

Notices and Offers by Electronic Methods: Process Streamlining



Executive Summary of Final Report

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| 16. Abstract This research provides FHWA with technical information necessary to determine how internet-based systems can be used to streamline the acquisition process, specifically in the delivery of notices and offers, which are integral to the ROW process. | | | |
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Introduction

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Uniform Act) and the implementing regulations at 49 CFR Part 24 require that agencies personally deliver or send notices to property owners or occupants by certified or registered first-class mail, return receipt requested. These regulations also require an agency to make all reasonable efforts to contact the owner or owner's representative to discuss the offer to acquire real property. This research study evaluated the feasibility of using electronic methods to deliver notices and offers without jeopardizing an owner's or a tenant's rights under the Uniform Act.

Key Findings

There are several elements of electronic delivery and signature verification systems that can add value to the acquisition process and provide streamlining opportunities.

- 1. Electronic delivery methods provide for more efficient document delivery method than certified mail. This represents a potential savings for both the agency and the owner from the standpoint of time expended, travel, and mailing costs.*
- 2. These electronic delivery methods provide comprehensive evidence of the electronic delivery and signature process, which allows an agency to easily demonstrate compliance with the Uniform Act and 49 CFR, Part 24 regulatory requirements.*
- 3. Electronic communications and methods allow the agency to consider and respond to the property owner's needs and preferences during the acquisition process when an owner requests such communication to save time and accelerate negotiations.*
- 4. Electronic communications may provide the ability to build trust and gather information from property owners and displaced persons during the public involvement process. This method would allow the public to become familiar with electronic communication options. If they elect to receive electronic mailings related to project information, it may streamline relocation planning and the overall right of way acquisition process.*
- 5. The ability to offer a combination of electronic, mail and personal contact options will provide more effective communications with property owners and others impacted by public projects.*
- 6. The delivery of the Notice to Owner under 49 CFR 24.102(b) gives an agency the opportunity to offer a property owner the choice of receiving future communications electronically. When owners choose this format, it may present streamlining opportunities throughout the acquisition process.*
- 7. Electronic communications are a useful tool for negotiations after making the offer to acquire and communicating with displaced persons after delivery of the Notice of Relocation Eligibility.*

8. *Electronic communications are a practical method to conduct closings for negotiated parcels. This method would represent a savings in resources and time, since an agent would not have to attend a closing and the delivery and return of documents would occur more quickly than it would with a regular or overnight mail delivery.*

Recommendations

1. *Update the URA regulations to permit agencies the flexibility to implement electronic delivery/signature verification systems for notices and offers.*
2. *Implement minimum safeguards or a certification process that allows the use of electronic notices or signatures consistent with existing state and federal laws.*
3. *Update the URA regulations to permit other methods of mail delivery, such as FedEx and UPS.*

Summary/Conclusion

This research study included conducting interviews with State DOT personnel regarding their experience with electronic systems and convening a working group to identify the challenges that must be addressed when using an electronic delivery or signature verification system for federally-funded projects. Most of the interviewed representatives stated that electronic delivery and signature verification would be a useful tool that could be used in conjunction with other delivery methods for notices and offers. During the Working Group phase of this study, the Team agreed that personal contact facilitates an explanation of the valuation of property, as well as the effect of the acquisition on any remainder property. The use of electronic methods is not a substitute for providing advisory services.

It is important to note that some state laws require the personal delivery or mail delivery of the offer to acquire, and these state laws would have to be amended to implement any electronic delivery of offers. The consensus of the Team was that personal delivery of relocation notices was preferred, since the relocation assistance program often requires a more hands-on approach. While there may be situations where electronic communication and delivery of relocation assistance notices might be applicable, the agency officials agreed that this should be the exception, rather than standard practice.

In conclusion, although personal contact and delivery is the preferred approach, the flexibility to use electronic delivery and signature verification would offer streamlining opportunities at various points throughout the right of way acquisition process.

Note: The review of the research conducted, summary of interviews and working group meetings and the analysis of findings is contained in the complete final report for this research study.