

Essential Requirements of the Uniform Act for Local Public Agencies

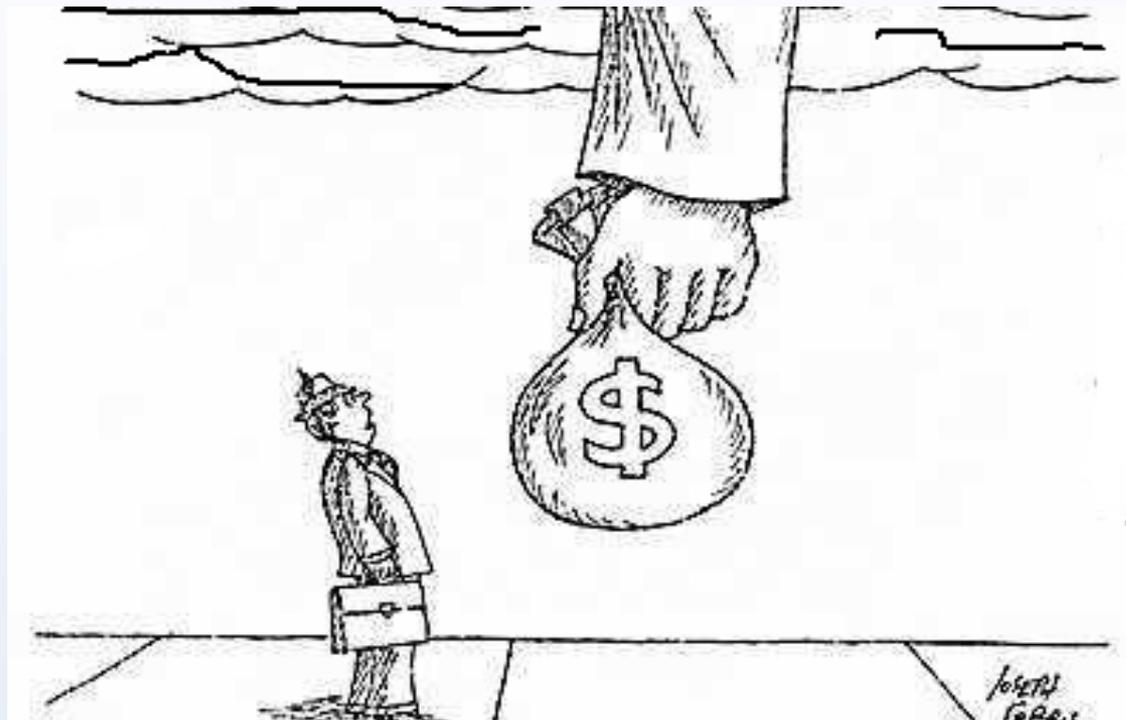


Learning Outcomes

At the end of this lesson, you will be able to:

- Identify the rights conveyed in the 5th and 14th amendments to the U. S. Constitution
- State the purposes of the Uniform Act.
- Explain who must follow the Uniform Act
- Interpret when an Agency must follow the Uniform Act

When Using Federal-aid funds,
there are Strings Attached.....



So, what's the catch?

A top hat with a red and white striped band and a blue band with white stars. The hat is overflowing with numerous US dollar bills of various denominations, including \$100, \$50, and \$20 bills, which are spilling out of the top. The background is a soft, light blue gradient.

**Non-compliance
with the law
means NO
Federal dollars**

Government Property Acquisition: A Little History





EMINENT DOMAIN

The power of any sovereign government to take private property without the consent of the owner.

U. S. Constitutional Limitations on Power of Eminent Domain

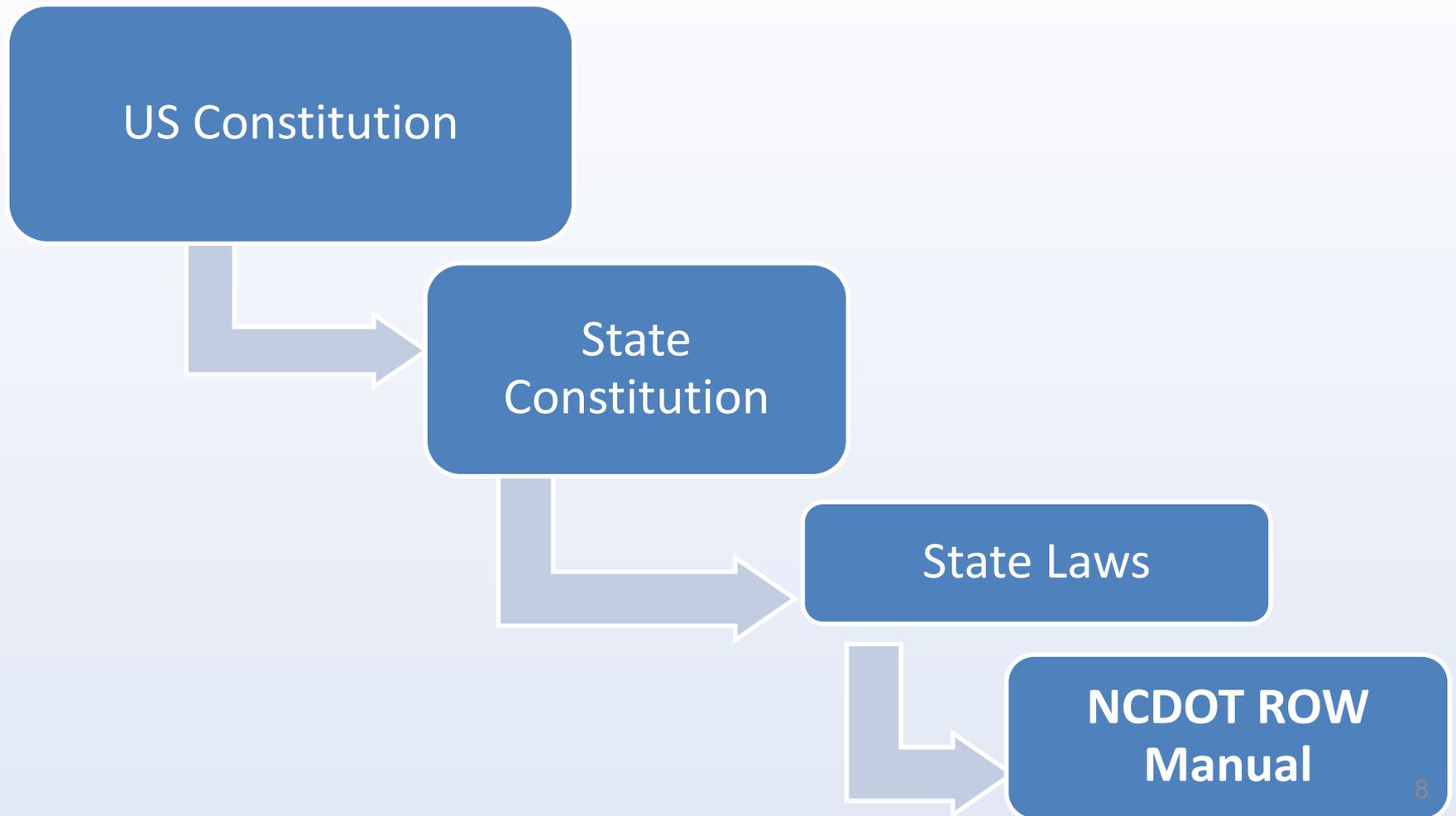
5th Amendment

“...nor shall private property be taken for public use without just compensation.”

14th Amendment

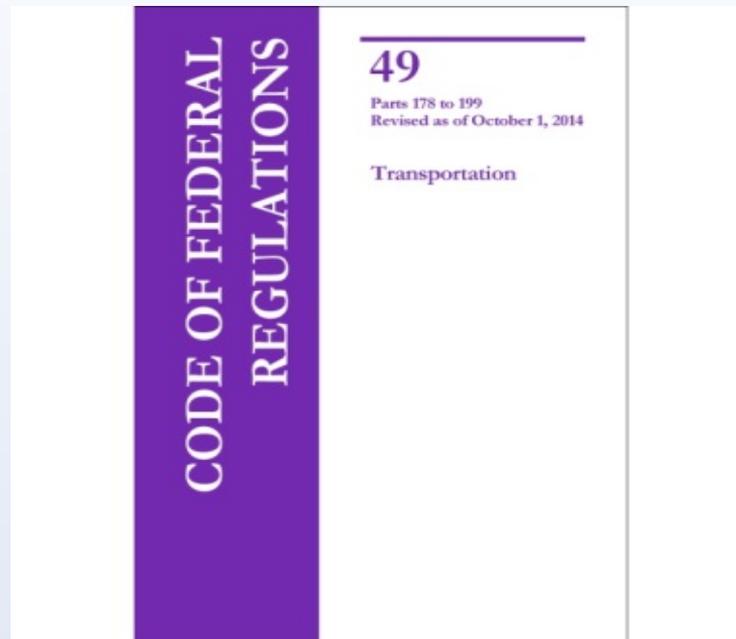
“...nor shall any State deprive any person of life, liberty, or property, without due process of law...”

The Legal Authority to Acquire Property



Uniform Act

Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970, as amended
(Public Law 91-646)



Where can you find the law and the rules to carry out the law?

- The law is codified in [42 U.S.C. 4601](#)
- The regulation governing the law is found in [49 CFR 24](#)
- <http://www.ecfr.gov>

Uniform Act

Twofold Purpose

- Establish uniform and equitable land acquisition policies for Federal and federally-assisted programs.
- Ensure the uniform and equitable treatment of persons displaced from their homes, businesses or farms by Federal and federally-assisted programs.

Who Must follow the URA?

- Any Federal department or agency in the executive branch
- Any department or Agency of a State or a political subdivision of a State
- Any entity with the authority to acquire property by eminent domain under Federal or State law

When Must an Agency Follow The Uniform Act?

- ✓ When any phase of a project is federally-funded
- ✓ When real property is acquired
- ✓ When property owners and/or tenants are acquired and/or displaced as a direct result of a Federal Aid project

Basic Requirements of 49 CFR Part 24 (URA)

- **Appraise FMV of property to be acquired**
- **Agency Review and approval of appraisals**
- **Agency Determination of FMV**
- **Offer no less than FMV, in writing**

Basic Requirements of 49 CFR Part 24 (URA)

- **Negotiate in Good Faith**
- **Avoid litigation if possible**
- **Relocate residences, businesses, others**
- **Provide Relocation Advisory Services**

Federal/State Partnership

FHWA Provides:

- **Funding**
- **Compliance Oversight**
- **Training**
- **Technical Assistance**
- **Technical Research**

Federal/State Partnership

Federal/State Agreement - NCDOT is delegated oversight responsibilities and provides:

- **Matching Funds**
- **Project Development / NEPA Process**
- **Project Design**
- **Project Delivery**
- **Program Oversight**
- **LPA Oversight**

A Quick Review

- What rights do the 5th & 14th amendments convey?
- What is the two-fold purpose of the Uniform Act?
- Who must follow the Uniform Act?
- When must an Agency must follow the URA Act?
- What do you risk if there is non-compliance?

Any questions?

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