ROW Requirements for Joint FHWA/FTA Projects

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Two Paths, One Goal

FHWA:
- Uniform Act
- 49 CFR 24
- 23 CFR 710

FTA:
- Uniform Act
- 49 CFR 24
- 49 CFR 639
- FTA Circular C5010.1D
Same or Similar

- Must comply with Uniform Act & 49CFR24
- “Normal project progression”: NEPA-Title-Appraisal/Review-JC-(FTA pre-approval)-Offer-Settlement
- Do not allow global settlements
- Licensing/certification of appraisers
- Appraisal scope of work
- Just compensation approved “in house”
Same or Similar

• Both use functional replacement of public facilities
• Both allow use of income from excess property disposals for other eligible projects
• Both require some form of excess property inventory or tracking
Where We’re Different

• FTA requires a Real Estate Acquisition Management Plan (RAMP) for all major capital projects; plan addresses real estate goals and methodologies, incl. timing, staffing and procedures

• Appraisal waiver and business reestablishment are limited to $10,000 caps
Where We’re Different

• FTA must review/approve appraisals over $500,000, whether for settlement or condemnation

• FTA must review/approve administrative settlements over $50,000 (applies to legal settlements and negotiated settlements)

• Agency must notify FTA & explain use of outdated appraisals (6 months +)
Where We’re Different

• FTA must approve appraisals of any value for in-kind contributions
• FTA will generally not participate in costs to remediate contamination discovered during construction
• FTA requires there to be as many residential dwellings available as there are families to be displaced
Where We’re Different

• FTA’s circular specifically addresses the DSS housing requirements on separate bedrooms based on age and gender where local codes do not address the issue

• FTA requires an “excess real property inventory and utilization plan”

• Agency must notify FTA when real property is removed from service
Dealing with Our Differences

A Memorandum of Understanding is a great tool for addressing differences and agreeing on a strategy to accomplish the goal of a mutually successful project that focuses on the needs of the customers and the communities served.
Questions?