



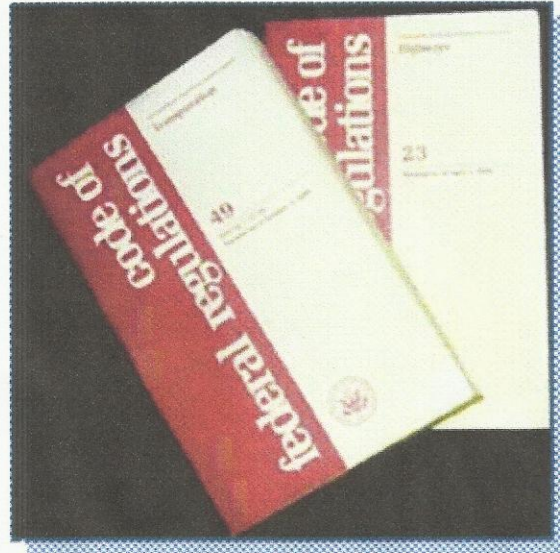
Realty

FHWA > HEP > Realty > Program > Acquisition Guide

Real Estate Acquisition Guide For Local Public Agencies [Table of Contents](#) | [Glossary](#) | [Index](#) | [Previous](#) | [Next](#)

II. The Uniform Act and the Government-Wide Regulation

What Does the Uniform Act Do?



<http://www.gpoaccess.gov/cfr/index.html>

The Uniform Act applies to all projects receiving Federal funds or Federal financial assistance where real property is acquired or persons are displaced as a result of acquisition, demolition, or rehabilitation. Anyone connected with the process of acquiring real property for federally assisted projects should be familiar with its provisions. A copy of the Uniform Act (and its implementing regulations) may be found in the Appendix of this guide.

The Uniform Act provides benefits and protection for persons whose real property is acquired or who are displaced from acquired property because of a project or program that uses Federal funds or receives Federal financial assistance. The Constitution requires payment of just compensation for real property which is acquired and, when a project results in displacement, the Uniform Act requires services and payments be provided for displaced persons. A **displaced person** may be an individual, family, business, farm, or non-profit organization.

When Does the Uniform Act Apply?

The Uniform Act applies when Federal dollars are utilized in any phase of a project. The Uniform Act applies even when Federal dollars are not used specifically for property acquisition or relocation activities, but are used elsewhere in the project, such as in planning, environmental assessments, or construction. The Uniform Act also applies to acquisitions by private as well as public entities when the acquisition is for a Federal or federally-assisted project.

You must advise property owners and occupants of their rights under the Uniform Act by means of a written statement or brochure. You may obtain electronic versions of the Federal Highway Administration's brochures on Acquisition and Relocation from our website at: <http://www.fhwa.dot.gov/realestate/index.htm>

You must make sure that displaced persons receive all of the benefits and protections to which they are entitled. A fuller discussion of the Uniform Act's benefits and protections will be found in the sections and chapters that follow.

You should work closely with your State Department of Transportation (SDOT) during the entire acquisition process, both to expedite acquisition and to assure that all Federal and State requirements are met. Typically, the SDOT will have an experienced real estate staff that can serve as a valuable resource to your agency. Some SDOTs also have designated a staff member as a local public agency coordinator. In addition, SDOTs may have programs to assist local governments in complying with federally assisted project requirements. These programs may include providing technical assistance and training for local acquiring agency personnel as well as samples of informational brochures, form letters, and claim forms.

The Uniform Act

The Uniform Act is divided into three major sections or titles.

Title I, "General Provisions," primarily covers definitions.

Title II, "Uniform Relocation Assistance" contains provisions relating to the displacement of persons or businesses by Federal or federally assisted programs or projects. An overview of the relocation requirements are provided in Chapter VII, Relocation Assistance. However, relocation under the Uniform Act is a specialized and complex subject. **If you do not have staff qualified to administer a relocation program, you should seek assistance from your SDOT to insure that displaced persons are provided all appropriate assistance and payments. Qualified relocation consultants also may provide these services.**

Title III, "Uniform Real Property Acquisition Policy" pertains to the acquisition of real property for Federal or federally assisted programs or projects. An overview of acquisition requirements is provided in Chapter VI, Acquisition. One of the purposes of

Title III is to encourage and expedite the acquisition of real property through negotiation with property owners, thereby avoiding litigation and relieving congestion in the courts. Other purposes include assuring consistent treatment for property owners in Federal programs and promoting public confidence in Federal land acquisition practices.

Each State has provided assurances that they can fully comply with the Uniform Act. Local acquiring agencies must certify that they have followed their State's Uniform Act assurances when acquiring real property.

Note: Failure to comply with the provisions of the Uniform Act will result in denial of Federal participation in project costs.

Eminent Domain and Condemnation

When amicable agreement cannot be reached through negotiations, the governmental power of eminent domain (condemnation) may be utilized to acquire real property. When eminent domain is utilized, the judicial system becomes the forum for establishing just compensation. The court will determine just compensation in the context of State eminent domain statutes and relevant case law. Consequently, what is compensable varies among the States. A number of States have adopted laws providing property owners compensation for conditions such as loss of business, loss of good will, noise, increased travel distance, and owner litigation costs.

Note: You should consult with your SDOT for advice as to what is or is not compensable under your State law.

The Government-wide Regulation — 49 CFR Part 24

The basic regulation governing acquisition and relocation activities on all Federal and federally assisted programs and projects is 49 CFR Part 24, the Uniform Act government-wide regulation (a copy of 49 CFR Part 24 is in the Appendix). FHWA is the lead agency for the Uniform Act and is responsible for the promulgation and maintenance of the government-wide regulation.

In addition to the government-wide regulation, Federal agencies adopt program regulations which govern acquisition, relocation, and other matters specific to their programs. For example, agencies receiving funds from the FHWA, directly or through an SDOT, are subject to the regulations found in 23 CFR, which is entitled "Highways." These regulations are found at various locations in 23 CFR, mostly in Part 710. These regulations address highway-related issues not covered by the Uniform Act. A copy of 23 CFR, Part 710, *Right-of-Way and Real Estate* is in the Appendix.

The acquisition of private property for public purposes is a complex matter governed by a number of laws, regulations, and policies. Familiarity with these requirements is essential for a successful acquisition program.

Federal-aid Participation (Funding)

Because of the variations in eminent domain laws among the States, it is extremely important that agencies and individuals dealing with the acquisition of private property for federally assisted projects be familiar with applicable Federal and State laws and regulations. It is also important to be aware of which expenditures are reimbursable under the applicable laws and regulations. An overview of the acquisition process is provided in Chapter VI, Acquisition.

[Table of Contents](#) | [Glossary](#) | [Index](#) | [Previous](#) | [Next](#)

To provide Feedback, Suggestions or Comments for this page contact Silvio Cutuli silvio.cutuli@fhwa.dot.gov.

[FHWA Home](#) | [HEP Home](#) | [Feedback](#)



United States Department of Transportation - **Federal Highway Administration**