

PROPERTY ACQUISITIONS AND RELOCATION

1. How does RTD select projects?
 - Like most other public agencies in this country RTD evaluates the needs of the transit system, conducts studies, explores alternatives, evaluates impacts, secures funding and selects the best alternative, considering a wide range of factors.
2. How does RTD decide what property to acquire?
 - During the planning process, each alternative is defined in considerable detail so that when, or if, the RTD Board of Directors authorizes a project, the property required for the project will already be identified.
3. When does RTD acquire the property for a project?
 - Acquisition of the property does not start until the project is funded and approved. It is planned and conducted in accordance with the project schedule.
4. What rules does RTD follow to acquire property for an approved project?
 - For any project that is eligible for Federal funds, the acquisition of property and the relocation of people and businesses is conducted under Federal rules that protect all parties. These rules are entitled “Uniform Relocation and Real Property Acquisitions Policies Act of 1970” (Uniform Act). The Uniform Act was enacted to assure that people are treated fairly and equitably.
5. 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”. The Fourteenth Amendment limits the powers of State governmental entities in a similar way.
6. What authority monitors RTD’s adherence to the rules?
 - Periodically Federal Transit Authority auditors review RTD’s acquisition practices to determine whether RTD has followed the Uniform Act. Conformity with provisions of the Uniform Act is essential for RTD to receive Federal reimbursement for a project.
7. What are some of the requirements of the Uniform Act?
 - The Uniform Act requires timely, written notices, fair market value appraisals of properties to be acquired, written offers, good faith negotiations, and reasonable efforts to reach administrative settlements.
8. How does the Uniform Act protect people who must be displaced for a project?

- The rules require relocation planning, relocation assistance advisory services, timely notification of relocation benefits and uniform provision of relocation benefits to persons being displaced.
9. What rules apply to RTD appraisals?
 - Real estate appraisals are conducted under the Uniform Appraisal Standards for Federal Land Acquisition and are reviewed by a second appraiser to determine “fair market value”. In Colorado the owner is entitled to select an appraiser of his/her choice and RTD is obligated to pay the reasonable cost of the owner’s appraisal.
 10. Am I protected if my property loses value while everybody is talking about the project during the planning process?
 - The appraisers are obligated by the Uniform Act to disregard any increase or decrease in the value of the property to be acquired that may be due to the influence of the project, or public anticipation of the project.
 11. What keeps RTD from offering me a “low ball” value for my property?
 - RTD is prohibited by the Uniform Act from offering less, but can offer more, than the amount of “just compensation”, which must be based upon “fair market value”.
 12. Will RTD consider what I have to say about my property during negotiations?
 - RTD is required by the Uniform Act to consider the owner’s appraisal and the owner’s statements during negotiations and to make any necessary adjustments to its “offer of just compensation”.
 13. How do I know 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.”
 14. What happens if we do not reach agreement during negotiations?
 - If, after good faith negotiations, RTD and the owner are unable to reach agreement, under due process, RTD may file an action in court to take possession of the property.
 15. What does RTD have to do before it can take possession of my property?
 - RTD must convince the Court that there is a public necessity for this property and RTD must deposit with the Court the amount it offered for the property. As this occurs, the owner is protected by due process and by the Uniform Act.
 16. If the Court awards possession of my property to RTD, how is the value of my property decided?

- If (1) good faith negotiations fail to produce agreement and (2) if the Court awards “immediate possession” to RTD and (3) if RTD deposits the amount of the “offer of just compensation” with the Court and (4) if further negotiations fail to produce agreement, then (5), at a later date, a valuation hearing will be held in Court to determine the amount of just compensation to be paid for the property. During the hearing testimony is provided by both sides of the controversy and the evidence is weighed to determine “just compensation”.

17. Without getting into the details, how does relocation work?

- Parties, both individuals and businesses, displaced by a Federally assisted project are entitled to uniform relocation benefits and must be offered the opportunity to be relocated to 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.

If you have any further questions about this matter, please call Susan Altes, Senior Property Specialist, at (303) 299-2440 in the Real Property Management Division of RTD.