquire right-of-way for a Design-Build contract, notification to all potential bidders as to the expectations for the procurement of right-of-way documents, the required timeframes to complete activities, and that work may not be performed in any areas where the right-of-way has not yet been acquired.

3.17 Real Property Donations

3.17.1 A property owner other than a government owner may donate property designated to be acquired by the Rhode Island Department of Transportation.

3.17.1.1 The Department of Transportation must inform the property owner of their right to receive just compensation for the property. The right to an appraisal must be communicated to the property owner unless the Department determines an appraisal is not warranted because the evaluation is uncomplicated and the fair market value is estimated at no more than \$15,000, which is the State's approved first tier waiver limit.

3.17.2 Credit for donations: The Rhode Island Department of Transportation may have donations credited to the matching share of the project. The value will be whichever is earlier: the date on which the donation became effective, or the date the title of the property vests in the State. The Department shall develop documentation to support the amount of credit received. The credit cannot total more than the State's pro-rata share under the applicable project agreement.

3.17.3 Donations and conveyances in exchange for construction or services: A donation of property may be made in exchange for construction services or features. If the value of the property exceeds the project cost of

construction, the difference may be eligible for a credit to the State's share for its cost of construction.

3.18 Advance and Early Acquisition Procedures

3.18.1 Early Acquisition: The State may (at its discretion) initiate acquisition of real property at any time it has the legal authority to do so based on program or project consideration. The State may undertake early acquisition for corridor preservation, access management, or other purposes (See Exhibit 3.25, 23 CFR, Part 710, Subpart E – Property Acquisition Alternatives).

3.18.2 Protective Buying and Hardship Acquisition: Prior to the State obtaining final environmental approval, the Department of Transportation may request FHWA concurrence to insure reimbursement for advance acquisition of a particular parcel or a limited number of parcels to prevent imminent development and increased cost on the preferred location (Protective Buying), or to alleviate hardship to a property owner or owners on the preferred location (Hardship Acquisition) (See Exhibit 3.26, 23 CFR, Section 710.503).

3.18.3 Priority Acquisition: The State will review the time scheduled for a project that may include relocation of both residential and businesses. More complicated and lengthy relocations should be started early in the acquisition process.

3.19 Functional Replacement Procedures

3.19.1 Functional replacement is the replacement of real property, land and/or buildings, acquired because of a highway project, with land and/or buildings of equivalent utility in lieu of paying the fair market value for the real property.

3.19.2 The Functional Replacement Program is overseen by the Departments Property Acquisition and Relocation Assistance staff.

3.19.3 To be eligible for functional replacement, the following criteria must be met:

- (A) The property to be replaced must be in public ownership;
- (B) Functional replacement must be in the public interest;
- (C) Approval for functional replacement on Federal-aid projects is given by FHWA in accordance with the FHWA/State Project Oversight Agreement (Refer to Chapter 20, Federal Highway Administration) or authorized by the General Court for non-Federal-aid projects.
- (D) The proposed replacement site(s) and/or construction site(s) are in compliance with existing local and State codes, law, and zoning regulations.

(E) The replacement facility will be in public ownership and will continue the public use function of the acquired facility;

(F) The State has informed the agency owning the property of its right to an estimate of just compensation based on an appraisal of fair market value and of the option to choose either just compensation or functional replacement; and

(G) The real property is not owned by a utility or railroad.

3.19.4 During the early stages of highway project development, the Administrator for Real Estate Acquisition or designee will meet with representatives of the public agency that owns the property (the owning agency) to discuss the effects of a possible acquisition and the potential application of functional replacement procedures. The results of these discussions and eventual decisions are to be included in negative declarations and environmental impact and Section 4F statements if required on the project.

3.19.5 If an owning agency desires functional replacement, it is advised to initiate a formal request to the State fully explaining why it would be in the public interest to do so.

3.19.6 On Federal-aid projects (subject to the FHWA/State Project Oversight Agreement in Chapter 20), when the State agrees that functional replacement is necessary and in the public interest, the State submits a specific request for FHWA concurrence. This request should include:

(A) A cost estimate relative to the contemplated replacement;

(B) Agreements reached at meetings between the RIDOT and the owning agency; and

(C) An explanation of the basis for the request.

3.19.6.1 The request shall include a statement that replacement property will be acquired in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, and applicable FHWA directives.

3.19.7 After FHWA concurrence for Federal-aid projects or general court authorization for non-Federal-aid projects, the property will be appraised and an amount for the just compensation will be established. The owning agency has the option of accepting the amount of compensation derived by the appraisal process or accepting functional replacement.

3.19.8 After concurrence by the FHWA that functional replacement is in the public interest, the State requests FHWA authorization to proceed with the acquisition of the substitute site and to proceed with the physical construction of minor structures. In the case of major improvements, authorization to proceed with development of detailed plans, specifications, and estimates will be requested.

3.19.9 The completed plans, specifications, and estimates are submitted to the FHWA for review and approval in accordance with established procedures. Where major improvements are involved, advertising for bids and letting of the contract to construct the replacement facility may follow the general procedures utilized by the owning agency, if acceptable to the State and the FHWA. The specifications, where applicable, should include provisions for State inspection during construction of the replacement facility.

3.19.10 Prior to concurrence in the award for actual construction, an agreement is drafted setting forth the rights, obligations, and duties of each party regarding the facility being acquired, the acquisition of the replacement site, and the construction of the replacement facility. The proposed agreement should also set forth how the costs of the new facility are to be shared between the parties. The proposed agreement will be approved by the FHWA prior to execution with the owning agency.

3.19.11 If the owning agency wishes to engage a consultant for planning or architectural services, it must receive prior approval from the State and the FHWA.

3.19.11.1 Prior to construction, the State may require the owning agency to engage a Clerk of the Works, the cost of which is to be reimbursed by the State as part of the total cost of the project. The Clerk in this instance represents the city.

3.19.11.2 The State may choose to assign a Resident Engineer to represent the State during the construction period.

3.19.12 On Federal-aid projects, a request for final payment will be prepared for submittal to the FHWA after the replacement facility has been completed and accepted by the owning agency. This request will include:

(A) A signed statement by an appropriate official of both the owning agency and the State, certifying that the cost of the replacement facility has actually been incurred, in accordance with the provisions of the executed agreement, and;

(B) A statement certifying that a final inspection of the facility was made by the RIDOT and the owning agency, and that the State is released from any further responsibility.

3.20 Project Closeout/File Management- See Section 6

3.21 List of Exhibits

- 3.1 Real Estate Management Acquisition Plan (RAMP)
- 3.2 Assignment Sheet
- 3.3 SPC Spreadsheet
- 3.4 Acquisition Report
- 3.5 Contact Letter to Property Owner
- 3.6 Letter of Rights
- 3.7 Acquisition Program Brochure
- 3.8 Offer of Just Compensation and Repurchase
- 3.9 Disclaimer Form
- 3.10 Full Release
- 3.11 Receipt and Acknowledgment Form
- 3.12 DELETED
- 3.13 DELETED
- 3.14 Warranty Deed
- 3.15 Quit Claim Deed
- 3.16 Recording Form
- 3.17 Notice of Prerequisite Approval and Authorization to File
- 3.18 Notice of Condemnation
- 3.19 Service of Notice
- 3.20 Loop Detector Easement
- 3.21 Temporary Use & Access Easement Agreement (Compensation)

- 3.22 Permanent Drainage Easement
- 3.23 Check Receipt
- 3.24 Temporary Use & Access Agreement (Betterment Work Nominal \$1)
- 3.25 23 CFR, Part 710, Subpart E, Property Acquisition Alternatives
- 3.26 23 CFR, Section 710.503
- 3.27 Title VI Questionnaire (Civil Rights Survey)

Acquisition Program



**STATE OF RHODE ISLAND
DEPARTMENT OF TRANSPORTATION**



FEDERAL HIGHWAY ADMINISTRATION

PROPERTY ACQUISITION FOR TRANSPORTATION PROJECTS

WHY MUST TRANSPORTATION FACILITIES BE BUILT?

The progress of any State depends largely on the ease and safety with which goods may be transported and people may travel. Whether interstate or from suburbs to city, Rhode Island roads and other transportation infrastructure are planned and constructed to handle an ever-increasing volume of traffic to meet future needs.

WHY MY PROPERTY?

Much time and effort are taken to design a project which does the least damage to the individual while providing for the greatest public good. Particular consideration is given to the project design which will disturb the fewest number of homes and businesses.

Preliminary studies as to where a needed facility or improvement should go and the amount of land it may require are made by professional planners and engineers. The design is selected on the basis of research planning, the need for traffic service, construction costs, safety, environmental concerns, and minimum disturbance to the land and improvements of all property owners involved.

Local officials are also consulted and after completion of a preliminary design, public hearings are held at which interested citizens are given the opportunity to share their comments and suggestions. All suggestions made are fully considered before the final design is selected.

DOES THE STATE HAVE A RIGHT TO ACQUIRE MY PROPERTY?

Yes, each state has the right of eminent domain which is often called “condemnation” This right gives the state the authority to acquire private property when it is necessary for public purposes and for the best interests of the public. This authority is extended to the Rhode Island Department of Transportation under Title 3, Chapter 6, of the General Laws of Rhode Island, 1956, as amended.

HOW WILL I BE NOTIFIED THAT MY PROPERTY IS TO BE ACQUIRED FOR A TRANSPORTATION PROJECT?

Each property owner affected by a transportation project will receive a letter explaining the proposed property acquisition. Included with this letter will be a plan showing how much of the property will be affected by the project. The letter will also provide the name and phone number of a Real Estate Specialist who may be contacted or additional information and/or a field visit upon request. In some instances, where appropriate, a representative from the Department may reach out to personally deliver and explain this information.

SHOULD I HIRE A REAL ESTATE PROFESSIONAL TO HELP ME?

At your expense, you may hire an appraiser, attorney, land surveyor, or any other real estate professional to assist you. Whether or not to hire a real estate professional to assist you is your decision.

HOW IS THE VALUE OF MY PROPERTY DETERMINED?

The constitution contains a safeguard against the abuse of the governmental power of eminent domain in the Fifth Amendment which states: "...nor shall private property be taken for public use, without just compensation."

Just compensation is usually defined as the payment of the market value of the real estate taken, considering all partial takings, damages, and benefits to the remaining lands. This payment will be determined by means of an appraisal, if warranted, or by an estimate of compensation of the real property to be acquired.

It is RIDOT's responsibility to make sure you receive the same amount of money that any sale of your property would bring in the open market or the Fair Market Value (FMF). If RIDOT only needs a portion of your property, the amount you are offered will be the difference between the Fair Market Value of your property before and after the acquisition. In each case, the just compensation is determined by one or more appraisals or an estimate of compensation (EOC).

WHAT IS AN APPRAISAL?

An appraisal is a written supported opinion of value based upon an analysis of relevant market data. Appraisals are completed by either independent fee appraisers or by staff appraisers employed by RIDOT. All appraisers are licensed by the State of Rhode Island.

One or more appraisers will inspect your property, including any buildings, and will analyze recent sales of similar properties in your area. The appraiser will also obtain information regarding building costs, rental values, and all other information necessary to accurately determine the value of the property to be acquired.

WHO REVIEWS AND APPROVES APPRAISALS?

All appraisals are reviewed by RIDOT review appraisers for conformance to State and Federal Standards and adherence to accepted appraisal techniques.

MAY I ACCOMPANY THE APPRAISER WHEN MY PROPERTY IS INSPECTED?

Property owners will be contacted by the appraiser and afforded an opportunity to accompany the appraiser on the property inspection. Property owners are encouraged to accompany the appraiser and point out any special features that might affect property value.

HOW LONG WILL I BE GIVEN TO CONSIDER THE STATE'S OFFER?

RIDOT is obligated to provide all affected owners with a reasonable time, generally not less than 30 days, to consider its offer for their property. You will not be coerced into accepting RIDOT's offer, and the negotiations process may include several contacts with your Real Estate Specialist. If you disagree with RIDOT's appraisal and wish to submit an appraisal of your own for consideration, we will review its offer in light of the evidence presented in your appraisal.

WHO WILL CONTACT ME ABOUT THE STATE'S OFFER FOR MY PROPERTY?

After the appraisal has been completed for your property, a Real Estate Specialist from RIDOT will contact you for an appointment. They will explain the proposed acquisition and details of the construction project. If your family or business is to be relocated because of the property acquisition, the Real Estate Specialist will also explain relocation assistance and the benefits to which you may be entitled.

RIDOT's offer for your property will be made in writing for you to consider. In the case of a partial acquisition, the written offer will detail the amount of money being offered for the property and improvements actually being acquired, as well as any legally compensatory loss of value to your remaining property.

In some instances, RIDOT may provide notice to mortgagees or other third parties having a valid lien or interest in land to be acquired to determine what amount, if any, will be required to obtain a Release to clear title.

IS THERE ANY OPPORTUNITY TO NEGOTIATE A SETTLEMENT AT A PRICE HIGHER THAN THE STATE'S OFFER?

RIDOT is obligated to offer the property owner the full amount of the Fair Market Value determined by the appraisal. Generally, the amount of compensation may only be adjusted when supporting data or relevant justification is presented.

WHAT INFORMATION DOES THE STATE PROVIDE ABOUT RELOCATION ASSISTANCE TO INDIVIDUAL AND BUSINESSES DISPLACED BY TRANSPORTATION PROJECTS?

The relocation assistance program provides a variety of entitlements, which will be explained to you by your Real Estate Specialist if you will be displaced by a project. In general, relocation benefits were established by the Federal “Uniform Relocation Assistance and Real Properties Acquisition Act of 1970.” Displaced property owners and tenants will be furnished with a copy of our relocation brochure entitled “Relocation Assistance Program,” which outlines the benefits and services which you may be eligible to receive.

At the initiation of the relocation benefits program, any person, business, or farm being asked to relocate by a Federal or Federally-assisted program shall be advised of the relocation services by the Agency. If you have questions concerning relocation procedures, the Agency can help you to understand the process. Under federal law and regulations, you will be required to exhaust your administrative remedies before you can request mediation from the Agency.

WHAT HAPPENS IF I ACCEPT THE STATE’S OFFER FOR MY PROPERTY?

If you accept RIDOT’s offer for your property, you will be requested to sign a Full Release. Payment will be made when the documents are recorded in the Land Evidence Records at the City or Town Hall and title is turned over to the State.

SHOULD I CONTINUE TO PAY MY MORTGAGE, TAXES, WATER, AND SEWER BILLS DURING THE NEGOTIATION PERIOD?

Yes, until RIDOT acquires title to your property, you should continue to pay all debt service, taxes, water, and sewer bills to avoid penalty interest on these matters. At the closing, RIDOT will make any adjustments necessary on these items and a refund will be paid to the owners, if applicable.

WHAT HAPPENS IF I CANNOT REACH AN AGREEMENT WITH THE STATE FOR MY PROPERTY?

If an agreement as to price cannot be reached, the property will be acquired under RIDOT's power of eminent domain.

The condemnation process involves the following steps:

When it is necessary for the State to acquire land for a transportation project, a State highway plat (map) is prepared showing the amount of land to be acquired from each parcel along with a legal description. Title to the property required for the project is transferred to the State when either a copy of the plat description or deed is filed in the Land Evidence Records of the city or town where the property is located.

Before this plat is filed, a representative of the State will meet with you to thoroughly discuss the acquisition process and how it affects your property.

HOW TO I OBTAIN MY MONEY FROM THE COURT AND HOW DO I APPEAL THE CONDEMNATION?

In the event that money is deposited with the Court for your property, you may make an appropriate application to the Court. The withdrawal of this money does not jeopardize your right to appeal the condemnation.

If you wish to appeal the condemnation award, an appeal must be filed within one year of the date of the filing of the assessment of damages and benefits. If you appeal, the Court will schedule a hearing at which time you will have an opportunity to offer evidence supporting your property value claim. The findings by a Superior Court Judge, is binding on both the owner and RIDOT, subject to further appeal by either party.

ONCE A CONDEMNATION OCCURS, IS THERE ANY FURTHER CHANCE OF A SETTLEMENT AGREEMENT?

RIDOT is always open to the possibility of negotiating a settlement on properties condemned for transportation projects. Prior to your filing an appeal of the condemnation, an Administrative Settlement can be negotiated with RIDOT if appropriate justification can be provided for the settlement.

Once you have filed a condemnation appeal, all settlement negotiations are handled by a RIDOT Legal Counsel. Legal Counsel may recommend a settlement if it is felt that it is in the best interests of RIDOT.

ONCE THE STATE ACQUIRES MY PROPERTY, WILL I HAVE TO PAY RENT IF I REMAIN IN OCCUPANCY?

RIDOT provides that owners of residences acquired by us for transportation projects may receive 30 days free occupancy after we have acquired the property. If an owner chooses to remain in occupancy beyond the 30-day period, they will begin to pay fair market rent based on comparable properties.

The decision to allow a former property owner to remain in occupancy will depend upon the construction schedule of the project for which the property was acquired. In no instance, however, will you be required to move without at least 90 days written notice and no sooner than 30 days after the property is acquired by RIDOT.

COULD I KEEP MY HOUSE AND MOVE IT TO ANOTHER LOT?

Yes. If you decide to keep your house and move it, RIDOT will develop a salvage value for the house and subtract this amount from its offer for your property. This salvage value is usually quite reasonable.

The moving of a house, however, is quite a complex task. Before making this decision, it is recommended that you check with a reputable house mover to determine what is required. You will be required to furnish RIDOT with an acceptable site plan for the relocation of the house.

IN CONCLUSION...

RIDOT realizes that the sale of a home or property to a public agency may be a difficult personal experience. Every effort will be made to reach an amicable settlement.

If you have any questions concerning our procedures, the project, or our proposed acquisition of your property, please give us a call.

Notes:

CHAPTER 4

RELOCATION ASSISTANCE PROGRAM

4.0 Relocation Assistance

4.1 Relocation Regulatory Requirements

The requirements for providing assistance to both residential and commercial owners and tenants are set forth in 49 CFR (Code of Federal Regulations), Part 24. These regulations are followed in determining eligibility to receive relocation benefits for all displacees.

4.2 Approval of the Relocation Program

Authorization from the Federal Highway Administration to acquire right-of-way and incur relocation costs is required for all federally funded projects. By receipt of the file the Acquisition Unit is notified of the FHWA's authorization.

4.3 Relocation Notices (49 CFR Part 24.203)

A qualified member of the RIDOT Real Estate and relocation section will prepare all notices and mail to the respected addresses of those individuals, businesses, and non-profits through USPS Certified Mail. The Relocation Specialist from RIDOT will also make attempts to hand deliver notices to the individuals affected and in need of relocation services because of any transportation right-of-way actions. Notices may be delivered by companies other than the USPS; electronic delivery and signatures permitted with safeguards. However, currently RIDOT has not enacted a process for electronic delivery and receipts.

4.3.1 Relocation Assistance and Right of Appeal

All displacees will receive a Relocation Registration Notice (see Exhibit 4.1) and a copy of the Department's informational brochure entitled "Relocation Assistance Program" (see Exhibit 4.2) from their Real Estate Specialist at their first scheduled meeting. At this time a full and detailed explanation of their relocation benefits and the right to appeal any determination of benefits will be provided by the Real Estate Specialist.

4.3.2 Ninety-Day Notice

No lawful occupant will be required to move in less than ninety (90) days from the date the property is acquired, except when an emergency situation exists. The Property Acquisition Section determines an emergency. Examples; natural disaster, economic hardship, danger to health or safety.

The Real Estate Specialist will issue a Ninety (90) Day Notice (see Exhibit 4.3) to all property owners and tenants while processing the file for acquisition. The Department may issue a Thirty (30) Day Notice (see Exhibit 4.4) once the property has been acquired but no sooner than the passage of sixty (60) days from the date of the ninety-day notice was issued.

Prior to issuing this ninety (90) day notice, at least one available comparable replacement dwelling must be offered to residential displacees.

4.3.3 Aliens Not Lawfully Present in the United States Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility in accordance with 49CFR 24.208;

If, based on a review of a person's documentation or other credible evidence, there is reason to believe that a person's certification is invalid (for example a document reviewed does not reasonably appear to be genuine), and/or there is doubt may be an alien not lawfully present in the United States, the following information will be obtained before making a final determination:

- (1) Verification of the person's status by using the Systematic Alien Verification for Entitlements (SAVE) program administered by USCIS to verify immigration status.
- (2) Obtain evidence of United States citizenship or nationality and, if necessary, verify the accuracy of such evidence with the issuer or other appropriate source.

Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify through USCIS SAVE Process to be entitled to offerings:

4.3.3.1 In the case of an individual, that the person is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

4.3.3.2 In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.

4.3.3.3 In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.

4.3.3.4 In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

The certification and relocation payment computation process is as defined under 49 CFR Part 24.208 subsections (b), (c), and (d).

4.4 Relocation Advisory Assistance (49 CFR Part 24.20-5)

4.4.1 Relocation Needs and Preferences

The relocation assistance advisory program will be conducted in a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

The relocation needs and preferences of each displacee need to be determined. Usually, the Real Estate Specialist responsible for computing replacement housing payments will conduct this interview for residential displacees using a (Residential) Occupancy Survey Form (see Exhibit 4.5).

A file will be established for each known occupant, and the Occupancy Survey Forms shall be placed in the appropriate files.

Meetings between the Real Estate Specialist and household members may be either in the family's home or in the Local Relocation Project Office, if established, the choice being that of the displacee. In all instances, the initiative and responsibility to make such personal contact rests with the relocation staff. Should the household refuse to meet after extensive efforts, each effort made shall be documented on the Comprehensive Relocation Log (see Exhibit 4.6) and completed by the Senior Real Estate Specialist. The matter should be brought to the attention of the Chief of Real Estate Acquisition to determine the appropriate steps to be taken to assist the family.

For non-residential displacees, the Real Estate Specialist assigned the file will conduct this interview as early as possible (see Non-residential Occupancy Survey Form, Exhibit 4.7). Included in the interview the Real Estate Specialist should identify:

1. Replacement site requirements
2. Current Lease terms (rent)
3. Specialized equipment
4. Estimate time required to relocate
5. Identify advanced relocation payments necessary for the move

6. In a tenant owned business – determine Personality vs. Realty

Prior to the initial meeting with an occupant, the Real Estate Specialist should review the information contained in the occupant's Occupancy Survey Form. This will better prepare the department to discuss the occupant's specific needs and concerns. Based upon this review, the Real Estate Specialist shall identify the specific procedures, and forms that he should explain and leave with the occupant.

4.4.2 Replacement Sites

Current listings and data concerning the availability of comparable replacement dwellings, suitable commercial properties and prices or rental costs will be provided by the Real Estate Specialist assigned (see Exhibit 4.8).

4.4.3 The Real Estate Specialist will offer to provide transportation to inspect replacement sites, especially when the displacee is elderly or disabled.

4.4.4 The Real Estate Specialist will counsel and advise the displacee about other sources of assistance that may be available and appropriate. It may be necessary for the Real Estate Specialist to act as a liaison between other State and Federal Agencies.

Ultimately the decisions to be made belong to the displacee. You as a well-informed and confident Real Estate Specialist can make a world of difference in what can otherwise be a tense and confusing experience for many displacees.

Learn to expect the unexpected! No matter how well prepared you are, you will often be confronted with a question or problem that is unique. Don't "wing it"! Take down the information and get back with some viable solutions.

4.5 Residential Occupancy Requirements

4.5.1 Owner occupants of 90 days or more, prior to the initiation of negotiations, may be eligible for a purchase supplement up to \$41,200 or a rental assistance payment up to \$9,570 plus moving expenses and advisory services.

4.5.2 Tenants of 90 days or more, prior to the initiation of negotiation, may be eligible for a rental assistance payment or down payment of up to \$9,720 plus moving expenses and advisory services.

4.5.3 Occupants of less than 90 days, prior to the initiation of negotiations, may be eligible for relocation benefits under last resort housing, plus moving expenses and advisory services.

4.6 Residential Relocation Benefits (49 CFR Parts 24.401 & 24.402)

4.6.1 Replacement Housing Payment (RHP)

A replacement housing payment, or additive as it is sometimes referred to, is a supplemental payment based upon the difference between the purchase price or rental cost of the displacement dwelling and the purchase price or rental cost of a functionally equivalent replacement dwelling currently available on the open market.

4.6.1.1 Purchase Supplement

The Purchase Supplement is the additive payment determined for eligible owner-occupants of 90 days or more.

This benefit considers three elements:

1. Price Differential

This is the amount by which the estimated cost of a comparable replacement dwelling exceeds the acquisition price of the displacement dwelling.

2. Increased Mortgage Interest Costs (Mortgage Differential)

The amount of increased mortgage interest costs incurred when the new mortgage rate exceeds the old mortgage rate. To qualify for the benefit the mortgage must have been a valid lien for at least 90 days prior to the initiation of negotiations. This computation is based on the lesser term and the remaining balance of the old mortgage. If, however, the new mortgage is for a smaller amount, then the payment will be prorated accordingly. (Refer to Exhibits 4.9 – Mortgage Differential Payment and 4.10 – Mortgage Costs Calculation.)

The method used for this computation is referred to as the buy down approach. The payment computed is that amount which needs to be added to the down payment to arrive at the same monthly payment for principal and interest over the same period of time, equal to the period of time until the mortgage maturity date on the acquired dwelling.

This payment should be claimed as early as possible, when the mortgage commitment is obtained, and all the relevant facts are known. These funds shall be available to the displacee at or near the time of closing on the replacement dwelling to affect the intent of the “buy down.”

Points will normally be considered and claimed under this benefit; however, they alternatively may be claimed under incidental expenses.

The calculation will be computed by an individual other than the Real Estate Specialist handling the relocation and will be approved by a supervisor or the Section Chief.

3. Incidental Expenses

Said expenses are the reasonable and necessary legal, closing, and related costs incurred by the displacee incident to the purchase of a replacement dwelling and customarily paid by the buyer, including home inspections. These include all expenses required by the displacee's new lender. (See Exhibit 4.11.)

A Letter of Eligibility will be issued to the displaced person(s) (see Exhibit 4.12 (Owner-Occupant)).

4.6.1.2 Rental Supplement

This payment to qualifying owner occupants and tenants is designed to enable the displacee to rent a functionally equivalent, decent, safe, and sanitary dwelling for a three- and one-half-year period (42 months). (See Exhibit 4.13 – Letter of Eligibility for Benefits-Rental Assistance.)

This payment is the difference between the base monthly rent or established market rent and the estimated average monthly cost of utilities of the displacement dwelling and the monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling, multiplied by forty-two. Thirty percent (30%) 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 shall be utilized as the base rent if the market rent would result in a hardship (49CFR 24.402(b)(2)(ii)):

http://www.fhwa.dot.gov/real_estate/uniform_act/policy_and_guidance/low_income_calculations/ualicex.cfm

4.6.1.3 Down Payment Assistance

Displacees who are eligible to receive a rental supplement may apply this assistance toward the purchase of a replacement dwelling. The maximum down payment assistance, including closing costs, to which the displacee would be eligible to is that amount which he would have received if he had elected to rent comparable replacement housing, or the actual amount needed for down payment and incidental expenses, whichever is less.

Down payment assistance may be increased to any amount not to exceed \$9,570, for tenants. Homeowners may qualify to receive an amount for down payment assistance not to exceed the amount which the owner would have been eligible to receive as a 90-day homeowner or \$9,570.00 whichever is less.

4.6.2 Inspection of Replacement Dwellings [24.2(a)(8)]

The Real Estate Specialist is required to inspect the replacement dwelling and determine whether it is decent, safe, and sanitary, prior to releasing the replacement housing payment (see Exhibit 4.14 – Decent, Safe and Sanitary

Inspection Form). If a displacee has commissioned a professional home inspection it shall serve as evidence of a decent, safe, and sanitary dwelling, providing all criteria in the regulations are met. (49 CFR 24.2(a)(8))

In instances where the replacement dwelling is to be newly constructed where a Certificate of Occupancy is required and won't be issued until the dwelling is completed, partial payments may be released prior to the inspection to reimburse for construction expenditures when receipted bills have been submitted in support of this claim.

4.6.3 Eligibility for Replacement Housing [24.401(a)(2)]

Displacee must either rent or purchase an occupy within one (1) year after the later of the following dates: 1) the date the displacee receives final payment or in condemnation proceedings, the date the funds are deposited in court; 2) the date the Department's obligation to provide a comparable replacement dwelling or housing of the last resort are met.

The Department may elect to extend this period for good cause.

4.6.4 Provisional Payment Pending Condemnation (see Exhibit 4.15 – Agreement On and Receipt of Advance Price Differential Payments)

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit a provision a replacement housing payment may be made to the displaced homeowner based on the State's offer for the property, but only if the homeowner enters in an agreement that:

1. Upon settlement of the condemnation suit the replacement housing payment will be re-computed on the basis of the acquisition price determined by the court;
2. If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the State; and
3. If the acquisition price as determined by the court is less than the State's offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

Note: Generally, the provisions regarding replacement housing presuppose that the displacee moves because the property is acquired. However, said provisions may also apply if the displacee is ordered to vacate or vacates because of a letter of intent even though the property is not acquired, or the project does not go forward, as determined by the acquiring agency.

4.6.5 Last Resort Housing (24.404)

Since both Federal Regulations and State Statutes provide that in the event comparable replacement sale or rental housing is not available, or not within the financial means of the displacee, it is incumbent on the part of the State to provide housing, this is referred to as Last Resort Housing.

4.6.5.1 Utilization of Last Resort Housing may be provided when:

1. Comparable replacement housing is not available for the displaced person, or
2. Comparable replacement housing is not available for the displaced person within his/her financial means.

a. The computed replacement housing payment exceeds the \$41,200 limitation of the Uniform Relocation Assistance and Real Properties Acquisition Act.

When replacement housing costs are more than \$41,200 and the owner is eligible for increased interest costs, closing costs, and a replacement housing payment, then the last resort housing provisions are applicable.

b. The computed rental supplement exceeds the \$9,570 limitation of the Uniform Act.

When replacement rental costs are more than \$9,570 for a 90-day owner or tenant then last resort housing provisions are applicable.

4.6.5.2 Non-Availability of Comparable Housing

When comparable replacement housing is not available, the State may provide such housing by methods which include but are not limited to the following:

1. The purchase of land and/or dwellings. When such acquisitions are made under the State's power of eminent domain or the threat of eminent domain, the FHWA procedure implementing provisions of Title III (4651) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, will apply.

Title III procedures are not required if property purchased has been offered for sale on the open market or the owner voluntarily acts to sell his property to the State and the owner so certifies in a statement maintained in the State's file;

2. The rehabilitation of existing dwellings to meet decent, safe, and sanitary requirements provided the cost of acquisition and/or rehabilitation does not exceed the estimated cost of constructing a new comparable dwelling meeting the DSS standards that can be constructed in a timely manner;

3. The relocation and, if necessary, the rehabilitation of dwellings purchased by the State for right-of-way purposes.

4. The construction of new dwellings; or

5. The transfer from the General Services Administration to the State of any real property surplus to the needs of the United States. Said transfer may be made without monetary consideration, except that the State shall pay to the United States all monies received by the State from any sale or lease, of such property used for replacement housing purposes.

4.6.5.3 Ownership or Tenancy Status

It is the responsibility of the State to provide a replacement dwelling which replicates the same ownership or tenancy status as existed prior to displacement. At the request of the displacee, the State may provide a dwelling which changes the ownership or tenancy status of the displacee if such a dwelling is available and can be provided more economically.

4.7 Residential Moves

4.7.1 Actual Moving Costs

A displaced person may use a combination of methods to cover their actual, reasonable and necessary expenses during a move. These eligible costs are contained in the table below. The Relocation Specialist will assist in formulating a singular or a combination method that best suits the displaced persons' situation.

Residential displacees may elect to be reimbursed for their actual reasonable moving expenses and related costs (such as disconnection and reconnection of telephone service, satellite TV, cable TV, and other utilities as necessary at the agency's discretion) which are supported by receipted bills.

Additionally, tenants are eligible to receive rental replacement application fees and credit reports needed to lease a replacement dwelling are also eligible for reimbursement up to \$1,000.

The eligible costs to which a residential displacee may be entitled are more fully described under 49 CFR Part 24.301.

- Commercial Move with reimbursement: Professional Moving
- Self Move - Fixed schedule: Using the table of room-based moves for pricing eligibility.
- Self-Move actual cost with limitations: Hourly Labor must conform to local Market and actual cost of rental equipment if needed.
- Self Move based on estimates with limitations: The estimated projection

- of the move based on previous market moves and knowledge. Not to exceed commercial mover pricing.
- Self Move lower of 2 bids

Reimbursement for moving expenses is limited to 50 miles from the subject dwelling. The Department may consider reimbursement of expenses beyond this 50-mile maximum if there is adequate justification.

4.7.2 Fixed Moving Expenses (49 CFR, Part 24.302)

Displacees may elect to receive a fixed moving payment according to a fee schedule which is based on the number of rooms of possessions they have.

The Fixed Fee Schedule includes an allowance for utility disconnection and reconnection. Therefore, a displacee electing this type of moving expense benefit is not eligible to receive any other moving cost benefits. All displacees should be made aware of this difference between a fixed cost and an actual cost moving payment before making their decision.

4.7.3 The Fixed Fee Moving Cost Schedule (see Exhibit 4.16)

No. of Rooms	1	2	3	4	5	6	7	8
Fixed Payment	\$600	\$850	\$1000	\$1200	\$1400	\$1600	\$1800	\$2000

For each additional room, add \$150.

In instances where the occupant does not own the furniture, the displacee is entitled to \$300 for the first room and \$100 for each additional room.

An occupant whose move is performed by the Department is entitled to a payment of \$100.

An occupant of a dormitory style room is entitled to a payment of \$100.

Mobile home occupants will be paid on an actual cost basis for moving the mobile home from the displacement site. Occupants may be entitled to receive payment for packing and securing their personal property for the move.

An occupant who moves from a mobile home will be paid for the removal of his or her personal property based on the Fixed Fee Schedule.

Should the number of possessions in a single room or space exceed the normal contents for one room, equivalent to, say, two rooms, it would be appropriate to count it as two rooms in accordance with the schedule. It is important to exercise good judgment to ensure that a fair and reasonable payment is made.

4.8 Non-Residential Relocation Benefits

4.8.1 Moving Cost Reimbursement for Businesses, Farms, and Non-Profit Organizations

4.8.1.1 Actual Cost Moves (49 CFR Part 24.301)

A non-residential displacee may elect to have a move performed by a professional licensed mover and be reimbursed for the expenses incurred. Payments may be assigned directly to the mover at the displacee's request.

The eligible costs to which the displacee may be eligible are outlined in 49 CRF Part 24.301.

A business or farm operation is entitled to reimbursement for actual expenses related to searching for a replacement site, not to exceed \$5,000 supported by documentation. Claims for searching expenses up to \$1,000 may be reimbursed with minimal or no documentation.

4.8.1.2 Related Non-residential Eligible Expenses (49 CFR Part 24.303)

Additional non-residential moving expenses are connections to utilities from the right-of-way, professional services in connection with the purchase or lease of a replacement site, and impact fees or one-time assessments for anticipated heavy utility usage.

4.8.1.3 Pre-Approval Process of Eligible Moving Expenses.

The Relocation Specialist will work with affected property owner to determine what moving benefits and how a combination of these benefits may be applied to assist in the physical act of moving. Defining the market rates from a few local professional moving companies will provide the displacee with the resources to engage with a professional or take the time and rate and proceed to move their belongings on their own and be reimbursed after the process.

Self Move: A non-residential displacee may elect to take full responsibility for the move. In this case it is the Real Estate Specialist's responsibility to obtain two acceptable bids to determine a fair and reasonable payment. Uncomplicated moves may be paid based on a single estimate. This payment cannot exceed the amount of the lower bid or the maximum allowance of \$5,000.

4.8.2 Monitoring Non-residential Moves

The Real Estate Specialist is responsible for obtaining a signed and dated copy of the inventory of all personal property to be moved. In some instances, the Real Estate Specialist may be required to prepare or assist the displacee in the

preparation of this inventory. It may also be necessary to take another inventory closer to the actual moving date when there is a regular turnover of stock.

The Real Estate Specialist will make timely inspections of the displacement and replacement sites and generally monitor the move.

The displacee is required to give the Real Estate Specialist reasonable advance written notice of the approximate date of the move or start of the move.

4.8.3 In Lieu/Business Fixed Moving Payment (49 CFR Part 24.305)

Non-residential displacees may elect to receive a fixed payment “in lieu” of the payments for actual moving and related expenses.

For business and farm operations this payment will be based on average net earnings or two years prior to displacement and supported by either certified tax returns or financial statements (see Exhibit 4.17).

In lieu payments to non-profit organizations will be based on their average annual gross revenues less administrative expenses for the two-year period prior to the displacement and will be supported by certified financial statements. These fixed payments may not be less than \$1,000 and not more than \$53,200. Please refer to 49 CFR Part 24.305(d) in the Appendix for the Gross Revenues listing.

4.8.4 Business Reestablishment Expenses (49 CFR Part 24.304)

Small businesses, including farms and non-profit organizations, as defined, may be eligible to receive a payment not to exceed \$33,200 for actual reasonable and necessary expenses incurred in reestablishing the business at the replacement site. This payment is in addition to any payment the displacee may be eligible to receive for actual moving expenses under paragraph 4.81.

A displacee who elects to receive a fixed payment in lieu of moving expenses, paragraph 4.8.3, is ineligible to receive a business reestablishment payment. For an example of Relocation documentation, including moving, re-establishment, and non-eligible expenses, refer to the Sample Relocation Expenses Spreadsheet (Exhibit 4.18).

4.9 Claims for Relocation Payments

All claims for relocation assistance payments will be supported and properly documented.

4.9.1 Claim Forms (See Exhibits 4.19 – Individual and Family Claim Form, and 4.20 – Business, Farm and Non-Profit Claim Form)

Claim for Residential Moving Payment

Claim for Supplementary Housing Payment and/or Incidental Expenses
Eligible Incidental Expenses
Application for Non-Residential Moving Payment
Claim for Non-Residential Moving Payment
Fixed Payment In Lieu of Moving Costs
Business Reestablishment Expense
Check Receipt (see Exhibit 4.21)
File Closeout Checklist (see Exhibit 4.22)
R.I.G.L. Section 38-2-2 (see Exhibit 4.23)

4.9.2 Filing Forms

<u>Type of Claim</u>	Minimum Documentation
Fixed Residential Moving Payment	Fixed Fee Schedule
Actual Residential Moving Payment	Actual receipted bills
Actual Commercial Moving Payment	Actual receipted bills
Self	Two bid proposals. Additionally, a combination of receipts and estimates consistent with the options for a self-move other than fixed will be accepted.
In-Lieu	Copies of Income Tax Returns for 2 prior taxable years
Business Reestablishment	Actual receipted bills, copies of contracts/agreements, or other supportive data
Residential Supplementary Payments:	
Replacement Housing (Purchase)	Copies of purchase agreement, contracts, warranty deed (when available)
Replacement Housing (Rental)	Copies of rental agreement and rent receipts for subject property and replacement unit

Mortgage Differential	Copies of old mortgage and payoff statement, new mortgage, mortgage commitment
Incidental Expenses (closing costs)	Copy of closing statement (RESPA), actual receipted bills

4.9.3 Time or Filing Claims for Relocation Payments

All claims for relocation assistance payments must be filed within eighteen (18) months from the date of displacement, for tenants; and 18 months from the date of displacement or the date of final payment for the real property acquired, whichever is later, for owners.

4.10 Right to Appeal

The Uniform Act provides that a displacee may file a written appeal with the Department if the relocatee believes that the Department has failed to properly determine the relocatee's eligibility for, or the amount of, a payment authorized under the Act.

If the Real Estate Specialist recognizes during initial negotiations that there may be a need for the calculation of a Replacement Housing Payment (RFP) to be reviewed, all information should be brought to the attention of the Supervisor. Examples include changes in the real property, changes in family makeup or the unavailability of the comparable used for the RFP. This information shall be reviewed, and if justified, the RFP will be re-computed. If re-computed, the new determination will be offered to the relocatee. If a decision has been made that the determination will not be re-computed, the relocatee will be advised of the decision.

4.10.1 Time Limit

A relocatee who is dissatisfied with a Relocation Assistance offer to him/her will, within 60 days, submit a written request for reconsideration to the Department.

4.11 The Appeal Procedure

4.11.1 Review for Reconsideration

When a relocatee indicates their dissatisfaction with the determination of eligibility for a payment or of the amount of payment offered, they shall be promptly informed of their right to a review and to their right to appeal the review if they are still dissatisfied.

A displaced person must be notified of his/her right to appeal any relocation assistance payment. If such person is dissatisfied with a payment, the

Real Estate Specialist shall promptly advise and assist in making the appeal. The Department shall consider a written appeal regardless of form.

The Senior/Real Estate Specialist shall review the determination and submit a report to the Chief of Real Estate Acquisition.

The Chief of Real Estate Acquisition shall review the report and make a recommendation to the Administrator for Real Estate Acquisition.

The Administrator for Real Estate Acquisition may approve, disapprove, or request additional information.

The Administrator for Real Estate Acquisition shall consider all pertinent information that is needed to ensure a fair and complete review of the claim.

4.11.2 Notification

Upon receipt of all information submitted by the displacee, the Administrator shall promptly make a written determination, including an explanation of the basis upon which the decision was made, and furnish the displacee with a copy.

If the displaced person is not satisfied by the decision rendered for reconsideration, he/she may submit in writing an appeal to the Commissioner of Transportation within 18 months after the date of acquisition of real property.

4.11.3 Relocation Assistance Appeals

The Director of Transportation, or a duly appointed hearing officer, is authorized by State Statute to conduct relocation assistance appeals.

4.11.4 Appeal Filed with the Director of Transportation

1. A formal written appeal is filed with the Director of Transportation. The relocatee should include all data that they feel is pertinent to their case.
2. A designee of the Acquisition/Relocation Unit will schedule a hearing no later than 60 days from the date of receipt of the formal written appeal, and will notify the displacee, and the members of the appeal board.
3. The Supervisor shall request the requisite files and other relevant information available.
4. Representatives of the Federal Highway Administration are to be advised of all proceedings.

5. The Displacee has the right to be represented by legal counsel or other representative in connection with their appeal, but solely at their own expense.

6. The Department shall permit a person making an appeal to inspect and copy* all materials pertinent to his appeal, except materials which are classified as confidential by the Department. The Department may, however, impose reasonable conditions on the person's right to inspect, consistent with all applicable laws.

*(A fee may be charged per copy in following with the rates charged under the Freedom of Information Act.)

4.11.5 Appeal Hearing

The purpose of the appeal procedure is to afford the displacee a complete hearing, a fair and objective evaluation of the evidence and circumstances presented, and a speedy determination.

1. A designated individual shall keep minutes or a tape of the proceedings.

2. The Department will provide the relocatee with a written determination resulting from the appeal with an explanation of the basis for the decision.

4.12 List of Exhibits

- 4.1 Relocation Registration Notice*
- 4.2 Relocation Assistance Brochure
- 4.3 90-Day Notice to Vacate
- 4.4 30-Day Notice to Vacate
- 4.5 Residential Occupancy Registration Form
- 4.6 Comprehensive Relocation Log
- 4.7 Non-Residential Occupancy Registration Form
- 4.8 Comparable Housing Listing*
- 4.9 Mortgage Differential Payment
- 4.10 Carve Out Calculations*
- 4.11 Incidental Expenses
- 4.12 Letter of Eligibility (Owner-Occupant)
- 4.13 Letter of Eligibility (Rental Assistance)
- 4.14 Decent, Safe and Sanitary Inspection Form
- 4.15 Agreement on and Receipt of Advance Price Differential Payments
- 4.16 Fixed Moving Cost Schedule
- 4.17 Request for "In-Lieu-Of" Payment*
- 4.18 Relocation Expenses Spreadsheet (sample)*
- 4.19 Individual and Family Claim Form
- 4.20 Business, Farm and Non-Profit Claim Form
- 4.21 Check Receipt*
- 4.22 File Closeout Checklists*
- 4.23 R.I.G.L. § 38-2-2: Access to Public Records



U.S. Department of Transportation
Federal Highway Administration



STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION



RELOCATION ASSISTANCE PROGRAM

YOUR RIGHTS AND BENEFITS AS A DISPLACED PERSON UNDER
THE FEDERAL RELOCATION ASSISTANCE PROGRAM

June 2025

***STATE OF RHODE ISLAND
DEPARTMENT OF TRANSPORTATION***

***RIGHT-OF-WAY
PROPERTY ACQUISITION
Two Capitol Hill
Providence, RI 02903***

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DEPARTMENT MISSION STATEMENT

**TRANSPORTATION INFRASTRUCTURE SHAPES
OPPORTUNITIES FOR ECONOMIC GROWTH AND
AFFECTS THE LIVES OF ALL RHODE ISLANDERS.
AT RIDOT, OUR MISSION IS TO DELIVER A SAFE,
MODERN, AND EFFICIENT INTERMODAL
TRANSPORTATION NETWORK FOR RHODE ISLAND.**

Introduction

IN building a modern transportation system, the displacement of a small percentage of the population is often necessary. However it is the policy of the Federal Government that displaced persons shall not suffer unnecessarily as the result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments provided by the Federal “Uniform Relocation Assistance and Real Property Acquisition Policies Act” of 1970 as amended.

This brochure provides information about available relocation services and payments. Section 1 is information for residential displacees. Section 2 is information on relocation assistance services. Section 3 is information for displaced business, farms, or nonprofit organizations.

If you are required to move as the result of a transportation project, a relocation counselor will contact you. The counselor will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act 1970, as amended.

Declaration of Findings and Policy

“The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.”

Relocation Notices

1. No lawful occupant will be required to move unless they have been provided at least 90 days written notice. In unusual circumstances, an occupant may be required to vacate in less than 90 days when continued occupancy is a danger to health or safety.
2. All lawful occupants will be given at least 30 days written notice of the specific date which they will be required to move. The 30-day notice will not be issued until the State has acquired the property and at least 60 days has passed since the 90 day notice was issued
3. No lawful occupant will be required to move permanently, and a 90-day notice to vacate will not be issued, unless at least one comparable replacement dwelling has been made available.

You are discouraged from moving before you are contacted by the relocation counselor, as you may risk the loss of your eligibility to receive relocation assistance payments.

Definitions

Displacing Agency:

Any State or State Agency carrying out a program or project which causes a person (individual, business, farm or non-profit organization) to be displaced. The displacing Agency which shall be referred to as “Agency” for the purpose of this brochure, is the Rhode Island Department of Transportation.

Displaced Person:

Any person (individual, business, farm or non-profit organization) who moves from real property or moves his or her personal property from real property as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of such real property whole or in part for a project. In the case of a partial acquisition, the Agency shall determine if a person is displaced as a direct result of the acquisition. Relocation benefits will vary, depending upon the type and length of occupancy as discussed on page 6.

As a displacee, you will be classified as:

- An owner occupant of a residential property. (Includes mobile homes)
- A tenant occupant of a residential property. (Includes mobile homes and sleeping rooms).
- A business, farm, or nonprofit organization

Small Business:

A business having at least one, but not more than 500 employees working at the site being acquired or displaced by a program or project.

Business:

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property. It also includes the sale of services to the public, or solely for the purpose of this Act, an outdoor advertising display or displays when the display(s) must be moved as a result of the project.

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Farm:

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to contribute materially to the operator's support.

Nonprofit Organizations:

A public or private entity that has established its nonprofit status under applicable Federal or State law.

Relocation Counselor:

A relocation counselor shall be defined as the individual employed by the Rhode Island Department of Transportation or a consultant that is assigned to administer the Relocation Assistance Program and provide relocation assistance advisory services.

NOTES AND QUESTIONS

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SECTION 1

INFORMATION FOR RESIDENTIAL DISPLACED



1

Individuals and Families Moving Cost Reimbursement

If you qualify as a displaced person, you are entitled to payment for actual reasonable moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of:

1. Actual Cost based on costs incurred by a commercial moving company.
2. Self Move:
 - Actual cost including equipment rental.
 - An hourly rate not to exceed a commercial mover.
 - A qualified moving cost estimate.
 - Fixed Payment Schedule

However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation counselor from the Agency before you move.



2

Actual Reasonable Moving Costs

You may be paid for your actual reasonable moving costs and related expenses.

Reimbursement will be limited to a 50-mile distance. Related expenses may include:

- Transporting
- Packing and unpacking personal property
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property, not to exceed 12 months
- Insurance while property is in storage or transit
- Reasonable costs of moving a mobile home. Non-refundable, reasonable mobile park entrance fees when prior Agency approval is obtained.

Expenses must be necessary and reasonable as determined by the Agency and supported by receipts.

Fixed Moving Cost Schedule

A second option is to be paid on the basis of a fixed moving cost schedule. The amount of the payment is based on the number of furnished rooms in our dwelling. Under this option you will not be eligible for reimbursement of related expenses listed above. The schedule is designed to provide adequate compensation for these items.

The table below is Rhode Island's current fixed schedule for residential moves:

https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm

State	Occupant Owns Furniture									Occupant does not own furniture	
	Number of Rooms of Furniture								addt'l room		
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms		1 room/ no furn.	addt'l room no furn.
Rhode Island	600	850	1,000	1,200	1,400	1,600	1,800	2,000	150	300	100

Comparable replacement Dwelling

A comparable dwelling must be decent, safe and sanitary. While not necessarily identical to your present dwelling, the replacement should:

- Be adequate in size to accommodate the occupants
- Be located in an area not subject to unreasonable adverse environmental conditions
- Generally not be less desirable than your present location with respect to public utilities and commercial and public facilities
- Be located on a site that is typical in size for residential development with normal improvements

- Be currently available to you and within your financial means.
- Comparable requirements when displaced from government housing program both financial and physical attributes. *24.2(a) Updated 2025*

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Decent Safe and Sanitary (DSS)

Replacement housing must be decent, safe, and sanitary (DSS). This means it meets all of the minimum requirements established by Federal regulations and conforms to the local housing and occupancy codes.

Performance Standards 49 CFR Part 24 Sub Section 24.2(a) *updated 2025*

The dwelling shall:

- Be a private, well lighted, and ventilated sanitary facility(s) with a flush toilet, sink, and shower/tub in proper operating condition

- Kitchen minimum area per local codes, with a proper working sink, sufficient space, and utility connections for a refrigerator, stove, and microwave oven.
 - Specifications for Lead Paint Hazards and abatements to be honored.
 - Reasonable modifications as necessary to accommodate a person(s) with disabilities.
 - Potable water supply and a functioning water heating system*
 - Structurally sound, weather tight, in good repair, and free of threats to health and safety*
 - Safe electrical wiring system, as necessary for adequate lighting and other devices*
 - Free of any barriers that prevent access to ground level*
- *These requirements are considered satisfied by establishing the existence of a certificate of occupancy or acknowledgement of the dwelling's existence by the local municipality or town.

Occupancy Standards

- Relates to how many individuals can share a bedroom and the requirement for separate bedrooms for children of dissimilar gender.
- Refer to local housing codes regarding this issue.
- In the absence of any code obligation the Agency's policy will take precedence.



Length of Occupancy and Replacement Housing Payments

The type of replacement housing payment is determined by two basic lengths of occupancy requirements.

Length of occupancy is the number of days that you actually occupied a dwelling before the date of initiation of negotiations. The term, initiation of negotiations, is the date the acquiring Agency makes the first contact with the owner of the real property, or his representative, to give him a written offer for the property to be acquired.

1. Occupancy time period of 90 days or more:
 - If you are an owner who occupied your home for 90 days or more prior to the initiation of negotiations you may be eligible for a replacement housing payment not to exceed \$41,200.00.
 - If you are a tenant who has been in occupancy 90 days or more prior to the initiation of negotiations, you may be eligible either for a rental assistance payment or downpayment assistance up to \$9,570.00. CRF title-49/subtitle-A/part-24/subpart-E/section-24.402
2. Occupancy time period of less than 90 day:
 - If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired you may be eligible for Last Resort Housing.
 - If you move on to the property after the initiation of negotiations, and you are still in occupancy on the date of acquisition you may be eligible for Last Resort Housing. Check with the relocation counselor for more details regarding Last Resort Housing.

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Replacement Housing Payments

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

- 1. Replacement Housing Payment for owner occupants of 90 days or more**
- 2. Rental Assistance for owner occupants and tenants of 90 days or more**
- 3. Downpayment Assistance for owner occupants of 90 days and tenants of 90 days or more.**



1. Replacement Housing Payment for Owner Occupants of 90 days or more

If you are an owner and have occupied your home for 90 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible, in addition to the fair market value of your property, for a supplemental payment. This payment is not to exceed \$41,200.00 for all costs necessary to purchase a functionally-equivalent decent safe and sanitary (DSS) replacement dwelling.

The Agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a replacement dwelling no later than 18 months from the date of your displacement (move) or the date you received final payment for the acquisition, whichever is later.

If your property is acquired by eminent domain (condemnation), you must purchase and occupy a DSS replacement dwelling within 18 months of the date the full amount of the purchase offer is deposited with the court for your property or the date of displacement, whichever is later.

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Replacement Housing Payment

- **Price Differential/Purchase Supplement**

The price differential is the amount by which the estimated acquisition price of a comparable replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment and the following payments are in addition to the acquisition price paid for your property.

- **Increased Mortgage Interest Costs**

You may be reimbursed certain mortgage interest costs, if the interest rate on your new mortgage exceeds that of your existing mortgage, including a reverse mortgage. This payment will be calculated based on the balance of the existing mortgage. To be eligible, your current dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to negotiations.

- **Incidental Expenses**

You may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, home inspections and certain other closing costs, but not including prepaid expenses

such as real estate taxes and property insurance. The Agency will determine the maximum payment you will receive for these expenses.

The total amount of the replacement housing payment components cannot exceed \$41,200.00, unless Last Resort Housing conditions are determined by the Agency. Last Resort Housing is explained in detail later in this brochure.

Price Differential Computation:

Assume that the Agency purchases your property for \$250,000. After a thorough study of available decent, safe and sanitary dwellings on the open market, the Agency determines that a functionally equivalent replacement property will cost \$280,000. The maximum price differential payment which you may receive in this case would be \$280,000-\$250,000, or \$30,000.

If your purchase exceeds \$280,000 you pay the difference between the purchase price of the dwelling of your choosing and \$280,000, the differential payment will be based on the actual cost of the replacement dwelling. Refer to the following examples for further explanation:

8

Examples of Price Differential Computation

Example A. Assume the Agency purchases your property for \$250,000. If you prefer to purchase a replacement home which costs \$265,000, even though DSS replacement homes are available for \$260,000, you will only receive the maximum computed payment of \$10,000. You must pay the additional \$5,000 should you purchase the more expensive replacement dwelling.

Example B. If you choose to purchase a replacement dwelling which costs more than the purchase price of your present dwelling, \$250,000, but less than \$260,000 as determined by the Agency, then the price differential payment will be based on the actual cost. For example, if you purchase a replacement home for \$257,000, based on actual cost, the maximum price differential payment to which you are entitled would be \$257,000-\$250,000, or \$7,000.

Example C. If you choose to purchase a replacement dwelling which costs less than the purchase price of your present dwelling you would not be entitled to any price differential payment.

Remember, the total price differential payment to which you are entitled is dependent upon the amount you spend to purchase your replacement home. Please contact your relocation counselor for a more thorough explanation of this benefit.



2. Rental Assistance for Owner Occupants and Tenants of 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants and owners must have been in lawful occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property, and have rented or purchased and occupied a DSS replacement dwelling within 18 months.

- For tenants it is the date he/she vacates the displacement dwelling.
- For owner occupants it is 18 months from the date of displacement, or the acquisition date, whichever is later.

This payment was designed to enable you to rent a functionally-equivalent decent, safe and sanitary (DSS) replacement dwelling for a 3 ½ year period. If you choose to rent a replacement dwelling and the rental payments are higher than you have been paying, you may be eligible for a rental assistance payment up to \$9,570.

The Agency will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum unless the Agency determines that the payment should be paid in installments. There is also the opportunity to receive

reimbursement for tenant application fees and a credit report not to exceed \$1,000. You must rent and occupy a DSS replacement dwelling within one (1) year to be eligible.

Rental Assistance Computation

Assume that your present rent and utilities payments are \$1000 per month for the dwelling you occupy, which has been purchased by the acquiring Agency. After a study of the rental market in your area, the Agency determines that a DSS replacement rental is available for \$1200 per month (base rent is \$1050 and utilities is \$150). The maximum rental assistance you are entitled to in this case would be \$1200-\$1000, or \$200 per month for a 3 ½ year period, or \$8,400. Refer to the following examples for further information:

Example A. Assume that your present rent and utilities payments are \$1000 per month. If you prefer to select a replacement dwelling which rents for \$1150 per month, even though comparable DSS replacement rentals are available for \$1200 per month, you will only receive the maximum computed payment of \$50 per month for 3½ years or \$2,100. You must pay the additional \$50 per month if you choose to rent the higher priced unit.

Example B. If you select a replacement dwelling renting for more than your present rent and utilities of \$1000, but less than the amount determined by the Agency of \$1200, then you will be paid on the basis of actual cost. In other words, if you select a replacement dwelling that rents for \$1050 per month, based on actual cost you would be eligible for a payment of \$50 per month for 3 ½ years or \$2,100.

The computation of a rental assistance payment for an owner occupant is slightly more complex and space does not permit its inclusion in this brochure. Owners interested in renting should contact their relocation advisor for a complete explanation.

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3. Down Payment Assistance Payments

Owner occupants of 90 days or more, and tenants of 90 days or more, may be eligible for a downpayment assistance payment that may be applied to the purchase price and eligible incidental expenses of a replacement dwelling.

The downpayment assistance payment for which you may be entitled would be limited to the actual amount needed for the downpayment and incidental costs.

The maximum amount of the down payment assistance payment will be equal to the greater of the computed rental assistance payment (rent differential for 42 months) or \$9,570 whichever is greater.



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Last Resort Housing

On most projects an adequate supply of housing will be available for sale or rent and the benefits provided will be sufficient to enable you to move to functionally equivalent housing. However, there may be projects in certain locations where the housing supply is insufficient to meet the needs of those displaced. When housing shortages occur, the Agency may utilize an administrative process called “Last Resort Housing.”

If functionally equivalent housing is not available, or it is not available within the maximum Replacement housing payments limits, the Agency has options for providing “Last Resort Housing” assistance to facilitate timely the relocation of individuals and families.

The Agency may:

- Offering Replacement Housing Payments that exceed the statutory limits listed in Section 5.
- Providing or creating housing and making it available to displaced persons, including the removal of barriers for those with disabilities.
- Calculating a Replacement Housing Payment if the 90-day occupancy requirement has not been met and the occupant did not move into the acquired dwelling for the purpose of obtaining relocation benefits.

The Agency has broad flexibility in implementing the Last Resort Housing Program. If you are eligible for replacement housing under the Last Resort Housing Program, you will be so informed by the relocation

counselor who will thoroughly explain the program.

To all Residential Displacees

The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe and sanitary” standards. Do not execute a sales contract or lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent meets the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into sub-standard housing.

12 Fair Housing

Civil Rights – Title VI and Title VIII

The relocation policies and procedures under the administration of the Rhode Island Department of Transportation, Real Estate Acquisition Section, shall be nondiscriminatory in accordance with Title VI of the Civil Rights Act of 1964, which states:

“Section 601: No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Fair Housing Law (actually Title V111 of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

This Act and later Acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. The policy, however, does not require an acquiring Agency to provide a person a larger payment than is necessary to enable a person to relocate to a functionally equivalent replacement dwelling.

NOTES AND QUESTIONS

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SECTION 2

INFORMATION ON RELOCATION SERVICES



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Relocation Advisory Services

Any individual, family, business or farm displaced by a Federal or Federally assisted program shall be offered relocation assistance services for the purpose of locating to a suitable replacement property. Relocation services are provided by qualified personnel employed by the Agency. It is their goal and desire to be of service to you and assist you in achieving a successful relocation.

Remember – they are there to help and advise you. Be sure to make full use of their services. Do not hesitate to ask questions, and be sure to understand fully all of your rights and relocation benefits.

Residential Assistance

A relocation counselor from the Agency will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview your housing needs will be determined, as well as your need for assistance. You cannot be required to move unless at

least one replacement dwelling is made available to you. When possible, functionally equivalent housing will be inspected prior to being made available to you to assure that it meets DSS standards.

In addition, if you desire, your relocation counselor will give you current listings of other available replacement housing properties. Transportation will be provided to inspect available housing, especially if you are elderly or disabled. The Agency will also provide counseling and help you obtain assistance from other available sources as a means of minimizing hardships in adjusting to your new location.

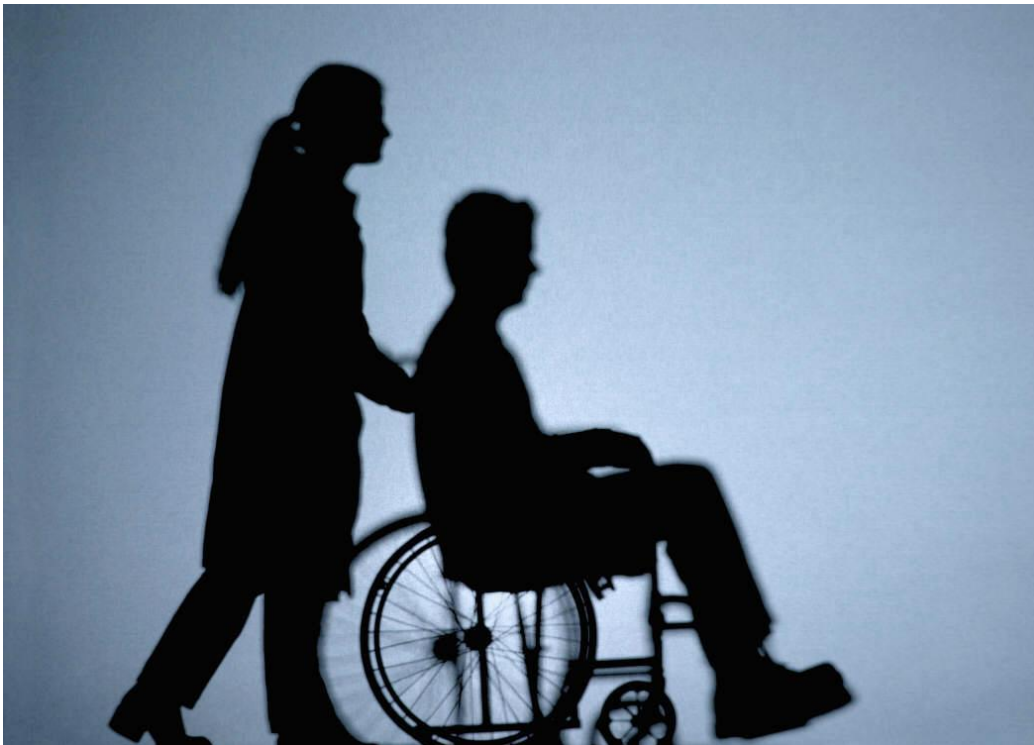
You will also be provided with information concerning other Federal, State and local housing programs offering assistance to displaced persons.

Business and Farms Assistance

The relocation counselor will provide listings of commercial properties and farms whenever businesses and farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to successfully reestablish their presence in the community.

Social Services Provided By Other Agencies

Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special needs, the counselor will make every effort to secure the services of those Agencies with trained personnel who have the expertise to help you. Make your needs known so that you may receive the help you need.



17 Relocation Office

In addition to personal contacts by the relocation counselor, our Agency may establish a relocation office on or near a project where a considerable number of people are to be relocated. Project relocation offices are open during convenient hours, including evening hours when necessary. The office can provide a variety of information concerning:

- Listing of available replacement properties
- Local housing ordinances
- Building codes
- Social services
- Security deposits
- Interest rates and terms
- Typical downpayments
- VA and FHA loan requirements
- Real estate property taxes
- Consumer education literature on housing

If a relocation office has been established, you will be more than welcome to make an appointment to review your options.



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Relocation Advisory Assistance Checklist

This checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a Federal or Federally assisted project. In addition to the services listed, our Agency is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Our Relocation Counselor will interview displacees to:

- Determine their needs and preferences
- Explain relocation benefits
- Offer assistance
- Offer transportation if necessary
- Assure the availability of a functionally equivalent property in advance of displacement
- Provide current listings of functionally equivalent properties
- Provide the amount of their replacement housing payment in writing
- Inspect dwelling for DSS acceptability

- Supply information on other Federal and State programs offering assistance to displacees
- Provide counseling to minimize hardships

Internal Revenue Service Information

Relocation payments are not considered as income by the Internal Revenue Service Code 1954. Also, they are not used to determine eligibility under the Social Security Act, or any other Federal Law.

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Your Right of Appeal

The Uniform Relocation Act provides that you may file a written appeal to the Agency if you believe that the Agency has failed to properly determine your eligibility or the amount of a payment authorized by the Act. If you are dissatisfied, submit a letter within 60 days of the determination of your relocation benefits. State all of the facts in the case, and the reason you believe your claim should be paid or adjusted.

Please send your correspondence to the following address:

**Chief of Real Estate Acquisition
Department of Transportation
Two Capitol Hill
Providence, Rhode Island 02903**

Should you remain dissatisfied with the decision regarding your eligibility for relocation benefits, you may address a written appeal letter to the Director of Transportation.

You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or another representative in connection with the appeal, but solely at your own expense. The Agency will consider all pertinent justification and material submitted by you and other available information needed to ensure a fair review. The Agency will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, the Agency will advise you that you may seek judicial review.

Oral representations or promises made during the negotiations process are not binding on the Department of Transportation.

SECTION 3

INFORMATION FOR BUSINESS, FARMS AND NONPROFIT ORGANIZATIONS



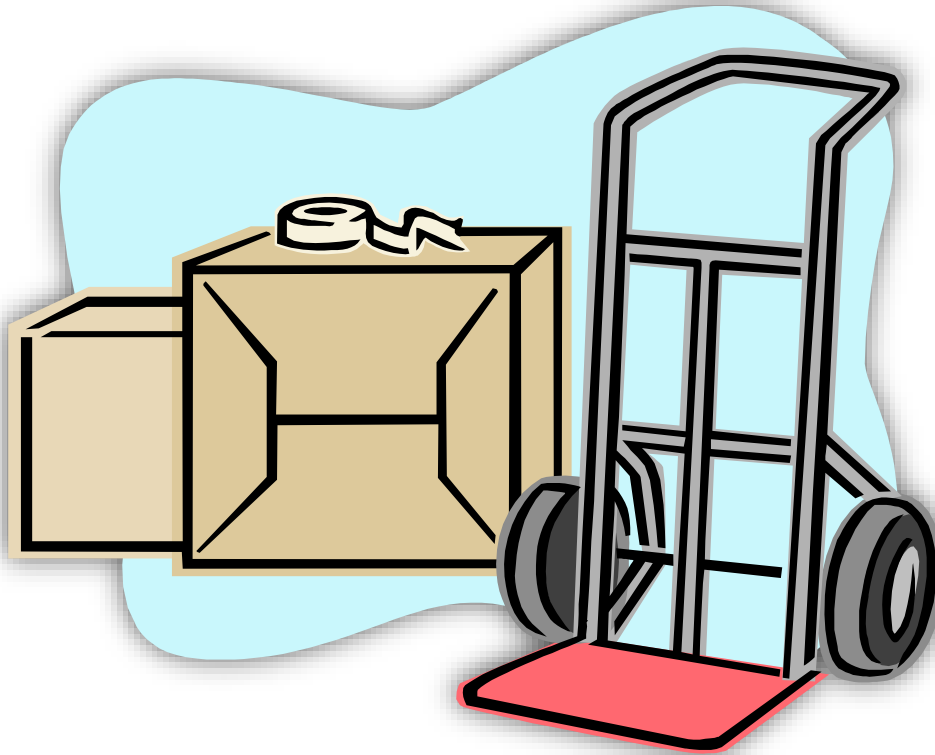
21

Moving Cost Reimbursement: Business, Farms and Nonprofit Organizations

Owners or tenants may be paid on the basis of actual reasonable moving and related expenses or, under certain circumstances, a fixed payment in lieu of actual moving costs.

- A.** Actual reasonable moving expenses may be paid when the move is performed by a professional mover, or if you move yourself. Related expenses, such as personal property losses, expenses in finding replacement sites, and certain expenses incurred in reestablishing your business may also be reimbursable.

- B.** Or you may be eligible to receive a fixed payment from \$1,000 to \$53,200. This payment is based on the actual net earnings of the business or farm, not to exceed \$53,200. To qualify for a fixed payment certain conditions must be met, previously addressed earlier in this brochure.



Ways to Move Your Enterprise

Professional Mover

You may be paid the actual and reasonable costs of your move carried out by a professional mover. All of your expenses must be supported by receipts in order to ensure prompt payment of your moving costs. Certain other expenses are also reimbursable, such as packing, crating, unpacking, uncrating, disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property. Other expenses such as temporary storage costs, insurance while in transit, or storage, and the cost of new licenses and permits may also be reimbursable.

Self-Move

If you elect to take full responsibility for all or part of the move, the Agency may approve a payment, not to exceed the lowest acceptable bid or estimate prepared by qualified moving firms, moving consultants, or a qualified Agency employee. If you are unable to obtain two acceptable bids or estimates, or if you decide to move yourself based on actual expenses, your moving payment must be supported by receipted bills or other evidence of actual and reasonable expenses. In addition, an uncomplicated move, less than \$5,000 may be approved outright by the department, with documentation.

Notification and Inspection

To assure eligibility and prompt payment for moving expenses you should provide the acquiring Agency with advance written notice of the approximate date of the planned move, as well as a certified inventory of the items to be moved. This information is necessary so that the Agency may inspect the personal property at the displacement and replacement sites and monitor the move, if necessary.

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Direct Losses of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the value of the items for continued use at the displacement site less the proceeds from its sale or the estimated cost of moving the item, whichever is the lesser.

Your relocation counselor will explain this procedure in detail if you are faced with this problem.

Searching Expenses for Replacement Property

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred searching for a replacement property, not to exceed \$5,000. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents, brokers, or consultants; and other expenses determined to be actual and reasonable by the acquiring Agency. Receipts, invoices, or other proof of payment(s) will be required by the Agency in order to process reimbursement of these types of expenditures.

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Business Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for reimbursement up to \$33,200 for certain actual and reasonable costs incurred as a result of relocating and reestablishing at the replacement site. A part-time business in the home which does not contribute materially to the household income is not eligible for this benefit, as determined by the Agency.

All reestablishment expenses must be reasonable and necessary and may include the following:

- Repairs, improvements or modifications to the replacement real estate property , as required by law and as necessary to accommodate the business operation or to make the replacement site suitable to conduct business.
- Estimated increased costs of operation during the first two years at the replacement location. This can include increased lease or rental costs, personal and real estate property taxes, insurance premiums and utility charges (excluding impact fees).
- Construction and installation costs for exterior signage to advertise the business.
- Advertisement of replacement location.
- Certain other items that the Agency considers essential to the reestablishment of the business.
- New construction is generally not eligible or reimbursement.

For a complete explanation of this benefit and its limitations, consult your relocation counselor.

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Computation of Fixed Payment

A displaced business may be eligible to choose a fixed payment in lieu of payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided that:

1. The business owns or rents personal property which must be moved and the business vacates or relocates from the displacement site
2. The business cannot be relocated without substantial loss of its existing patronage

3. The business is not a part of a commercial enterprise having more than three other entities under the same ownership, and conducting the same or similar business activities
4. The business is not operating a displacement site or dwelling solely for the purpose of renting such site or dwelling to others
5. The business contributed materially to the income of the displaced person

Business and Farms

The fixed payment is based upon the average annual net earnings of the business or farm operation for the two (2) taxable years immediately preceding the taxable year in which it was displaced. Said payment will not be less than \$1000 or more than \$53,200.

2024	2025	YEAR DISPLACED
Annual Net Earnings \$42,000	Annual Net Earnings \$51,000	

Average = \$ 46,500___ Maximum Fixed Payment (In Lieu)

You must provide information to the acquiring Agency to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements or other reasonable evidence of net earnings acceptable to the Agency.

Non-Reimbursable Relocation Expenses

The following is a partial listing of ineligible, non-reimbursable expenses:

- Any legal fees associated with the preparation of relocation payments or claimant representation before the Agency
- Loss of goodwill, loss of profits or loss of trained employees

- Interest charges on loans to cover moving expenses
- Expenses incurred while searching for a replacement residential dwelling
- Personal injury
- Purchase of capital assets or inventory associated with business relocation.

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Summary

It is the goal of any successful relocation program to relocate all those displaced in a manner that minimizes potential hardships. Only through careful analysis, thorough planning, and financial advisory assistance can this goal be realized.

Through the utilization of cooperative and innovative methods within the guidelines of the Federal Relocation Assistance Program, your relocation professional can customize a relocation plan to meet your specific needs. Please contact your relocation representative at the relocation office listed below for further clarification of any questions or concerns which may arise throughout the relocation process.

**State of Rhode Island
Department of Transportation
Property Acquisition Section
(401) 222-2411
Two Capitol Hill
Providence, Rhode Island 02903**

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NOTES AND QUESTIONS

[illegible]

CHAPTER 5

GUIDELINES FOR SUBRECIPIENTS AND LOCAL PUBLIC AGENCIES (LPA)

5.1 Project Agreements between City/Town and RIDOT in Conjunction with Transportation Projects

5.1.1 The State of Rhode Island, through its Department of Transportation, is responsible for any transportation projects undertaken that use Federal-aid funds, including those undertaken by political subdivisions or local public agencies (LPA). This includes all subrecipients and grants for projects that also may be undertaken by non-profit groups.

5.2. The Department of Transportation's Intermodal Planning Division administers and monitors the majority of Enhancement Projects. A Project Agreement similar to Exhibit 5.01 (appended to this chapter) is developed and signed by the Department and the Agency that is receiving Federal funds through this program. Section 4 of the Project Agreement addresses the steps that should be followed when the project requires any right-of-way.

5.2.1 All Right-of-Way actions taken by subrecipients and/or LPA's must be performed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended and the Code of Federal Regulations Title 49 - Part 24. The Department of Transportation will provide assistance and guidance as needed to ensure compliance with these regulations. A "Real Estate Acquisition Management Plan (RAMP) should be developed and submitted to the department prior to commencing with right-of-way activities. See Exhibit 5.04 containing an outline for preparing a RAMP that is appended to this section.

In addition to providing the publications referenced in the preceding paragraphs, the Department's Right-of-Way/Property Acquisition Unit has prepared written guidelines that contains best practices appended to this section as Exhibit 5.02. RIDOT staff will make themselves available to meet with the LPA, their project managers, and consultants as needed throughout the right-of-way process.

In some instances, if the subrecipients and/or LPA lacks the resources and expertise to properly clear the right-of way for a project, and if so directed, the Department's Right-of-Way/Property Acquisition Section may administer one or more aspects of the right-of-way process to ensure compliance with the Uniform Act.

5.3 Right of Way Certification

The LPA or Grant Recipient shall certify that is has full Legal and Physical possession of the areas needed for the project prior to proceeding with construction.

A Right-of-Way Certificate shall be submitted to RIDOT for concurrence. RIDOT may request copies of all documents and files associated with the Right-of-Way activities for review prior to concurrence.

At a minimum, the files should include a comprehensive negotiating report, the appraisal or basis for just compensation, a copy of the written offer, the conveyance document(s), and evidence that they have been recorded in the land evidence records.

5.3.1 The subrecipient and/or LPA is responsible for obtaining the title free and clear of any outstanding liens, encumbrances, attachments, etc. Any existing easements should be examined to the extent that they conflict with the scope of the project.

5.4 Title Search

5.4.1 A title search should be completed in accordance with, and conform to, Rhode Island Title Standards.

5.4.2 Although not mandatory, a title insurance policy is recommended.

5.5 Survey

5.5.1 The Department may reimburse the subrecipient and/or LPA for the cost associated with a survey, provided that prior approval from RIDOT is obtained. It is important to note that the request for work to be performed include the following:

- (A) Name of the professional land surveyor
- (B) Scope of work to be performed
- (C) "Man Hours" required
- (D) Estimated cost

5.6 Testing

The Department may reimburse the subrecipient and/or LPA for cost of detailed site investigations for hazardous materials or similar testing, such as termite and structural inspection. If additional testing is warranted, such as hazardous waste, radon, lead, etc. Prior approval from RIDOT must be obtained to insure eligibility for reimbursement.

5.7 Appraisal Process

5.7.1 Any appraisal of Real Property must be performed by an appraiser who is certified (licensed) by the State of Rhode Island in the category of property they are appraising, (i.e., Residential/General). The appraisal is to be completed in compliance with all Federal and State procedures. The property owner(s) must be given the opportunity to accompany the appraiser on a site inspection of the property during the appraisal process.

5.7.2 Consistent with 49CFR, Part 24.102, an appraisal may not be required if an owner is donating property after being informed of the right to an appraisal and just compensation, or when it is determined an appraisal is not necessary, a Waiver Valuation may be used provided the compensation established does not exceed \$15,000 and the person performing the waiver valuation has a sufficient understanding of the local real estate market is deemed to be qualified to perform the Waiver Valuation.

5.7.3 If a fee appraiser's services are utilized, RIDOT may be consulted to assist in developing a scope of work and, if necessary, to provide guidance to insure reimbursement. The appraisal format shall be in accordance with the Appraisal/Appraisal Review Section of this Right-of-Way Manual (Chapter2).

5.8 Appraisal Review Process

If a city or town utilizes a fee appraiser, the appraisal report should be submitted to the Department of Transportation for review in advance of making an offer to the property owner(s). The Real Estate Section can review the appraisal report in accordance with Section 2.6 of this Right-of-Way Manual.

5.9. Written Offer

A written offer in an amount not less than 100% of the appraised value (the "Just Compensation") shall be made to the property owner by an authorized representative of the subrecipient and/or LPA that clearly defines the interest in Real Property being acquired. The assessor's plat and lot number(s), property address, and the type of action taken (i.e., acquisition of land, temporary and/or permanent easement, permanent drainage easement, etc.) should be included in the offer. Any severance damages should be itemized separately from the value of the part taken as mandated by the Uniform Act. The offer shall be dated and signed by the person negotiating the transaction.

5.10 Deeds, Agreements and Conveyance Documents

5.10.1 The draft copy of the deed, agreement, or any form of conveyance document should be submitted to the Department of Transportation for review to ensure it contains sufficient language defining the interest being acquired in real

property that is necessary to construct, operate, and maintain the project and any other restrictions relevant to the use of State or Federal Funding.

Any future disposition of property acquired using Federal Funds for a LPA project by the Grantee, including a lease or license, shall be subject to 23CFR Part 710.401 to 710.409 Prior authorization and approval from the Department of Transportation is required to ensure regulatory compliance.

5.11 Relocation Assistance (Brochure Attached-Exhibit 5.03)

Any individual, family or business displaced because of the project is entitled to all benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, and the Code of Federal Regulations Title 49 - Part 24. including, but not limited to, a 90-day written notice to vacate the premises.

5.12 Occupancy

If a tenant or owner is allowed to remain in the acquired property, a use and occupancy agreement should be entered into and a monthly rental fee should be established (based on market rent). Any revenues generated as a result of these fees shall be utilized solely for improvements or maintenance of said parcel or for the project or remitted to the funding agency (RIDOT).

5.13 Closing/Payment

The services of a settlement attorney are required for any real estate closing. The settlement agent will be responsible for review of all legal documents, obtaining a municipal lien certificate, and completing a title run-down prior to recording of deed. The agreed purchase price of said premises is to be paid at the time of delivery of the deed. Payment shall be made by certified cashier's, treasurers, or bank check, or by attorney's trustee check. **The city or town is responsible to ensure that the person delivering the check is not the same individual who presented the written offer or negotiated the settlement of the transaction.** The city or town is responsible to secure a receipt from the Grantor that payment has been tendered.

5.14 State Reimbursement

The Department of Transportation will process vouchers and make funds available to reimburse the subrecipient and/or LPA for actual, reasonable, and necessary expenses that are in compliance with the Project Agreement, and which are otherwise eligible for Federal Participation.

5.15 Construction and Maintenance Agreement

The subrecipient and/or LPA may be required to enter into a Construction and Maintenance Agreement with the Department of Transportation.

5.16 List of Exhibits

- 5.01 Project Agreement
- 5.02 LPA Guidelines
- 5.03 Relocation Assistance Brochure
- 5.04 LPA Programs Responsibility

CHAPTER 6

ADMINISTRATIVE CLOSEOUTS & FILE MANAGEMENT

6.1 Plats and Deeds Recording

6.1.1 After filing or recording documents and maps, a Mylar original is sent to the Plan Room to be scanned into record. A copy of the recorded legal instruments are delivered to survey for their records. All dates should be filled in and documentation of where they can be found in the Land Evidence records in the appropriate City or Town.

6.1.2 All other maps, agreements, and deeds are sent to the clerical staff for appropriate action and distribution, i.e., Sheriff Services, State Properties Committee, property owners, Survey and the originals placed in the Main File in the Real Estate Office.

6.1.3 The names (and addresses) of property owners, including any party with a vested legal interest in the parcel, and/or their representative will be provided to the clerical staff for the purpose of preparing sheriff service notification.

6.1.4 The Chief of Real Estate Acquisition or their designee, shall ensure that the land damage sheet (see Exhibit 6.01) for each project is complete, i.e., approval dates, name(s) of property owner, type of document executed, amount of payment, and the date that the property owner's check was mailed or delivered.

6.1.5 The Chief of Real Estate Acquisition or their designee, shall ensure that all project files, acquisition, and relocation, have been carefully reviewed with respect to content, completeness, and compliance with State and Federal regulations. Further, they shall insure that all unnecessary duplicate memos, letters, etc., have been purged and that the contents are appropriately affixed in the folder. At a minimum, Acquisition/Negotiation files should contain a copy of the appraisal, offer, State Properties Committee correspondence, any signed documents, written correspondence to or from the parcel owner, check(s), voucher(s), plan, date of recording, and a complete acquisition report (log). Relocation files should contain a written log detailing all actions and meetings, registration form, claim form, and all supporting documentation for payments made or to support calculations for eligibility letters, etc.

A "Checklist" to ensure compliance should be completed and signed to indicate all pertinent documents are in the file at that time and that the file is closed, and the transactions are complete (see Exhibits 6.02, 6.03, and 6.04).

6.1.6 The clerical staff is responsible for the custody and control of all closed files. In the event that a file is needed for any reason by anyone in the Right-of-Way/Property Acquisition Section, a sign-out sheet must be completed (date taken, initialed by the person taking the file, and the date returned). ***No closed files should be removed from front office file drawers other than by the clerical staff. Please note that anyone who signs out a closed file is responsible for that file. Further, it is their responsibility to ensure that the sign-in has been appropriately executed. There are no exceptions to this rule.***

6.2 List of Exhibits

- 6.1 Land Damage Sheet
- 6.2 Acquisition File Checklist
- 6.3 Relocation File Checklist-Residential Displacements
- 6.4 Relocation File Checklist-Business Displacements

Section 2

2025 PROCEDURAL MANUAL

PROPERTY MANAGEMENT



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Purpose of the RIDOT Manual

The purpose of the *Property Management Section of Manual* is to establish clear policies, procedures, and responsibilities for the effective management of real property acquired for transportation purposes. This manual ensures that all property owned or managed by RIDOT is preserved, protected, and used in a manner that supports the agency's transportation mission and complies with applicable federal and state regulations.

In alignment with the Federal Highway Administration's (FHWA) regulation 23 CFR 710.201(c), this manual provides the framework to ensure that property management practices:

- Preserve the integrity and value of real property assets,
- Ensure proper utilization of property consistent with project and program needs,
- Comply with applicable federal and state laws, including the Uniform Act and FHWA stewardship requirements,
- Provide for the control and accountability of real property inventory,
- Support financial integrity in the use of federal funds,
- Promote efficiency and transparency in property disposal, leasing, and other secondary uses.

This manual is intended to guide RIDOT staff and stakeholders in maintaining high standards of stewardship over public assets while facilitating safe, efficient and sustainable transportation infrastructure across the State of Rhode Island.

Section 1- Introduction

This manual outlines the procedures and policies governing RIDOT's Property Management activities. It describes "step-by-step" the progressive stages of typical Property Management actions like disposals, licenses, easements, etc. Changes in Federal and State laws and regulations may affect these actions. Procedures are outlined for each transaction. This manual also establishes the RIDOT acknowledgement that all Federal and federally assisted projects and programs will follow Federal regulations, and the manual shall be used as a reference guide for such activities Per 23 CFR 710.201 (c)

The Rhode Island Department of Transportation (RIDOT) is required to establish a Stewardship and Oversight (S&O) Agreement with the Federal Highway Administration (FHWA). This agreement delineates the responsibilities of both RIDOT and FHWA concerning the oversight and approval processes for Federal-aid Highway Program (FAHP) projects, including those related to real property acquisitions and management.

Section 2- Responsibility

RIDOT's Property Management Section is responsible for the administration of real property under the control of RIDOT including:

- Reviewing and processing requests to sell, license, purchase, state inter agency transfer or grant of easements.
- Disposing of parcels of real property or excess ROW.
- Property/Asset Management.
- Coordinating access controls, changes in access or granting of permission to use State ROW. For private business purpose or for RIDOT Contractors working on RIDOT Projects.
- Investigating and reviewing encroachments or any other unauthorized use.
- Maintaining an up-to-date inventory of excess real property.
- Conducting regular parcel inspections.

Section 3 -Legal Authority

The following statutory/regulations, relate to the Property Management Section's responsibilities. Questions on interpretation or application of statutes and regulations should be directed in writing to RIDOT's Legal Counsel.

United States Code

- MAP 21 (Moving Ahead for progress in the Twenty-first Century)
- Civil Rights Act of 1964, Pub. L. 88-352 (1964; 21 U.S.C. § 101, *et seq.*

Code of Regulations:

- 23 C.F.R., Highways, § 1.3, 1.23(c)
- 23 C.F.R., Highways, § 620.20, *et seq.*
- 23 C.F.R., Highways, § 646
- 23 C.F.R., Highways, § 652
- 23 C.F.R., Highways, § 710.401, *et seq.*
- 49 C.F.R., Transportation, § 21.1 *et seq.*, Sec.24, *et seq.*

General Laws of Rhode Island:

- Title 37, Chapter 2, *State Purchase*
- Title 37, Chapter 7, *Management and Disposal of Property*

State Regulations:

- *State of Rhode Island Procurement Regulations* as revised and amended
- *Regulations Regarding the Use of Highways, Roads, Freeways, Bridges and Structures* as revised and amended
- *Rules and Regulations for Accommodating Utility Facilities within Public Freeway Rights-of-Way* as revised and amended
- *Rules and Regulations for Accommodating Utility Facilities within Railroad Rights-of-Way* as revised and amended
- *Rules and Regulations of the State Properties Committee* as revised and amended
- *Title 290 (RIDOT) Chapter 30 Control and Restriction of Billboards, Signs and other devices*

Section 4- Assumption of Responsibility: Property Management

- **Acquisition of Real Property by RIDOT**

RIDOT acquires real property through condemnation, purchase and gift. Property acquisition is conducted by RIDOT's Property Acquisition Section. That section maintains its own ROW Manual between RIDOT and FHWA.

RIDOT's Property Management Office is responsible for the preservation, safety, disposition and control of RIDOT's real property assets after a transportation project has concluded. That is the content of this manual.

- **Property Inspection and Inventory**

23 CFR § 710.40 establishes guidelines for the management of real property acquired in whole or part with Federal funds. A "Property Management Inspection Report" is prepared for all improved parcels under the Property Management Section's control. Inspection reports are not required but are conducted on unimproved (vacant) parcels and other RIDOT assets on an annual basis. A real time inventory of RIDOT-controlled excess real property is maintained (on the RIDOT "S" Drive) as required under 23 C.F.R. § 710-201(F)(2).

- **Contracting Property Management Services**

The office of Property Management contracts with vendors for certain activities related to preservation and management of its inventory. These activities may include but are not limited to trash removal, clearing on premise security, rodent control, boarding and demolition. All phases of contracting services must be documented in the property management file. In non-emergency situations, contractors are selected from the Rhode Island Division of Purchasing Master Price Agreement (MPA). The MPA lists vendors, arranged by service provided, recognized by the State of Rhode Island and eligible for contract services. Invoice and payment vouchers for contracts must state date and description of activity, Federal-aid project number, and plat/parcel number. Vouchers are signed by the Administrator for Real Estate or his/her designee. Original bills must be attached to all vouchers. These costs will be charged to the appropriate account (i.e., Title 23 Funds, Project Cost and / or State funds).

If the Master Price Agreement lists no contractor for a required service, or in emergency situations, property management services may be contracted directly ("sole source procurement") with vendors. Property management staff must coordinate with the Division of Purchases and RIDOT's Office of Business Management for emergency and sole source procurements.

Section 5 -Disposal of Excess Real Property

- **Excess Land**

After completion of a highway or other transportation project, portions of the right-of-way may remain unused and excess to RIDOT's needs. Often these are narrow strips of land adjacent to the highway, occasionally they may extend many feet from the traveled way and form sizeable tracts. Determination of whether properties are excess to RIDOT needs is made by the Property Management Office in consultation with the Office of Legal Counsel following the review of comments from RIDOT's operational divisions.

- **Property Management Section: Disposals and Licensing**

RIDOT must ensure that all **real property** interests within the approved **ROW** limits or other project limits of a facility that has been funded under Title 23 are devoted exclusively to the purposes of that facility and the facility is preserved free of all other public or private alternative uses, unless such non-highway alternative uses are permitted by Federal law 23CFR 403.b.

23 CFR §§ 710.403, 405, and 409 regulate the disposal and use of surplus and excess real property acquired for Federal-aid projects. The process described hereinafter for licensing property applies in great part to a property's license although the concepts, are legally and definitionally distinct. R. I. Gen. Laws § 37-7-9 governs licensing of State property.

R. I. Gen. Laws §§ 37-7-3, 4 and 5 govern the disposal of excess real property. R. I. Gen. Laws § 37-7-8 governs the grant of easement and rights-of-way over RIDOT-controlled land.

- **Initiation of Disposal/License Process**

Disposal/License requests must be received by the Property Management Office in writing or via RIDOT website application. Verbal or telephone requests are not accepted. Written requests establish time, date, and circumstance, and evidence earnest applicant interest. These details can be important to later questions of elapsed processing time or RIDOT/applicant default. Requests from applicants must include:

- Aerial map and address of the applicant (individual, corporation, public agency, etc.).
- Location of the subject property and its proximity to a highway or transportation structure.
- Desire to purchase or license and the amount of property needed.
- Intended use for the property (building construction, passive surface activity, beautification, vehicle parking, dry storage, etc.).

- **Acknowledging Letters of Interest**

Disposal/License requests are acknowledged in writing by the Property Management Office. Acknowledgements inform applicants of missing or insufficient information in their request. Acknowledgments also inform applicants of the following approvals and/or reviews which may be necessary to dispose or license RIDOT-controlled property:

- Federal Highway Administration (Title 23 Projects).
- Statewide Planning Division.
- State Properties Committee.
- Internal RIDOT Operational Units
 - Maintenance
 - Stormwater
 - Planning
 - Project Management
 - Cultural
 - Chief Engineer
 - Traffic Safety
 - Scenic Highway
- Former owners of the property at the time of acquisition (for condemned property).
- Municipal right to purchase.
- Applicant's obligation for all engineering, filing, legal descriptions, subdivision requirements and costs.

Payment (for disposals only) of a \$750 earnest money deposit. No action is taken on disposition requests until the deposit is received. The deposit is debited towards the purchase price of the property. If the property cannot be sold, the deposit is returned to the applicant. If an applicant fails to show good faith in the disposal process or ceases to communicate with RIDOT for six (6) continuous months, the deposit may be liquidated or returned. Earnest money deposit waivers are granted to Federal, State, or local entities of government, and non-profit organizations as described in Title 26, United States Code, Internal Revenue Procedures, Section 501, and charitable trusts registered with the Secretary of State's Office and/or Office of the Attorney General. License and easement requests and requests for Letters of Authorization do not require earnest money deposits.

- **Field Inspection and Preliminary Review**

The Property Management Office must inspect all property considered for disposal, license, or grant of easement. Photographs and notations of parcel characteristics, topography, condition, improvements, and nearby highway or other transportation systems become part of the Property Management file. Following field inspection, the property location is highlighted or otherwise marked on applicable condemnation plat maps and highway construction general and utility plans. All RIDOT Divisions are consulted including traffic safety.

The relevant State organizational units are consulted so a determination can be made that any proposed disposition or non-highway use agreement will allow for the continued use, operations, maintenance, and safety of the facility; and such use will not impair the highway or interfere with the free and safe

flow of traffic; and that the proposed disposition does not include land that is likely be needed in the foreseeable future. Accordingly, the following process is initiated by the Property Management Section to assure compliance with 23CFR part 710.403(c):

Preliminary Review Forms, signed by the Administrator for Real Estate, are sent to relevant RIDOT Operational Units, Statewide Planning and Commerce RI. Attached to each Preliminary Review Form are:

- Full-scale condemnation plat maps and highway construction general and utility plans showing the subject property's location.
- Copies of the applicant's letter of interest.
- A completed NEPA/NHPA Section 106 Review Form attached to the Preliminary Review Form sent to the Environmental Programs Section. The National Environmental Protection Act (NEPA), National Historic Preservation Act (NHPA) Section 106 Regulations, and 23 C.F.R. § 771.117 provide that disposal, license and easement actions must be preceded by an assessment of environmental, historic and archaeological impacts, if applicable. FHWA's written concurrence as to RIDOT's recommendation that a proposed conveyance or non-highway use within an Interstate ROW corridor meets the criteria of 23 CFR 771.117 and is properly classified as a Categorical Exclusion.
- "Google Maps" or other aerial photographs depicting the property.

RIDOT Operational units are requested to provide comments within thirty (30) days of receipt of the Preliminary Review Form. Commerce RI statutorily has 10 days to respond.

- **Determination of Excess Real Property and Methods of Disposal**

Determination of whether properties are excess to RIDOT's needs is made by the Property Management Office in consultation with the Office of Legal Counsel and follows a review of comments received from RIDOT Operational units. Properties which meet all municipal zoning requirements for access/egress, dimension and setbacks, topography and conditions, commonly referred to as "stand alone parcels," must be sold via a competitive public process. This may include live public auction, sealed bid auction, or Requests for Proposal. Any sale of a stand-alone parcel by a non-competitive process is subject to the prior approval by the State Properties Committee pursuant to Sections 1.7.8-1.7.11 of the Rules and Regulations of the State Properties Committee. All auction or Requests for Proposals solicitations are prepared by the Property Management Office. A ten thousand-dollar (\$10,000) deposit from the successful bidder/proposer is required at the time of auction and official opening of Requests for Proposals. Auction deposits are non-refundable should the buyer be unable to perform. Should the State decide for any reason not to proceed, or any denial occur in the process, the deposit is refunded.

- **Chief Purchasing Officer Concurrence (Disposals Only)**

Following approval by the RIDOT Director or designee, and pursuant to R.I. Gen. Laws § 37-2-45, **disposal requests** must be reviewed and concurred with by the State's Chief Purchasing Officer ("CPO") at the RI Department of Administration. This concurrence is solicited by a memorandum, prepared by the Property Management Office and reviewed by RIDOT Legal Counsel, from the RIDOT Director to the CPO. It must contain a summary of the disposal request's particulars (square footage, location, applicant, etc.). CPO memo also may include an estimate of the property's value based on appraisal or other relevant data. All CPO memos conclude with the following paragraph:

Pursuant to R.I. Gen. Laws § 37-2-45, I hereby concur with the Department of Transportation's recommendation regarding disposal of the above-referenced real estate and hereby request authorization from the State Properties Committee to sell or otherwise dispose of the property in accordance with said recommendation. The Department of Transportation shall comply with all due diligence requirements and restrictions on sale imposed upon it by the State Properties Committee.

[Name] in his/her capacity as Chief
Purchasing Officer, Rhode Island Department
of Administration

CPO concurrence is required for disposals only, and not for licenses or easements. No further action is taken for disposals until the approval of the CPO is received in writing.

- **Appraisal**

Charging fair market value for the license or disposal of real property obtained wholly or partially with Federal funding is mandated by 23 C.F.R. § 710.403 (d). The Property Management file must contain rational support for determination of fair market value. This may constitute formal appraisals from qualified appraisers, results of public auctions, direct sales comparison analysis, or other evidence supporting the price an informed buyer would pay in the market. Applicants may submit appraisals for RIDOT's consideration. They are subject to RIDOT's review.

- **Letter of Offering to the Applicant**

Following CPO concurrence and determination of fair market value, using the office template, the property is formally offered for sale or license to the applicant. Offers are in writing and undersigned by the Administrator for Real Estate or his/her designee. Any special restrictions on the sale/license, together with an asking price of not less than fair market value, and any other conditions must be included and explained in the letter of offering. Offer letters must also reference deed covenants required by RIDOT/FHWA. Failure by an applicant to accept RIDOT's offer within thirty (30) days of the letter of offering's date may result in withdrawal of the offer, cessation of all further activities and closure of the file. It is preferred to obtain a non-refundable deposit in the amount of 10% of the purchase price which may be waived by exception. In the event the sale is gratis, no deposit is necessary.

- **Notice to State Agencies and Municipalities (Disposals Only)**

Following CPO concurrence to dispose of property, and the applicant's acceptance of sale terms, the Property Management Office notices the respective municipality, querying any interest in a particular property and comments regarding its disposal. These notices are forwarded in writing, via regular mail or electronically, and have a 30-day comment period. Comments are recorded in the Property Management file and introduced before the State Properties Committee at the time of preliminary review approval.

- **State Properties Committee Preliminary Review and Approval (Disposals Only)**

Disposal actions before the State Properties Committee are two phased: preliminary review and final review. Preliminary review approval is solicited via a memorandum from RIDOT Director to the Chairman of the State Properties Committee. It is accompanied by a site map, a completed “Request to Convey State Owned Property,” a completed “State Properties Committee Action Request Form” and the concurrence memorandum signed by the Chief Purchasing Officer. Other required data is set forth in the Rules and Regulations of the State Properties Committee.

Licenses and easements do not require the State Properties Committee’s preliminary review approval but are presented for final approval and execution only. The particulars of these requests are described in a memorandum from the RIDOT Director to the Chair of the State Properties Committee).

Excess real property that meets minimum local zoning requirements for buildable parcels are sold via competitive bid and/or a formal Request for Proposals. RIDOT may recommend to the State Properties Committee non-competitive disposals. Non-competitive recommendations must consider:

- Whether a demonstrable public benefit is served.
- A maximized economic benefit to the State.
- Whether property is accessible only through property owned by applicants.
- The sale mitigates damages in the condemnation and acquisition by the State of other property.
- The property is a sub-standard lot.
- The applicant is the sole abutter.
- A sister state agency has a use for the property and may be granted gratis by exception for “public purpose” with approval by the FHWA.

Non-competitive disposals are subject to all statutory requirements governing the sale of State-owned real property including, without limitation thereto the pre-emptive rights of the property’s former owners if taken by condemnation and the municipality.

State Properties Committee presentations are scheduled with the Committee’s Executive Secretary according to SPC Regulations RICR (600-00-00-1). Documents (deeds, licenses, etc.) and all presentation materials are likewise electronically submitted to the Executive Secretary, ten (10) days before presentation. The State Properties Committee annually publishes its meeting schedule and normally convenes every other Tuesday at 10:00 A.M. at the Department of Administration. The State Properties Committee may request additional information or recommend that additional actions be undertaken by RIDOT prior to disposing property including specific conditions or restrictions.

- **Federal Highway Approval**

Pursuant to 23 C.F.R. § 710.210 the FHWA has delegated to RIDOT overall stewardship for the management and disposal of real property acquired with federal funds in accordance with the Stewardship and Oversight table in the preface of the Manual. These responsibilities include compliance with pertinent State and Federal laws and regulations whether cited in these procedures.

Federal approval for disposals as required is solicited by the Property Management Section following the receipt of preliminary review approval from the State Properties Committee.

23 CFR § 710 requires prior written Federal approval for all disposals, license and grants of easement on interstate highway rights-of-way or any disposal license or grant of easement at a price that is less than Fair Market Value (FMV). Letters seeking FHWA approval along with the Departments recommendation to enter into a non-highway use agreement, or dispose of land for less than FMV, are signed by the Administrator for Real Estate, or his/her designee, and include:

- Condemnation plat and parcel number.
- Justification for a payment of less than FMV:
 - (1) The state determines that that the request for the disposition is consistent with “Public Use” (710 403e). The grantee shows that an exception is in the overall public interest based on social, environmental, or economic benefits, or is for a nonproprietary governmental use. The Department considers the criteria in evaluating disposals at less than fair market value, and the method for ensuring the public will receive the benefit used to justify the less than fair market value disposal. Such examples are playgrounds, recreational or parking facilities or use by municipality that serves a public need and is not monetized.
 - (2) Use by public utilities in accordance with 23 CFR part 645.
 - (3) Use by railroads in accordance with 23 CFR part 646.
 - (4) Use for bikeways and pedestrian walkways in accordance with 23 CFR part 652.
 - (5) Uses under 23 U.S.C. 142(f), Public Transportation. Lands and ROWs of a highway constructed using Federal-aid highway funds may be made available without charge to a publicly owned mass transit authority for public transit purposes whenever the public interest will be served, and where this can be accomplished without impairing automotive safety or future highway improvements.
 - (6) Use for other transportation projects eligible for assistance under Title 23 of the United States Code, provided that a concession agreement, as defined in § 710.703, shall not constitute a transportation project exempt from fair market value requirements.

Disposals, licenses and grants of easement on non-interstate highway rights-of-way and which are for market value, require no prior written approval from the FHWA. Nonetheless, the information listed above must be in the Property Management file for purposes of program review with the exception of dispositions or non-highway use agreements within and interstate Right of Way.

- **Preparation of Bargain and Sale Deed and Purchase and Sale Agreement (Disposals Only)**

RIDOT disposes excess real property under its custody and control by “Bargain and Sale” deed. Bargain and Sale deeds convey ownership but guarantee no title in the property. “Warranty” or “Quit Claim” deeds are not granted.

Purchase and sale agreements (“P & S”) are required for all disposals. The P & S is drafted by the Property Management Office using an official template and reviewed by the Office of Legal Counsel

as part of the executive signature Routing Slip review. The P & S identifies the seller (State of Rhode Island), buyer, parcel location, purchase price, balances due, closing date and other relevant terms and conditions of the sale. They may include re-purchase by former owner if condemned and offering it to the local municipality.

Bargain and Sale deeds are required for all disposals except for Interagency State Transfers and must include any special conditions imposed. Once the Bargain and Sale deed is prepared by the Property Management Office it is reviewed by the Office of Legal Counsel as part of the executed signature routing slip review. The following standard restrictions are incorporated into all deeds prepared by the Property Management Office.

- Any transaction at less than FMV determined to be in the public interest will contain a clause with ownership reverting to the RIDOT should the property ever be used for any other purpose or sold to any party that is not consistent with FHWA approval of a less than FMV grant. FMV transactions do not require this clause.
- In connection with the performance of any work conducted on the property herein conveyed the Grantee covenants and agrees that:
 - (1) no person shall, based on race, color, sex, national origin, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the said property.
 - (2) in the construction of any improvements on, over, or under said property and the furnishing of services thereon, no person shall, on the grounds of race, color, sex, national origin, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination; and
 - (3) the Grantee shall use the property herein conveyed in compliance with all other requirements imposed or pursuant to 49 CFR Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (the regulations), and as the regulations may be amended.

In the event of breach of any of the provisions of the above Nondiscrimination clause, the Grantor shall have the right to terminate this deed and to re-enter and re-possess said property and the facilities thereon and hold the same as if said deed had never been issued or made.

- No billboard, sign, or other outdoor advertising devices shall be erected upon the property herein conveyed other than those indicating ownership and type of activity being conducted on the premises which shall be subject to reasonable restrictions with respect to number, size, location and design by regulation of the Department of Transportation and/or the Federal Highway Administration and subject to local zoning ordinances.
- Any public utilities or municipalities having facilities under, over, or through the property herein conveyed as of the date of these presents shall have the right and easement to continue to maintain, operate, and renew their facilities within the premises herein described.
- The Grantee will indemnify, save harmless and defend the Grantor or its Department of Transportation from any claim or claims arising from the discovery, uncovering, finding, transportation, storage and disposal of any oil, hazardous material, hazardous waste or hazardous substance, as those terms are defined by any applicable law, rule or regulations, including without limitation, the “Rhode Island Hazardous Waste Management Act,” R.I. Gen. Laws § 23-19.1-1, *et seq.*; the “Rhode Island Hazardous Substances Act,” R.I. Gen. Laws § 23-24-1, *et seq.*; the Rhode

Island Rules and Regulations for Hazardous Waste Management.” (2005); the “Oil Pollution Control Act,” R.I. Gen. Laws § 46-12.5.1-1, *et seq.*; the “Comprehensive Environmental Response, Compensation and Liability Act,” as amended, 42 U.S.C. § 9601, *et seq.*; and the “Resource Conservation and Recovery Act; as amended, 42 U.S.C. § 6901, *et seq.*, on, beneath, above or under the property herein conveyed attributable to the Grantee subsequent to the date of this conveyance arising under R.I. Gen. Laws § 46-12.5.1-1., *et seq.*, as amended, or otherwise.

A legal description (metes and bounds) of the property being sold, conforming and reviewed by RIDOT Survey standard, is attached to the deed as an exhibit. The purchaser is responsible for its preparation and cost. The purchaser must also prepare a conveyance plat map depicting the property unless it is a platted and mapped parcel on record with the municipality.

The Purchase and Sale Agreement accompanied by a draft copy of the Bargain and Sale deed are forwarded to applicants for review and execution. If the applicant is a corporation or partnership the Purchase and Sale Agreement is accompanied by a Certificate of Disclosure of Corporation/Partnership and a Certificate of Authority. Following return the Purchase and Sale Agreement is transmitted under an executive signature Routing Slip to the RIDOT Director or designee for his/her signature.

- **State Properties Committee Final Review and Approval**

Following review by the RIDOT Legal Counsel and signature by the RIDOT Director, Purchase and Sale Agreements and the associated deed are presented to the State Properties Committee for final approval/signature accompanied by the following:

- Memorandum from the RIDOT Director to the Chair of the State Properties Committee explaining the particulars (property size, value, location, identity of purchaser, limiting conditions, etc.).
- Certificate of Disclosure of Corporation/Partnership, if applicable.
- Certificate of Authority.
- State Properties Committee Action Request Form (Final Approval).
- Open Space Report from RIDEM

Copies of the above are likewise furnished to the Attorney General’s Office via the State Properties Committee at least ten (10) days in advance of the State Properties Committee presentation.

Final approval presentations are scheduled with the Executive Secretary of the State Properties Committee not less than ten (10) days in advance. All submissions are electronic as of July 2024.

- **Offering to Former Owner(s) and Municipalities (Disposals Only)**

Pursuant to R.I. Gen. Laws § 37-7-3, before disposing of real property acquired by condemnation, it must first be formally offered in writing for (re)purchase by its former owners at the time of condemnation and/or to the municipality where the property is located. Offers to former owners/municipalities are prepared and forwarded by the Property Management Office accompanied by a redacted copy of the Purchase and Sale Agreement after its signature by the State Properties Committee. For properties acquired by purchase, devise, gift or deed, but not by condemnation, municipalities alone have a preemptive right to a property’s purchase (R.I.G.L. § 37-7-5).

Offers to former owners and municipalities are in writing and signed by the Administrator for Real Estate, or his/her designee, and are sent to the former owner's last known address and to the city/town clerk's office via certified mail, return receipt requested. Former owner and municipal (re)purchase rights:

- Expire thirty (30) days from the date of the offering letter.
- Do not apply to heirs, assigns or successors of former owners.
- Are not assignable to third parties.
- In the case of former owners, they are offered only those portions of the disposable parcel that was condemned from them; municipalities are offered the disposable parcel in its entirety.

Intentions to exercise former owner/municipal rights must be received in writing by the Property Management Office within the stipulated time period. If preemptive rights are exercised by a former owner or municipality, applicants under P&S are so notified in writing and their earnest money deposit is returned. Disposal actions then continue in the name of the former owner/municipality.

- **Closing (Disposals Only)**

Once former owner/municipal (re)purchase rights expire unexercised, the Property Management Office, in coordination with the RIDOT Office of Legal Counsel, schedules a formal closing with the buyer. RIDOT legal counsel must review all closing documents and attend all closings. Compensation is by bank or certified check made payable to "General Treasurer: State of Rhode Island," or by electronic transfer. Cash or personal checks are never accepted. Payments and adjustments are documented at the closing through a formal HUD-1 statement prepared or reviewed and signed by the closing (RIDOT) attorney. Responsibility and costs for filing deeds with the municipality are the purchasers. Following closing, a "Recording Form" must be returned by the purchaser, duly executed, to the Property Management Office. The purchaser is also solely responsible for any sub-division requirements of the municipality.

- **Licensing**

23 CFR § 710.407 (a), provides that the license of real property acquired with Federal-aid funds must be documented by a written agreement which contains provisions governing: license revocation, removal of improvements at no cost to FHWA, adequate insurance to hold RIDOT harmless, non-discrimination, access to premises for inspection and maintenance, and reconstruction of the facility (highway or other Federal-aid project acquired property). If a license creates changes in the existing highway facility, their cost, if any, is not eligible for Federal-aid project funds (*See* 23 C.F.R. § 710.407 (b)). RIDOT controlled property under license must conform to FHWA design standards and safety criteria for the functional classification of the highway facility where the property is located, (*See* 23 C.F.R. § 710.407 (c)).

RIDOT's "Rules Regarding the Use of Highways, Freeways, Bridges and Structures," as amended, and R. I. Gen. Laws § 37-7-9 also govern real property or licenses. Licenses must include the following information without limitation thereto:

- Identification of the tenant.
- A description of the licensed property.
- Revocation terms.

- Insurance and indemnification language (Note: As of November 1, 2018, minimum per occurrence insurance limits were: \$2,000,000 for general liability to persons and property with a \$6,000,000 aggregate; Workman's Compensation and Employee's Liability Insurance in conformance with Rhode Island law, if applicable. Limits may be waived or reduced for valid cause. RIDOT, and the FHWA if applicable, are named as a co-insured and not merely "certificate holders" on all insurance certifications (insurance certificates are not required from State and Federal agencies and self-insured municipalities).
- Removal of authorized improvements at tenant's expense and without cost to the RIDOT, and the FHWA, if applicable.
- Non-discrimination clause in conformance to Appendix C of the Civil Rights Act of 1964, 23 U.S.C. 101, *et seq.* and 49 C.F.R. § 21.1, *et seq.*, as amended.
- Payment of fair market rent determined by formal appraisal or other legitimate value estimate. The minimum annual rent is \$1,000 (one thousand dollars). Any license at less than FMV must have a public use element (710.403e)
- Limitation of signage, displays, and advertising devices to those naming the tenant and describing on-premises activities.
- Right of reasonable access to the premises by the RIDOT, and the FHWA, as necessary.

Licenses are prepared by the Property Management Office using official templates and following review by RIDOT Legal Counsel, forwarded to the tenant under cover letter signed by the Administrator for Real Estate, or his/her designee. Licenses must be executed and notarized by the tenant **prior to execution by RIDOT and the State Properties Committee**. The tenant must also provide:

- An insurance certificate (see above).
- A "Certificate of Authority" attesting to the signatory's authorization to sign on behalf of the tenant.
- A "Certification of Disclosure of Corporation" or "Certification of Disclosure of Partnership," if applicable.

Under an "Executive Signature Routing Slip", licenses executed by tenants are forwarded to the RIDOT Director for execution. Licenses are not binding until final execution by the State Properties Committee.

• **Deposit of Receipts**

Disposal and license payments are forwarded to the RIDOT Business Management Section. Checks received directly by the Property Management Section are immediately forwarded to Business Management accompanied by a "Deposit of Property Management Funds Memorandum" signed by the Administrator for Real Estate, or his/her designee containing the following information:

- Grantee or tenant name.
- Date, check number and amount.
- Property location.
- Receipt amount.
- Federal Aid Project number (open or closed).
- Property Management Section staff contact information.
- Frequency of billing for rent.

The Transportation Equity Act, (TEA 21), Pub. L. 105-178, § 1303 (1998) authorized retention of income from the disposal, use or license of property acquired with Federal-aid project funds, if the income is used for Title 23 eligible projects (*See* 23 U.S.C. § 156; 23 C.F.R. § 710.403(e)). Disposal and license receipts are normally deposited by RIDOT Business Management in a restricted account and used for Title 23 eligible projects. Title 23 restricted use of receipts is not required for disposal or license of property not acquired with Federal-aid project funds.

- **Inventory of Disposal and License Agreements**

The Property Management Office maintains an inventory of all property dispositions and licenses. Each file contains the:

- Location of the property.
- Federal Aid Project number, if applicable.
- Identification of grantee or tenant.
- A metes and bounds description or a plan description of the property, if applicable.
- Highway construction plans and condemnation plats illustrating property location.
- A copy of the executed deed or license.
- Preliminary Review, State Properties Committee, and FHWA comments.
- All related correspondence, including appraisals, if applicable.

Files are retained for one year after completion or denial of said actions

Section 6- Encroachments

- **Identification and Verification**

23 C.F.R. § 1.23 (b) requires that Federal-aid project funded rights-of-way be kept free of encroachments and other unauthorized public or private uses. The Property Management Section investigates, and remedies unauthorized uses of Federal aid acquired rights-of-way. Encroachments are usually discovered through telephonic or written complaints, field inspections, or reports. Allegations of the unauthorized use of RIDOT-controlled property must be verified by field inspections. Sites are photographed and measured, and any damage to the highway facility or right-of-way noted. If necessary Legal will send written notification and attempt to cure.

- **Notification**

Encroaching parties are notified by certified letter, signed by the Administrator for Real Estate, or his/her designee. Notices record date of encroachment verification, nature and scope of unauthorized activity, need for removal, and demand for restoration of property to the “before” condition. Thirty (30) day compliance periods are standard, but in emergencies immediate removal is demanded. All costs for remedial action are the responsibility of the encroaching party. If the encroaching party is unresponsive to notices to vacate, then the matter is referred to the RIDOT Legal Counsel. **Note:** If an encroachment creates an imminent danger to a highway structure or otherwise threatens the health, safety, or welfare of the public, then the matter should be referred to RIDOT Legal Counsel without delay for determination of injunctive relief.

Section 7- Junkyard Control and Highway Beautification Act Compliance

In accordance with the Highway Beautification Act (HBA) of 1965, and pursuant to the requirements set forth in 23 CFR 750 (Highway Beautification – Outdoor Advertising) and 23 CFR 751 (Junkyard Control), RIDOT has established and maintains procedures to ensure compliance with federal and state regulations governing the control of junkyards adjacent to the Interstate and Federal-aid Primary highway systems.

- **Outdoor Advertising/Billboards-23 CFR 750**

RIDOT must prevent unreasonable distraction of operators of motor vehicles and prevent confusion with respect to compliance with traffic lights, signs, signals and regulations to promote safety, convenience and enjoyment of travel upon highways within the state.

RIDOT issues renewal permits, inspects and monitors the Billboards along State ROW. They are inspected at least annually for violations or any unauthorized improvement.

RIDOT no longer issues NEW permits. Permits for existing boards are renewed annually to ensure conformance and to verify ownership and who controls the land and structure at each location.

Any digital conversions must follow state law as found in 290-RICR-30-00-1. Digital conversion can only be authorized by the Director of his/her assignee and must meet all conditions as outlined in the RICR and only be granted at conforming locations.

- **Junkyards-23 CFR 751**

RIDOT monitors to ensure compliance with screening and siting requirements. Noncompliant junkyards may be subject to administrative actions, including fines or removal orders, in accordance with state law and federal guidance.

Section 8- Miscellaneous

- **Inter-Agency Transfer of Property Custody**

R. I. Gen. Laws §§ 37-7-6, 37-7-7, and 23 CFR § 710.409 allow the transfer of custody and control of State-owned real property between State agencies. A “Certificate of Transfer of Land” is prepared by the Property Management Office, reviewed by the Administrator for Real Estate, or his/her designee, and executed by the RIDOT Director and Governor. Transfers require:

- Preliminary Review.
- FHWA review and concurrence (if the property was acquired with Federal funds).
- Courtesy notification to the State Properties Committee.
- Reversionary language in the event of cessation of public purpose (may be waived if fair market value is received).
- Filing with the Rhode Island Secretary of State’s Office.

RIDOT reserves the right to require fair market value for inter-agency transfers. Decisions to require market value are made on a case-by-case basis and consider the property’s economic value, period of use by the transferee, likelihood of future retaking by the RIDOT, and if it is used for a bona fide public purpose which may include but are not limited to:

- Parks or recreational use
- Public Utilities in accordance with 23 CFR 646
- Public transportation use
- Bikeway and pedestrian paths 23 CFR 652

- **Disposals of excess property, easements or license at less than FMV**

23 CFR § 710.403 (d) (1), 710.409 (d) provide for disposal and license of real property at less than market value. Examples include the transfer of property to a municipality or sister state agency. Decisions to allow a less than FMV disposal/license must be guided by economic soundness given a parcel’s current and future market value and its acquisition cost.

The following criteria govern the gratis disposal or license of RIDOT property:

- Public interest for social, environmental or economic purposes inclusive of parks, conservation, recreational or related purposes.
- Public transportation uses under 23 U.S.C. 42(f).
- Public utility use in accordance with 23 C.F.R. § 646.
- Bikeway and pedestrian walkway use in accordance with 23 C.F.R. § 652.
- Transportation projects use eligible for assistance under Title 23 of the United States Code.
- The request is in writing, signed by a duly authorized party.
- An applicant’s comprehensive plan or equivalent document considers the property’s use and allocates funds for project completion.
- An applicant satisfactorily demonstrates why there are no feasible or practical alternatives to the use of RIDOT-controlled real property.

- Federal approval (when property was acquired with Federal-aid project funds).
- Approved by the RIDOT Director and the State Properties Committee.
- In conformity with state law and regulation.
- If disposal for less than market value, a deed restriction provides for ownership reversion to RIDOT for failure by the grantee/tenant to continue public ownership and use of the property. Fair market value disposals are not subject to this deed restriction.
- Grantee's/tenant's reimbursement of the cost of processing, document preparation and filing associated with gratis requests.
- Processing gratis transfer requests is a responsibility of the Property Management Office.

- **Easements**

R.I. Gen. Laws § 37-7-8 and RIDOT regulations, as amended, govern the accommodation of utility facilities within “public freeways” and railroad rights-of-way. The review process for easements is similar to that for leasing. Easements are normally not granted in real property that is not a railroad right-of-way **nor** a limited access highway listed under the RIDOT “Rules and Regulations for Accommodating Utility Facilities with Freeway Rights-of-Way.” However, the RIDOT may require an easement whenever it is in the Department’s best interest regardless of location. Written approval from the FHWA is required for all easements in interstate highway rights-of-way or involving grants for less than fair market value. Utility Permits may be initiated and completed under control of the permitting section in RIDOT Maintenance.

The Telecommunication Act of 1996, P.L. 104-104, (47 U.S.C. 332 annotated) guides the use of Federally acquired rights-of-way for telecommunication purposes. In addition to standard provisions, easements to telecommunication companies include provisions for:

- Non-exclusive use.
- Fair market value compensation.
- Barter for services/equipment.
- Removal of installation at no cost to RIDOT or FHWA.
- Adequate insurance and indemnification.
- Securing applicable Federal, State and Local approvals.

- **Letter of Authorization**

In instances of a short duration or use of real property under RIDOT’s control, RIDOT may issue a Letter of Authorization. Letters of Authorization require review and signature of the Administrator for Real Estate, or his/her designee, the Director of RIDOT, and the applicant. Letters of Authorization provide for insurance coverage, indemnification, and limited use and restoration of real property by the Grantee. At the discretion of the Director or his assignee gratis LOA can be authorized for certified non-profits, governmental agencies, use by RIDOT Contractors or for public benefit.

Section 9- Amendment of Property Management Procedures/Process

- **Amendment Process**

Proposed amendments to this procedural manual are submitted in writing to the RIDOT Director. Following the RIDOT Director's approval, the proposed amendments are forwarded to FHWA for final approval.

Section 10- Records Retention-File Management

- **Records Retention**

RIDOT Property Management follows all State guidelines on maintaining files and sending files to storage. If documents meet the State requirements to maintain permanently, all records are kept in storage and can be brought back to Property Management within 24-48 hours. Files are maintained in house for one year after conclusion or denial of requests. Licenses are retained during their entire active status in house and also available on the shared drive.

For records that can be destroyed after a time period, per the State guidelines, if time is up on the retention schedule, in accordance with the Authority granted by Title 38 of the Rhode Island General Laws, those records have met the legal retention requirements and mandated conditions and are eligible for destruction.

Section 11- Manual Update Procedures

- **Property Management Manual update**

Per FHWA law 23 CFR 710.201 (c)(2), RIDOT will update its ROW manual at a minimum of every 5 years with updated laws and practices.

RIDOT will also update its ROW manual periodically to reflect changes in procedures and/or operations and submit the revisions review and approval by FHWA.

Section 12- GLOSSARY

CFR:	Code of Federal Regulations.
Condemnation:	Taking private property for public use through the power of eminent domain. <i>See</i> R.I. Gen. Laws §§ 37-6-13, 14.
Condemnation plat map:	Scaled maps showing condemned property. Condemnation Plat Maps, chronologically numbered, are filed in RIDOT's "Plan Room" and recorded in the land evidence records of the city/town where the condemned property is located.
Disposal:	The transfer by sale of other conveyance of permanent rights in excess real property, when the real property interest is not currently or in the future needed for highway, right-of-way (ROW), or other uses eligible for funding under Title 23 of the United States Code.
Easement:	A temporary or permanent interest in real property that conveys a right to use a portion of the property or a portion of an owner's rights in the property.
Eminent domain:	The State's inherent power to take private property for public purposes. (In the case of RIDOT, transportation purposes).
Excess real property:	A real property interest not needed currently or in the future for transportation purposes or other uses eligible for funding under Title 23 of the United States Code.
Fair Market Value:	Determined by RIDOT's licensed internal appraiser or an outside fee appraiser or value derived from public auction.
Highway construction plans:	Scaled plans showing highway projects as built or proposed. Highway construction plans usually show drainage, utilities, lighting, elevation, dimension, signage, service areas/roads, easements, borders, and maintenance structures. Plans are filed by project year in RIDOT's "Plan Room."
Inter-agency transfer:	Transfer of custody, control and supervision of real property owned by the State of Rhode Island from one department, board, bureau, commission, or agency to another in accordance with R. I. Gen. Laws §§ 37-7-6 and 37-7-7.

Letter of Authorization:	A written permit allowing the use or occupation of land or real property for a specific purpose of limited duration.
License:	A written agreement granting the privilege, revocable at will, to use real property for a specific purpose. Licenses do not confer on, or vest in the licensee any title, interest, or estate in the affected real properties.
Non-competitive Sale:	The sale of real property at fair market value to an abutting landowner when the property is deemed unbuildable either due to size, lack of access or other valid reason.
Property management:	Supervision, care, and preservation of real property.
Real property:	Land and any improvements thereto.
Record keeping:	RIDOT must maintain records of all acquisition and property management activities. Property Management records include inventories of excess real property, authorized uses of airspace, licenses, or agreements for the use of real property controlled by
Right-of-way (ROW):	Real property and rights therein used for the construction, operation, and/or maintenance of transportation related facilities.
RIGL:	General Laws of Rhode Island, 1956, as amended.

