

These Digests are issued in the interest of providing an early awareness of the research results emanating from projects in the NCHRP. By making these results known as they are developed and prior to publication of the project report in the regular NCHRP series, it is hoped that the potential users of the research findings will be encouraged toward their early implementation in operating practices. Persons wanting to pursue the project subject matter in greater depth may obtain, on a loan basis, an uncorrected draft copy of the agency's report by request to the NCHRP Program Director, Highway Research Board, 2101 Constitution Ave., N.W., Washington, D.C. 20418

Appeal Bodies for Highway Relocation Assistance

A report submitted under ongoing NCHRP Project 20-6, "Right-of-Way and Legal Problems Arising Out of Highway Programs," for which the Highway Research Board is the agency conducting the research. The report was prepared by Herman J. Morton and Mitchell A. Isacoff for John C. Vance, HRB Counsel for Legal Research, principal investigator, serving under the Special Projects Area of the Board.

THE PROBLEM AND ITS SOLUTION

State highway departments and transportation agencies have a continuing need to keep abreast of operating practices and legal elements of special problems involving the administrative review procedures established by the various states to conform to the requirements of the Highway Relocation Assistance Act of 1968. The prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of Federal highway programs and the construction of Federal-aid highways is believed necessary to ensure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. The report presents a compilation of the administration review procedures established by the various states as well as the background information necessary to understand the magnitude and importance of the relocation problem.

RESEARCH FINDINGS

Research findings are not to be confused with findings of law. The monograph that follows constitutes the research findings from this study. *Because it is also the full text of the agency report, the statement above concerning loans of uncorrected draft copies of agency reports does not apply.*

I. INTRODUCTION

In accord with its finding that the

...prompt and equitable relocation and reestablishment of persons, businesses, farmers and nonprofit organizations displaced as a result of Federal highway programs and the construction of Federal-aid highways is believed necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.... (23 U.S.C.A. §501)

Congress enacted as part of the 1968 Federal-Aid Highway Act^{1/} (23 U.S.C.A. §501 et seq., Pub. L. No. 90-495, 82 Stat. 815) Chapter 5 thereof, relating to relocation assistance for persons displaced as a result of highway construction, and commonly known and referred to as the "Highway Relocation Assistance Act." To receive the full benefits of Federal aid under the 1968 Act the several states had to comply with the provisions of Chapter 5 by July 1, 1972. Almost all the states, as well as the District of Columbia and Puerto Rico, have complied with the 1968 Act. Louisiana has enacted a compliance statute, but a constitutional amendment is necessary before it becomes law.

The primary function of this paper is to present the administrative review procedures established by the various states to conform to the requirements of the Highway Relocation Assistance Act. This introduction provides background information necessary to understand the magnitude and importance of the relocation problem.

The estimated figures of displacement in the next few years approach 50,000; approximately 75 percent of these displacements will occur in the metropolitan areas. Almost 90 percent of these metropolitan displacements will involve residential inhabitants; the remainder will involve primarily commercial or non-profit organizations. Because these massive numbers of people are being uprooted from their homes and communities, relocation should not be viewed as simply a financial matter. The following view is stated in *HRB Spec. Rep. No. 110*, "Relocation: Social and Economic Aspects" (p. 6):

Relocation is a personal experience that a family or business often view with great sorrow and tribulation. At such times sympathetic understanding and positive assistance should be the approach of any relocation group.

It is possible that the property's fair market value to an involuntary dislocatee makes him less than whole. Fair market value does not necessarily take into account all of the factors of social and economic loss, or the availability of replacement housing. The poor, the elderly, the uneducated, and those established in a community with long-standing and fixed life patterns are particularly hurt by sudden relocation.

On June 28, 1968, a Special Senate Committee on Urban Highway Problems (S. Rep. No. 1340, 1968) heard testimony on the problems of relocation. The testimony was to the effect that one of the fundamental causes of failure of the states and the U. S. Department of Transportation in obtaining local approval of proposed Interstate highway route locations in urban areas stemmed from the fact that those displaced were not provided with adequate relocation assistance and just compensation for property taken. The evidence also tended to show that the urban Interstate highways frequently go through disadvantaged, or so-called ghetto areas. A corollary to this is that those persons least able to afford dislocation and who suffer the most are frequently the ones who are forced to relocate as a result of the highway and other Federal or Federally aided programs. In this regard, it was pointed out (S. Rep. No. 1340, 1968) that often when persons are displaced from these areas, no housing or replacement property is available at comparable prices for their relocation. People are thus forced to move, but have no place to go; or, if replacement property does exist, it may be beyond their financial capabilities. The testimony made clear to the Senate Committee (S. Rep. No. 1340, 1968) that a real need exists for laws and procedures that provide for relocation assistance and comparable replacement housing at the time such displacement occurs.

In line with this situation, the Congress in the 1968 Act charged the states with the task of providing a relocation advisory assistance program. The states have responded with programs that are designed to go beyond the financial aspects of relocation and provide personal concern for the individual dislocatee. In general, among other things, the State Advisory Boards were required to determine the needs of displaced persons, families, businesses, and farm operators for relocation assistance. They also were required to assure that, prior to displacement, there will be available, to the extent that could reasonably be accomplished,

...in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Secretary for decent, safe, and sanitary dwellings, equal in number of and available to, such displaced families and individuals, and reasonably accessible to their places of employment. (23 U.S.C.A. §508.)

The Advisory Boards also assist in nonfinancial ways in helping the dislocatee in obtaining and becoming established in his new location. As S. Rep. No. 1340 (1968) states, the provision of extensive relocation assistance to ameliorate the hardships suffered by those who are dislocated by high-

^{1/}Referred to herein as the 1968 Act.

way projects will give the dislocatees the assistance to which they are entitled, while removing one of the major obstacles to the orderly construction of needed highways.

The Federal-Aid Highway Act of 1962^{2/} (23 U.S.C.A. §133) provided the initial remedial action in respect to relocation assistance. This statute required the states to furnish some satisfactory assurance that they will provide relocation advisory assistance to those displaced, and authorized limited reimbursement to states for payments made to those persons, businesses, and nonprofit organizations dislocated by Federal-aid highway projects. There were, however, two major limitations to the 1962 Act: (1) Federal participation was permitted only if state law allowed relocation payments (not mandatory at that time), and only if the states elected to make such payments; (2) Federal participation was limited to \$200 for a residential move and \$3,000 for a business relocation.

The Federal-Aid Highway Act of 1966 (23 U.S.C.A. §133a) required the Secretary of Commerce, in cooperation with the Secretary of Housing and Urban Development, state highway departments, and other affected Federal and state agencies, to make a study of relocation assistance needs and report the results to the Congress. This study resulted in a report, *Highway Relocation Assistance Study*, which recommended, among other things, that (1) the amount of the payments to those being displaced be raised; (2) relocation advisory assistance be increased; (3) availability of relocation housing be assured; and (4) procedures be established for the early notice of property acquisition and timely relocation payments.

All these recommendations were incorporated in the Federal-Aid Highway Act of 1968. Chapter 5 of the 1968 Act requires that states undertaking Federal-aid highway projects provide the relocation benefits and assistance specified in the 1968 Act to persons and organizations displaced by highway projects. The expense of such relocation programs is made reimbursable as a "cost of construction" under §504 of Title 23. State highway departments retain responsibility for administering relocation programs on Federal projects, just as they bear the primary responsibility for actual highway construction. However, state highway departments may carry out their relocation responsibilities by utilizing the facilities, personnel, and services of existing Federal, state, or local agencies experienced in administering programs of this type (23 U.S.C.A. §503). 23 U.S.C.A. §§505-507 also authorizes the raised amounts of relocation payment for displaced persons, families, farms, businesses, and organizations. 23 U.S.C.A. §508 describes the type of relocation assistance services to be rendered by the states to persons displaced by Federal-aid highway projects. §509 of the 1968 Act requires that similar payments and services be provided in connection with highways constructed by Federal agencies. §510 of the 1968 Act authorizes the Secretary to make such rules and regulations as may be necessary to ensure that relocation payments are fair and reasonable and as uniform as practicable, and that these payments will be made promptly after moving, or, in hardship cases, paid in advance. Subsection (a) (3) of §510, which is the operative provision for this study, provides that "any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the head of the State agency making such determination."

These provisions of §510(a) (3), and all other provisions of Chapter 5 of the 1968 Act, subsequently were repealed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970^{3/}, Pub. L. No. 91-646, 84 Stat. 1894, enacted into law January 2, 1971. The date of repeal of Chapter 5 of the 1968 Act was made effective for all states on July 1, 1972. (See Part III of this paper for further discussion of the scope and effect of the 1970 Act.)

However, the provisions of §510(a) (3) of the 1968 Act granting a right of agency review to aggrieved dislocated persons were duplicated in the language of §213(b) (3) of Title II of the 1970 Act, which provides that

[A]ny person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed ... in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

It is immediately apparent that there are no material differences between the provisions of the 1968 Act and the provisions of the 1970 Act granting aggrieved dislocated persons a right of administrative review. Although the 1970 Act made certain sweeping changes in the provisions of Chapter 5, some of those provisions were reenacted without material change. Included among these was the requirement that a person aggrieved by a determination as to eligibility for a relocation assistance payment, or the amount thereof, shall have the right to have his application reviewed by the head of the state agency. In reading the following discussion of state procedures that have been adopted to comply with the administrative review provisions of the 1968 Act, one should bear in mind that the

^{2/} Referred to herein as the 1962 Act.

^{3/} Referred to herein as the 1970 Act.

repealed provisions of the 1968 Act have been reenacted without significant or material change in terms and provisions of the 1970 Act.

II. STATE ADMINISTRATIVE APPEAL BODIES FOR HIGHWAY RELOCATION ASSISTANCE

In the preparation of this paper, in addition to the basic research required to identify the state administrative review procedures, two questionnaires were sent to the Attorneys General or Chief Counsels representing the highway departments of the various states. A review was also made of the states' replies that were accepted by the Federal Highway Administration, as required by the 1968 Act. The following is a compilation of the administrative review procedures established by the various states. Many states had legal authority to comply with the requirements of the 1968 Act. Most states were able to accomplish this by promulgating rules and regulations to comply with the requirements of the 1968 Act; but, in some, statutes were enacted in order to comply with the requirements for administrative review by the head of the state agency making the final determination. The appeal procedures established by the various states are as follows.

Alabama

An applicant for a relocation payment will be notified promptly in writing concerning his eligibility for the payment claimed, the amount thereof, and the time and manner in which such payment will be made. Such notification also will inform the applicant of his right to appeal and the procedures thereof.

The appeal form will be executed by the dislocatee, who sets forth therein the facts and reasons for his appeal. Any pertinent documents and information are to be attached to the appeal form and sent to the Division Engineer in the dislocatee's area. The Division Engineer is to forward the relocation appeal to the Engineer, Bureau of Right-of-Way. A field check will then be made of the property and the comparable replacement properties to be used in computing the additive payment and to assist in a better review and comparison, and aid in reaching a decision on the appeal. The Engineer, Bureau of Right-of-Way, personally reviews the case. The action taken or decision reached by him at this lower level must be documented in the tract file. When an appeal is not resolved at this stage, it is presented to the Relocation Appeals Board.

After an appeal case has been heard, the Appeals Board makes a report in writing, signed by a majority of the Board, to the Highway Director, setting forth their findings from the facts presented and their recommendations for disposition of the case. The decision of the Highway Director, to be made within 30 days from date of receipt of recommendation, is final and not subject to litigation.

Alaska

Title 19, Alaska Rev. Code §29-070, authorizes the Director of the State Highway Department to establish procedures for an aggrieved displaced person to have his determination of eligibility or amount of payment reviewed by the Department. To obtain a lower review by the District Highway Engineer of the Highway District in which the displacement occurred, the dislocatee must appeal in writing within 60 days from the date he received notice of the Department's initial determination. An appeal from the District Engineer's determination may be made to the State Highway Commissioner. The Commissioner appoints a three-member Relocation Appeals Board to review applications and conduct hearings, and provides any displaced person making such an appeal with a full opportunity to be heard and a prompt decision, giving reasons in support of the result reached.

Arizona

Any person who contests an initial determination may have his file reviewed by the Relocation Assistance Supervisor. If a displacee is still aggrieved, he may appeal to the Chief Right-of-Way Agent, and then, for a final determination, to the State Highway Director.

Arkansas

An aggrieved dislocatee is instructed to submit a letter explaining his dissatisfaction to the Chief of Right-of-Way; this will be forwarded to the Assistant Director for Administration and Realty, who will consider the appeal and make a determination. If the dislocatee is still aggrieved, he may then appeal to the Director for Administration and Realty, whose decision is final.

California

The first level of appeal is to the District Right-of-Way Agent, who promptly and carefully reviews the facts in the case and makes a determination. If the dislocatee is still aggrieved, he may submit a letter to the Director of Public Works, stating all the facts in the case and why he

believes the claim should be resolved in his favor. A Relocation Housing Appeals Board has been created by order of the Director to make recommendations to the Director, whose decision is administratively final.

Colorado

If a dislocatee is aggrieved, he may, by letter stating all the facts, bring the matter to the attention of the Right-of-Way Agent for reanalyzation. If the dislocatee is then still aggrieved, he may have his application reviewed by the Chief Engineer of the Division of Highways, or his designee, whose decision is administratively final.

Connecticut

Any person aggrieved by a determination as to eligibility for a payment or the amount of a payment for relocation assistance, may have his application reviewed by the Commissioner of the Department of Transportation. On April 13, 1971, the Commissioner established a three-member Relocation Advisory Assistance Appeals Board. The Board is required to elect a chairman, appoint a secretary, review applications of all persons aggrieved by a determination as to eligibility for a payment or the amount of a payment, hold hearings thereon, and report its findings to the Commissioner, who makes the final administration decision.

Delaware

An aggrieved dislocatee may send a letter setting forth the reasons and support for the appeal to the state Right-of-Way Engineer. The Right-of-Way Engineer will promptly and carefully review the facts of the case and notify in writing the dislocatee of his decision within a reasonable time. If a dislocatee is still aggrieved after this review, he may appeal to the Director of Operations, within 30 days from the date of notification of the Right-of-Way Engineer's decision. The Director will review the case and the dislocatee will be advised in writing of the decision, which is administratively final.

Florida

The Department of Transportation has adopted appropriate rules and regulations to effectuate the provision of the 1968 Highway Relocation Assistance Act. Any dislocatee aggrieved by an initial determination may have his case reviewed by the Director of the Department of Transportation, whose decision is administratively final.

Georgia

An aggrieved dislocatee may appeal to the Director of the State Highway Department or his appointed representative. Any person making such appeal will be given (1) full opportunity to be heard either in writing or in person at the General Office of the State Highway Department, and (2) a prompt statement in writing of the final determination. The Director has established a three-member appeal board that reviews the case and makes recommendations to the Director. The decision of the Director is administratively final.

Hawaii

The aggrieved dislocatee must file a written request to the Hawaii Department of Transportation for review. The Director of the Hawaii Department of Transportation will review the case and submit his findings and recommendations to the Director of the Housing Authority, whose decision is administratively final.

Idaho

The initial decision of the Right-of-Way Division may be appealed within 60 days to the District Highway Engineer of the Highway District in which the displacement occurred. If the dislocatee is still aggrieved after a second decision, he may within 30 days from the date he is notified of such decision appeal to the State Highway Engineer. The State Highway Engineer will appoint a three-member Relocation Appeals Board, which conducts hearings and reviews the application. The Board is required to give reasons in support of its determination, which is administratively final.

Illinois

The State Highway District Engineer for the district in which the dislocatee resides will notify the dislocatee of the amount he is entitled to receive, if any, and inform him of his right to request review of the decision of the District Engineer by the Chief Highway Engineer. To receive re-

view, the dislocatee must notify the District Engineer to this effect in writing within 30 days. The District Engineer will forward the request for review to the Chief Highway Engineer. He or his designated representative will fix a date and place where the dislocatee will have a full opportunity to be heard. Thereafter, the dislocatee will be promptly notified in writing of the decision reached by the Chief Highway Engineer, with reasons supporting the decision. That decision is administratively final.

Indiana

If a dislocatee is aggrieved after the initial determination on his application for relocation payments, he may appeal directly to the head of the state agency, who will give the aggrieved dislocatee full opportunity to be heard, and will make a prompt decision, giving reasons in support of the decision reached. This decision is administratively final.

Iowa

An aggrieved dislocatee must file a written statement giving reasons in support of his grievance to the State Right-of-Way Director, who grants a hearing. The Director of Highways appoints a three-member board to preside at the hearing, which is normally held at the dislocatee's property. The state and the dislocatee are given full opportunity to be heard at these hearings. The decision of the board is administratively final.

Kansas

When a dislocatee receives notification of the amount he is entitled to receive, he is also informed of his right to appeal if he is aggrieved by the initial ruling. A hearing is conducted before a State Hearing Examiner in which the dislocatee is given a full opportunity to be heard. The Hearing Examiner is required to render a prompt decision, giving full reasons in support of the result reached.

Kentucky

The State Department of Highways has established a procedure to allow an aggrieved dislocatee a review, beginning with the District Right-of-Way Manager. If the matter is still unresolved, the District Right-of-Way Manager will refer the case to the Central Office Relocation Assistance Supervisor. A representative of the Supervisor, after a thorough investigation of the case, will contact personally the dislocatee to try and reach an accord. If the dislocatee is still aggrieved, he may personally appeal his case to a board consisting of the Commissioner of the Division of Right-of-Way, the Relocation Assistance Supervisor, and a representative of the Office of Legal Affairs. The board represents the Commissioner of Highways in adjudicating all relocation assistance problems; its decision is administratively final.

Louisiana

The legislature of Louisiana has enacted a statute that complies with the 1968 Highway Relocation Assistance Act. To become law, the statute must pass as a constitutional amendment. At the time of this writing, the amendment had not been before the electorate.

Maine

Title 23, Maine Rev. Statutes, Annotated Subchapter V, Relocation Assistance, §220 provides:

If the Commission is unable to negotiate any payment authorized under this subchapter at what it deems to be a reasonable amount, either the Commission or the displaced person, or both, may apply to the Land Damage Board in writing for a determination and assessment. The proceeding shall then be the same as in condemnation proceedings under subchapter III.

Maryland

At the time of the initial relocation payment, appeal forms, on which the appeals should be filed in writing, are furnished to a dislocatee. The first level of appeal is granted by the District Right-of-Way Chief; the second level of appeal is before the Chief, Bureau of Federal-Aid and Relocation; and the third and final administrative appeal level is to the Chief of the Right-of-Way Division. A prompt decision, with supporting reasons, is provided to the dislocatee.

Massachusetts

Any dislocatee who may be aggrieved by a determination made in accordance with the relocation procedures may, in writing to the Commissioner, Department of Public Works, request an appeal hearing of his grievance. A Hearing Examiner will be appointed by the Commissioner to hear grievances and recommend action to the Commissioner. The five-man board of Commissioners makes the final administrative determination based on the recommendation of the Hearing Examiner and supporting information and documents.

Michigan

Within 10 days after the Right-of-Way Agent's determination of eligibility or amount of claim, an aggrieved dislocatee may appeal in writing or in person at the District Office before the District Right-of-Way Agent. Within seven days after such appearance, the District Agent will give written notice of his decision to the dislocatee. That determination may be appealed within 15 days to the Director of the Michigan Department of State Highways, who is the chief executive officer of the Department. Appeals to the Director will be routed through the Right-of-Way Division for review by members of a committee from the Comptroller's Office and Right-of-Way Division. The committee will review the records and make recommendations to the Director of the Department of State Highways, who makes the final administrative determination.

Minnesota

An aggrieved dislocatee may appeal in writing to the District Engineer within 18 months after vacation of the premises was required, or within six months after final adjudication in a condemnation case. The District Engineer will make recommendations to the Director of Right-of-Way for his disposition. If the dislocatee is still aggrieved, he may appeal the Director's decision to a Central Review Agent for Relocation. If the dislocatee is still aggrieved, the claim may be submitted to the Commissioner of Highways for final administrative determination.

Mississippi

An aggrieved dislocatee may appeal by writing to the Relocation Assistance Section, which reviews the appeal and makes recommendations to the Director of the State Department of Transportation for his determination. The determination of the Director is administratively final.

Missouri

If a dislocatee is aggrieved by the amount of payment or eligibility for relocation payments, he may file a written notice of appeal from such determination, setting forth the reasons for disagreement with the Commission's determination. The appeal request will be forwarded to the Division of Right-of-Way and a date will be fixed for such hearing at a place reasonably convenient to the dislocatee. The state's representative will take sworn testimony from both the displaced person and the Tenant Relocation Officer assigned to the parcel. The testimony will be transcribed, and a copy of the complete transcript will be forwarded to the dislocatee at his address by certified mail. The state's copy of the transcript will be forwarded to the Right-of-Way Division where it will be reviewed by a special board selected by the Missouri State Highway Commission for that purpose. The dislocatee will be advised of the final conclusions with respect to the claim.

Montana

If a dislocatee is aggrieved by the initial determination of the District Relocation Agent, he may, either in person or through a representative, appeal to the Appeal Board. The Relocation Supervisor will schedule a date for a hearing. The Appeal Board, consisting of (1) the Relocation Supervisor, (2) the Chief Appraiser or his representative, and (3) the Chief Right-of-Way Agent or his representative, will inform the dislocatee in writing of its findings. The decision of the Appeal Board is final and will not be subject to further appeal or become a part of any condemnation.

Nebraska

Any dislocatee aggrieved by an initial determination may appeal that determination to a special Board of Review appointed by the State Engineer. If a dislocatee is still aggrieved, he may appeal directly to the State Engineer, whose decision is administratively final.

Nevada

An aggrieved dislocatee may file an appeal from the initial relocation determination by submitting his grievance to the State Relocation Section. The Right-of-Way Agent reviews the appeal to

see if it conforms with applicable procedures and then makes a recommendation to the Highway Engineer. The decision of the Highway Engineer is administratively final.

New Hampshire

Chapter 233A, New Hampshire Rev. Statutes, §A4(IV), provides: "Every owner shall have the right to appeal to the Commissioner for redress if he believes that the payment computed under paragraphs I or II of this section is not in accordance with the purposes of this act." The Commissioner or his agent may review the appeal and, for good cause, may approve such additional payment as justice may require. The Commissioner's decision in each case shall be final.

New Jersey

Any dislocatee aggrieved by the initial determination as to eligibility or relocation payments, within one year after the owner has been requested to vacate in the case of moving reimbursements and business discontinuance payments, and two years after the dislocatee had been required to vacate in the case of replacement housing payments, may appeal to the District Right-of-Way Supervisor. The Supervisor promptly and carefully reviews the facts in the case and endeavors to resolve the difficulty at the district level. Such review is made in conjunction with the Property and Relocation Bureau Supervisor; the dislocatee is notified in writing by a joint letter of the results of the review. If the dislocatee is still aggrieved, he may have his application reviewed by the Commissioner of Transportation or by his authorized designee (either the Assistant Commissioner for Highways or the Director of Right-of-Way). The decision of the Commissioner of Transportation is considered final.

New Mexico

The relocation officer will compile a complete report, including such items as the amount of appraisal valuation, comparable properties used, and the basis for their use, together with an explanation as to why the applicant is aggrieved with the Highway Department's determination of eligible payments. This report will be submitted to the Right-of-Way Manager, who will cause a complete review to be made of all of the particular transactions involved. On completion of this review, a copy of the Right-of-Way Manager's finding will be submitted for review by either the State Highway Engineer or a review board designated by him. During all periods of review, the dislocatee will be given full opportunity to be heard regarding his claims. The applicant need not appear in person to be heard. He may submit a full report for review by both the Right-of-Way Manager and the State Highway Engineer. This is the final administrative appeal.

New York

An applicant for a moving expense and/or replacement housing payment must be notified promptly in writing concerning his eligibility for the payment claimed, the amount, if any, he is entitled to receive, and the time and manner in which such payment will be made. If any or all of the amounts claimed are disallowed or require additional documentation, the eligible person will be notified in writing to this effect.

If the claimant is not satisfied, he may, within 18 months of vacating or 6 months after final award by the Court of Claims, request an informal conference to present his case. When requested, such a conference will be scheduled in the regional office and conducted by the Regional Real Property Officer. The claimant may bring whomever he wishes to represent him or present some aspect of his claim. The decision of the Regional Real Property Officer will be made in writing directed to the claimant or his representative and may be appealed to the Director of Real Property.

If the claimant is not satisfied with these results he may request a formal hearing. This request will be directed to the Director of Real Property. The formal hearing will be conducted by a hearing officer designated by the Commissioner at a time and place to be determined by the hearing officer. Minutes of the proceeding will be taken. Based on all the evidence adduced at the hearing, the hearing officer will make his recommendation to the Director of Real Property, who will then make a determination regarding the claim presented. In the case of an appeal, no payment of moving expenses or supplemental housing benefits is to be made until a decision has been rendered by the Director. In the instance where an owner files a claim in the Court of Claims disputing the amount of the supplemental payment proffered, no appeal hearing will be held until judgment has been entered by the Court of Claims.

North Carolina

If a dislocatee is aggrieved by the initial determination, either as to eligibility or payment for relocation assistance, he may file an appeal containing the pertinent facts and information with

the State Right-of-Way Agent. The decision of the State Right-of-Way Agent will be made in writing to the dislocatee. If the dislocatee is aggrieved by that decision, he may, within 60 days, appeal to the State Highway Administrator, whose decision is final.

North Dakota

Any displaced person aggrieved by his allowed relocation payments may appeal by letter directly to the North Dakota State Highway Commissioner. The Commissioner has delegated his authority to review these appeals to the Right-of-Way Engineer, who considers all evidence and testimony submitted by the dislocatee, as well as that collected by the state. His decision is administratively final.

Ohio

Any displaced person who is dissatisfied with the determination of the Department as to his eligibility for a relocation assistance payment, or the amount offered, may appeal. The appeal must be in writing and set forth the reason for the appeal and support for the reasoning. It is filed with the Division Deputy Director of the highway division where the property is located.

To provide a means for full consideration and orderly processing of appeals of displaced persons, the Department has established an R.A.P. Review Committee. This Committee consists of the Division Deputy Director, or his delegate (not a member of right-of-way staff); the Division Right-of-Way Engineer/Supervisor; and the Division R.A.P. Supervisor, who acts as secretary to the Committee, recording all its actions and carrying on all correspondence. The Committee receives all appeals and investigates all allegations of the appellant. It reviews all of the facts in connection with the original offer, the results of the investigation, and any new evidence that might be brought to light by reason of the review. The Committee then schedules a hearing, notifying the appellant of the time and place where he may appear to orally present the basis for his appeal. Immediately following the hearing, the Committee meets and reaches agreement on the amount to be recommended.

Immediately following the hearing and meeting, the secretary of the Committee prepares a written "Report and Recommendation of the R.A.P. Review Committee" that contains the signature of each member and his concurrence or dissent to the recommendations contained in the report. Any dissenting member adds the basis for his dissent by footnote to the report. The secretary forwards the original of the report with (1) the original appeal, (2) the report of the investigation, (3) the result of the hearing, and (4) copies of all forms, notes, or correspondence germane to the claim to the Deputy Director, Division of Right-of-Way, for his formal action.

The Deputy Director reviews the report and attachments, noting the reasoning of any dissenting member. He may have such further investigation made as he deems appropriate, and acts on the appeal. His action is in the form of a letter, addressed to the Committee, and is specific as to disposition of the appeal. The secretary of the Committee advises the appellant, in writing, of the decision of the Deputy Director.

When the appellant advises in writing that the decision is accepted and files an amended claim, the Division Right-of-Way Engineer/Supervisor prepares a right-of-way bill in this amount. A copy of the appeal, the Committee report, the Deputy Director's finding, the appellant's acceptance, the revised claim, if required, and the normal attachments for R.A.P. payments are attached to the right-of-way bill and forwarded through regular channels for payment.

When the appellant advises in writing that the decision is not acceptable to him, the secretary of the Committee so advises the Deputy Director, and encloses copies of his writings to the appellant and the appellant's reply. The Deputy Director causes a report to be prepared to the Director of Highways. This report contains, but is not limited to, the following:

1. The basis of the original offer to the appellant or the points on which he was ruled ineligible to receive the questioned payment.
2. The basis of the claimant's appeal and the amount claimed.
3. The result of the Committee investigation.
4. The result of the Committee hearing.
5. The Committee recommendation and its basis.
6. Any action taken by the Deputy Director in his consideration of the appeal.

7. The rejected finding of the Deputy Director.

The Director of Highways reviews the report and secures such additional information as he may require, and fixes the final amount, if any, to be allowed the displaced person as a relocation assistance payment. The Director advises the appellant in writing of his final determination, with copies to the Deputy Director, Division of Right-of-Way, and the R.A.P. Review Committee.

When the Director's final determination contains an amount, the secretary of the R.A.P. Review Committee examines the file and advises the appellant by certified mail of anything further that will be required of him to process the claim. No action is taken until these data are received. When no additional data are required, the secretary advises the appellant that the claim has been approved and placed in process for payment. The right-of-way bill is supported as described above. When the Director's final determination rules the claim is ineligible in any amount, the file is closed.

Oklahoma

Any dislocatee aggrieved by a determination as to eligibility for payment, or the amount of a relocation assistance payment, may have his application reviewed by the Chief of the Right-of-Way Division. When the Chief receives written appeal from the dislocatee, he designates someone within the Division to coordinate processing of the appeal. The Coordinator sets up, attends, and prepares a report of the dislocatee's hearing. This report is supplemented by a report by the Office Branch Manager, who investigates the original determination in the dislocatee's case. The Office Branch Manager prepares a written recommendation, including reasons, to the Chief of the Right-of-Way Division, who, on the basis of all this information, renders his decision, giving full reasons in support of the decision. This is the final administrative appeal.

Oregon

Any dislocatee aggrieved by a determination as to eligibility or amount of payment may appeal by sending a form letter to the District Right-of-Way Agent. The Agent reviews and sends his comments to the Relocation Supervisor, who renders a decision. If the dislocatee is still aggrieved, he may have his application reviewed by an Appeals Board composed of the Chief Right-of-Way Engineer and the Chief Counsel for the State Highway Division, whose decision is administratively final.

Pennsylvania

Any dislocatee aggrieved by a determination as to eligibility or amount of payment may appeal his decision to the District Right-of-Way Administrator within 90 days of the initial determination. The dislocatee may present his position orally or in writing. If an oral hearing is requested, it is sent as promptly as possible. If written testimony is to be presented, it must accompany the appeal. No particular form is required for a written appeal. At the District Right-of-Way level, a three-man board appointed by the Secretary of Transportation listens to the complaints and determines the amount to be paid. If the matter cannot be resolved at the District level, it may be appealed to the Director, Bureau of Right-of-Way, for a final administrative determination.

Rhode Island

When a dislocatee is aggrieved with his relocation assistance payment, he brings his claim to the Relocation Manager, who submits it to the Chief of the Right-of-Way Acquisition. Both review the claim for possible errors or oversights, and make such adjustments as are deemed proper. If a person is still aggrieved after this review, he may submit a letter to the Director of Right-of-Way stating all the facts in the case and the reasons he believes it should be resolved in his favor. The decision of the Director of Right-of-Way is administratively final.

South Carolina

Any dislocatee aggrieved by an initial determination as to eligibility or the amount of relocation assistance will receive full opportunity to be heard, and a prompt decision in writing, setting forth the reasons for such decision, will be made.

To obtain review a dislocatee must notify the Chief Highway Commissioner in writing. A hearing is held at a time and date fixed by the Chief Highway Commissioner or his designate. The hearing is held before the Chief Highway Engineer, or, at his discretion, before the State Highway Engineer, or the Secretary-Treasurer of the Department. If a hearing is held by the State Highway Engineer (or by the Secretary-Treasurer) he shall submit recommended findings and a proposed decision to the Chief Highway Commissioner for a final decision. The decision of the Chief Highway Commissioner is administratively final.

South Dakota

Any displaced person aggrieved by the initial determination as to eligibility or amount of payment for relocation assistance by the Relocation Officer may appeal either in writing or orally to the Director of the Right-of-Way Division within 60 days after notification of the initial determination. Any dislocatee submitting an appeal will be given full opportunity to be heard; a prompt decision will be made; and reasons will be given in support of the results. The Director of Right-of-Way Division gives full consideration to and carefully reviews all appeals; his recommendations are forwarded to the State Highway Commissioner for final administrative determination.

Tennessee

An aggrieved dislocatee may file an appeal with the Regional Right-of-Way Engineer, who will forward it to the State Property Manager. The Property Manager or his designate will inspect the dislocatee's property and potential relocation property to see if it is safe, decent, and sanitary. After a complete review, the Property Manager will submit his findings to the Manager of Relocation Assistance III in the Central Right-of-Way Office. The Manager of Relocation Assistance III or his designee will review the revised findings. If the dislocatee is still aggrieved, he may appeal to the Board of Relocation Assistance Appeals (consisting of the Director of Highway Administration, the Director of Highway Finance, the Department of Transportation Attorney, and the State Right-of-Way Engineer), which makes the final determination.

Texas

An aggrieved dislocatee may appeal to the District Engineer for Right-of-Ways, who will promptly and carefully review the facts and notify the dislocatee of the decision. If the dislocatee is aggrieved by this determination, he may appeal to the State Highway Department Relocation Appeals Committee (appointed by the State Highway Engineer) within six months following the final date specified for applying for relocation payments. Generally, this will be 24 months following the date the dislocatee was required to vacate the property taken for highway purposes. The Committee's decision will constitute the Department's final action, except that the Committee will have the prerogative of counseling with the State Highway Engineer on any claim that they believe requires such action. The State Highway Engineer has the right to make final ruling on all matters not considered by the Relocation Appeals Committee.

Utah

An aggrieved dislocatee may submit a letter, stating all the facts of the case and reasons why the claim should be paid, to the Chief, Right-of-Way Division, who will promptly review the facts and render his decision to the dislocatee. If the dislocatee is aggrieved by this decision, he may appeal to the Director of Highways, the chief executive of the Department, whose decision is administratively final.

Vermont

An aggrieved dislocatee may, by letter, appeal for reanalyzation to the District Relocation Representative. If the dislocatee is still aggrieved, he may appeal to the Director of Right-of-Way. If he is aggrieved by that decision, he may, within one year of his order to vacate, appeal to the State Highway Board. The Board's decision is administratively final.

Virginia

Administrative review procedures for the Commonwealth of Virginia for aggrieved dislocatees are being formulated at the present time. However, a dislocatee is not without remedy. If a dislocatee is aggrieved by an initial determination, he may directly petition the court having eminent domain jurisdiction. This court will hear the evidence by the state and the dislocatee and will order the Highway Commission to pay the court's determined amount.

Washington

Appeals of aggrieved dislocatees may commence informally at the district level; those received in Headquarters directly are forwarded to districts for review and initiation of processing. District appeals are promptly and carefully reviewed by the District Right-of-Way Supervisor. The dislocatee is notified of the decision. If, after 15 working days, no informal solution is resolved at the district level, all correspondence is forwarded to the Chief Right-of-Way Agent; he establishes a panel consisting of himself, the District Engineer, and the Assistant Director for Highway Development to review the case. If the dislocatee is still aggrieved, the case is formally presented to the Director of Highways for referral to the Hearing Officer. The proposed finding and order of the

Hearing Officer shall be reviewed by a majority of the members of the above-mentioned panel before referral to the Director for final action.

West Virginia

Appeal consists of a written statement by an aggrieved dislocatee outlining items in dispute and setting forth plainly the grounds for the relief sought. The dislocatee is given notice of time and place of hearing and a full opportunity to be heard. He is given a written decision, accompanied by findings of fact and conclusions of law, as soon as the decision is made.

Wisconsin

A dislocatee may within two years after becoming aggrieved file an appeal at the District level. If he is still aggrieved, he may appeal to the head of the Highway Department for final administrative determination.

Wyoming

The dislocatee may appeal directly to the Director of Highways by letter or at a hearing. The Director will review the material as submitted and any other pertinent information and will render a decision in the matter, with reasons in support of the decision reached. If the dislocatee desires to appeal this decision to the Wyoming State Highway Commission, he can prepare and file with the secretary of the Commission a petition setting forth the facts and asking for specific relief. The Commission's determination is administratively final.

District of Columbia

Applicants for a relocation payment will be notified promptly in writing concerning their eligibility for the payment claimed; the amount, if any, they are entitled to receive; and the manner in which such payment will be made. The notification will also inform the applicant of his right to appeal and the procedure therefor, in the event he is dissatisfied with the payment he is to receive. The appeals procedure will provide for a claimant to request in writing a reconsideration of his claim and a full right to be heard within 15 days of his receiving notice of such action. The approving officer shall reply in writing within 10 days, stating his decision and reasons therefor. The claimant may then file a petition for review with the Executive Officer of the Agency, who must notify the claimant of his decision, in writing, within 10 days.

III. RIGHT OF JUDICIAL REVIEW OF DECISION OF STATE RELOCATION ASSISTANCE APPEAL BODY

Neither the Federal-Aid Highway Act of 1968 nor the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 contains a provision for judicial review of the decision of a state relocation assistance appeal body. At the time of this writing there were no decided cases dealing with the question of the right of review of the determination of a state relocation assistance appeal body. Thus, the question must be considered in the light of common law rules relating to the right of judicial review of administrative action, and the provisions of state statute law relating to right of review of administrative action.

A comprehensive discussion of common law principles or state statutory provisions relating to right of review is beyond the scope of this paper. The question of right of judicial review of administrative action is, of course, the central problem of administrative law. The cases relating thereto number in the thousands, and there are few areas of the law that present more in the way of confusing complexities or reflect greater diversity of judicial approach and result. The theories vary, and application of the theories varies. By way of illustration, it is stated in 2 Am. Jur. 2d *Administrative Law* §555 that:

...the total concept of judicial review is, and necessarily must be, a matter which is highly fluid. One need not be surprised that the field of judicial review resists systemization and contains irreconcilable elements. Judicial review of administrative action has developed, even as the common law itself, gradually, from case to case.... The question of judicial review of the action of any particular agency must still be determined by critical attention to the specific circumstances of such agency, the parties dealing with it, and the statutes governing it.

Both the Federal-Aid Highway Act of 1968 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 contemplate that only limited powers be vested in the relocation

assistance appeal body; i.e., the power to review a determination made at a lower level as to eligibility for or amount of relocation assistance payment. However, it is evident that a decision of a relocation assistance appeal body as to eligibility for or amount of payment could involve determinations in respect to matters of law, or fact, and in some instances the exercise of discretion. The bulk of the vast body of case law relating to judicial review of administrative action is concerned with the problem of whether review may be had of administrative action in these areas.

Although the courts and the text writers in the field of administrative law generally eschew any attempt to conceptualize a body of firm rules of uniform application that govern the law of judicial review of administrative action, a measure of generalization is possible, and the following, which appears in 2 Am. Jur. 2d *Administrative Law* §645, is instructive:

The questions presented to administrative agencies ... are generally recognized to be of three kinds: matters of law, matters of fact, and matters of discretion....

As a general proposition it may be stated that the courts cannot or will not annul, reverse, set aside, or disturb the action of an administrative agency which is within its jurisdiction or not beyond its powers or authority, and which is not contrary to law or illegal, or fraudulent, or which has a reasonable basis, and is not arbitrary or capricious, or an abuse of discretion. Thus determinations of fact by any administrative agency, or determinations made in the proper exercise of discretionary or administrative, legislative, executive, or judicial functions, or of exclusive or primary jurisdiction, vested by the legislature in administrative agencies, are conclusive upon the courts.

On the other hand, it may be stated generally that in the absence of an express legislative prohibition, a court of competent jurisdiction in a proper proceeding can and will annul, reverse, set aside, or grant appropriate relief from action of an administrative agency which is unconstitutional, contrary to law, illegal, beyond the powers or jurisdiction of the agency, fraudulent, or arbitrary, capricious, unreasonable, or an abuse of discretion; and in a proper case will give similar relief from action which lacks a required foundation in facts or evidence.

A right of judicial review is frequently created by the terms of statute, such as under the state administration procedure acts. The administrative procedure acts vary in terminology. Some provide for a reversal or modification of an administrative determination if substantial rights have been prejudiced, or the agency has acted in excess of statutory authority or beyond its jurisdiction, or the decision is not supported by competent and substantial evidence, or if an error of law has been made. Others provide that the agency determination shall be affirmed unless the court finds that constitutional rights have been violated or the decision is not otherwise in accordance with law, or that the findings of fact are not supported by the evidence, or that the decision is not supported by the findings of fact.

A comprehensive study of the provisions of the various state statutes relating to judicial review of agency action is beyond the limits of this report; the reader is referred to the apposite statute law (if any) of his particular jurisdiction.

Where a common law right of review exists (viz., as stated in the foregoing quotation from 2 Am. Jur. 2d *Administrative Law* §645), or where a statute creating the right does not specify the remedy, the choice of remedy to secure review may present difficulties, particularly in the state courts.

It can be stated, in general, that the extraordinary remedies--certiorari, mandamus, prohibition, injunction, and declaratory judgment--are available to secure review of administrative action. However, the selection of the proper remedy is not always a clear matter. The eminent authority, Kenneth Culp Davis, has the following to say with respect to use of the extraordinary remedies to secure judicial review of administrative action:

No branch of administrative law is more seriously in need of reform than the common law of the state courts concerning methods of judicial review.... An imaginary system cunningly planned for the evil purpose of thwarting justice and maximizing fruitless litigation would copy the major features of the extraordinary remedies.... For no practical reason, the remedies are plural. A cardinal principle, now and then erratically ignored, denies one method of review when another is adequate. The lines are moved about through discussions of such concepts as judicial, non-judicial, discretionary, and ministerial. These concepts are acutely unfortunate not only because they defy definition but because of the complete folly of using any concepts whatever to divide one remedy from another. Nothing is accomplished by holding that certiorari is

the wrong method of reviewing nonjudicial action, that mandamus will not reach discretionary action, and that since neither certiorari nor mandamus is good for action which is both nonjudicial and discretionary ... the remedy is equitable, so that concepts such as irreparable injury fortuitously come to life and may be decisive, even though these concepts would not affect certiorari or mandamus. The theory varies, and departures from the theory are commonplace. Thousands of cases try to draw lines. The more the lines the more the confusion. Yet the litigant must label his pleading at his peril. (*Administrative Law*, Vol. 3, §24.01.)

Davis suggests elsewhere (*Administrative Law*, Vol. 3, §24.06) that where rules of pleading permit, the petition should "seek a plurality of remedies in each case," together with a plea for such additional relief as the court may find appropriate.

Where review of the action of a relocation assistance appeal body is sought, either certiorari, or mandamus, or injunction might be an appropriate remedy, depending on the facts of the particular case and the specific nature of the relief sought (i.e., whether to correct error of law, compel failure to perform ministerial duty, restrain arbitrary, capricious, or unreasonable exercise of discretion, etc.). If it was determined that a relocation assistance appeal body acted in a judicial capacity, prohibition might be an appropriate remedy. Again, depending on the facts of the particular case, declaratory judgment might be appropriate; or declaratory judgment in conjunction with injunction might be appropriate, if state pleading permits this practice that is widely allowed in the Federal courts.

It is not possible to be specific about the form of proceeding for review. The remedy will depend on the facts of the case and the nature of the relief sought. The procedure, practice, and case law of the particular jurisdiction, and the statute law (if any) that relates to judicial review of administrative action, must be looked to.

It does not serve a useful purpose in a paper of this size to dwell further on the highly complex problem of judicial review of administrative action. However, before leaving the question of right of judicial review of the decision of a relocation assistance appeal body, the following generalization seems permissible.

In many jurisdictions a right of review of the action of an administrative agency may be had, either under common law principles or pursuant to the language of statute, on the grounds that (1) the agency action was in violation of constitutionally protected rights; (2) the agency action was contrary to law; (3) the agency action was beyond the agency's delegated powers or jurisdiction; (4) the agency action was fraudulent; (5) the agency action was arbitrary, capricious, unreasonable, or an abuse of discretion; (6) the finding or decision of the agency was not supported by substantial evidence; (7) the action or decision of the agency was not supported by the findings of fact.

When the form of proceeding for review is not prescribed by statute, review may be had, generally, pursuant to one of the extraordinary remedies--certiorari, mandamus, prohibition, injunction, or declaratory judgment--whichever may be appropriate.

IV. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Pub. L. 91-646, 84 Stat. 1894, entitled "An Act, to provide for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs," was enacted on January 2, 1971, and the states were given until July 1, 1972 to comply with the provisions thereof. This act applies not only to Federal-aid highway programs, but also to all Federal and Federally assisted projects where real property is acquired. The 1968 Federal-Aid Highway Act was a first step in providing for mandatory assistance to those displaced by the Federal-aid highway programs. However, in S. Rep. No. 91-488, relating to uniform relocation assistance and land acquisition policies, the Committee on Government Operations of the United States Senate recognized that a system for applying relocation assistance uniformly in all programs still was lacking. Congress responded with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Title I--General Provisions--§101(6) of the 1970 Act provides in pertinent part as follows:

The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as a result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance.

Title II--Uniform Relocation Assistance--§201 of the 1970 Act provides as follows:

The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

§202 deals with "Moving and Related Expenses." §203 and §204 deal, respectively, with "Replacement Housing for Homeowner" and "Replacement Housing for Tenants and Certain Others."

§205(c) provides that:

Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities or services as may be necessary or appropriate in order to:

- (1) determine the need, if any, of displaced persons, for relocation assistance;
- (2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing and of comparable commercial properties and locations for displaced businesses;
- (3) assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except the head of the Federal agency may prescribe by regulation situations when such assurances may be waived;
- (4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;
- (5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and
- (6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

As previously pointed out, §213(b) (3) of Title II reenacts the material provisions of §510(a) (3) of Chapter 5 of the 1968 Act, relating to the requirement that any person aggrieved by a determination as to eligibility for a relocation assistance payment or the amount thereof shall have the right to have his application reviewed by the head of the state agency making the determination.

Title III of the 1970 Act relates to land acquisition policies and is not germane to the subject matter of this report.

At the time of writing this paper the following states appeared to have authority to provide relocation assistance and payments in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

<u>State</u>	<u>Effective Date</u>	<u>State</u>	<u>Effective Date</u>
Alabama	1/02/72	Missouri	1/02/71
Alaska	1/02/72	Montana	3/18/71
Arizona	1/02/72	Nebraska	3/16/71
Arkansas	1/02/72	Nevada	1/02/71
California	8/10/71	New Hampshire	1/02/71
Colorado	5/06/71	New Mexico	3/26/71
Connecticut	7/08/71	New York	7/01/71
Florida	1/02/71	North Carolina	1/01/72
Hawaii	1/02/71	North Dakota	1/02/71
Idaho	3/16/71	Ohio	6/11/71
Illinois	9/17/71	Oklahoma	7/01/71
Indiana	1/02/71	Oregon	1/02/71
Iowa	7/01/71	Rhode Island	4/05/71
Kansas	1/02/71	South Dakota	1/02/71
Kentucky	1/02/71	Texas	1/08/71
Maine	1/02/71	Utah	1/02/71
Maryland	1/02/71	Vermont	1/02/71
Massachusetts	1/02/71	Washington	7/01/71
Michigan	1/02/71	West Virginia	4/28/71
Minnesota	9/01/71	Wisconsin	1/02/71
Mississippi	4/09/71	Wyoming	2/27/71

APPLICATIONS

The foregoing research should prove helpful to highway administrators, their legal counsels, right-of-way engineers, and advance planning staff. Highway officials are urged to review their right-of-way acquisition and relocation assistance program procedures to determine how this research can effectively be incorporated in a meaningful way.



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