

## **RTD FasTracks Gold Line Environmental Impact Statement Q&A About Property Acquisition and Relocation**

### **WHEN DOES RTD ACQUIRE PROPERTY FOR A PROJECT?**

Acquisition of property does not start until the project is funded and approved. Once funding and approval are in place, property acquisition is planned and conducted in accordance with the project schedule. The Gold Line will not be funded or approved until the Environmental Impacts Statement (EIS) is completed. The EIS is currently scheduled for completion in 2008.

### **WHAT REQUIREMENTS DOES RTD FOLLOW TO ACQUIRE PROPERTY FOR AN APPROVED PROJECT?**

RTD's property acquisition must comply with the requirements of several state and federal statutes and regulations, the most important of which is the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Uniform Act was enacted to assure that people who are subject to property acquisition are treated fairly and equitably.

### **WHAT LIMITS THE POWERS OF GOVERNMENT TO ACQUIRE PRIVATE PROPERTY?**

The Fifth Amendment of the United States Constitution states that property shall not "be taken for public use, without just compensation." Just compensation means payment of fair market value.

### **WHAT ARE SOME OF THE REQUIREMENTS OF THE UNIFORM ACT?**

The Uniform Act generally requires fair market value appraisals, written offers, and good faith negotiations for properties to be acquired. It also requires relocation benefits to be offered to persons or businesses displaced by a property acquisition.

### **HOW DOES THE UNIFORM ACT PROTECT PEOPLE WHO MUST BE DISPLACED FOR A PROJECT?**

The Uniform Act requires planning to insure that properties are available for displacees. It also requires that persons or businesses being displaced are provided with relocation assistance advisory services, timely notification of relocation benefits, certain minimum time frames to relocate, and uniform provision of benefits.

## **WHAT REQUIREMENTS APPLY TO RTD APPRAISALS?**

All appraisals are prepared by licensed, certified appraisers, and then each appraisal is reviewed by a second licensed, certified appraiser, to verify that the property valuation accurately reflects fair market value. RTD is required to pay for landowner's appraisals if the appraisals are completed within certain time limits and if such appraisals comply with other criteria.

## **AM I PROTECTED IF MY PROPERTY LOSES VALUE WHILE EVERYBODY IS TALKING ABOUT THE PROJECT DURING THE PLANNING PROCESS?**

If acquisition of your property is needed for the project, appraisers are required by law to disregard an increase or decrease in the value of the property due to the influence of the project.

## **HOW WILL I KNOW THAT RTD WILL NOT FORCE ME INTO AGREEING TO THEIR OFFER?**

The Uniform Act prohibits RTD from taking any kind of "coercive action to induce an agreement on the price to be paid for the property."

## **WHAT HAPPENS IF WE DO NOT REACH AGREEMENT DURING NEGOTIATIONS?**

If, after good faith negotiations, RTD and the owner are unable to reach an agreement on the price to be paid for the property, RTD may file a condemnation action in court. The condemnation action will: (i) determine whether RTD can take possession of the property to construct the project, and (ii) have a disinterested third party (a jury or a three-person commission appointed by a judge) determine the amount of just compensation RTD must pay for the property. The Uniform Act prohibits RTD from advancing the time of condemnation to induce an agreement on the price to be paid for the property.

## **WITHOUT GETTING INTO DETAILS, HOW DOES RELOCATION WORK?**

Individuals and businesses displaced by a Federally assisted project – which the Gold Line is – are entitled to uniform relocation benefits, including among other things moving expenses, and must be offered the opportunity to be relocated to a property that is reasonably comparable to the property they owned. Eligible parties are provided information and monetary benefits to help offset the cost of relocation.