



THE ULTIMATE GAME CHANGER

The undeniable imprint of
IRWA's founders on the
Uniform Relocation Act

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It can be argued that the two greatest game changers in the history of public acquisition of property were the United States Constitution's Bill of Rights and England's Magna Carta. The Bill of Rights specifically prohibited the U.S. government from taking property without due process and the Magna Carta prohibited the king of England from doing the same. However, it would take the Uniform Relocation and Real Properties Acquisition Policies Act (URA) of 1970—along with its subsequent amendments and regulations—to fully define how properties are acquired by government agencies.

Except for two limited laws, The Housing Act of 1937 and the Highway Act of 1968, the URA was the first U.S. legislation that created or defined obligations for public agencies acquiring property, as well as the rights of people impacted by public acquisition projects. For all practical purposes, it was the first legislation that established objectives that considered the needs of both parties. It was also the first legislation that required specific actions and stipulated payment parameters for the people impacted by projects beyond what was defined as just compensation and due process of law.

Assisting People Impacted by Projects

Today, many right of way professionals involved in acquisition and relocation projects consider the URA to be the ultimate game changer. The URA, as clarified by subsequent regulations, set the following objectives:

1. Ensure that owners of real property needed for Federal and Federally-assisted projects are treated fairly, consistently and uniformly.
2. Encourage acquisition by agreements with such owners.
3. Expedite acquisition by agreement.
4. Minimize litigation by promotion of expedited fair and consistent agreements.
5. Ensure that persons displaced as a direct result of Federal or Federally-assisted projects are treated fairly, consistently and uniformly.
6. Ensure that acquiring agencies implement regulations in a manner that is efficient and cost effective.

The URA and its subsequent regulations became much more definitive. The original requirements ensured all property to be acquired be appraised for fair market value, required good faith negotiations, necessitated the timely notification of proposed projects and possible acquisition of property, stipulated that all people to be displaced be given a 90-day notice to vacate, created specific relocation benefits, and enacted protections for both citizens impacted by projects and the public paying for the projects.

The URA led directly to the passage of similar legislation in virtually every state in the United States. In most cases, following the goals and parameters set forth by the URA have led to successful project completion. Simply stated, those goals are fairness, communication, uniformity and ensuring agencies act in an expeditious and efficient manner.

There is no doubt that the URA is a game changer for right of way professionals involved in infrastructure projects that necessitate the relocation of impacted businesses and residents. There is also no denying the URA's connection to IRWA's core values. It would be impossible to read the URA's goals and not see the imprint of the Association's original founding principals.

It was 35 years before the URA's passage when Frank C. Balfour, IRWA's founder, served as the initial catalyst. In 1934, while working for the California Division of Highways (now Caltrans), Frank assembled 13 other right of way professionals and held the first meeting of what today is known as the International Right of Way Association.

When the Association was founded, IRWA members believed in a simple—but game changing—foundation. It was that communications and win-win negotiations are the key to fair treatment for people impacted by projects. That win-win negotiations and good communication were equally beneficial to the taxpayers and the public agencies who are responsible for acquiring the property. The Association proved, through the success of its members, that by following this essential foundation, public agencies are also more efficient and effective.

Facing New Challenges

There are numerous challenges facing right of way today. As more and more projects suffer from escalating project costs and excessive delays, I believe that bureaucratic ineptitude and political cronyism are major contributing factors. Other issues play a role, however none are as problematic as the obstacles created and perpetuated by the bureaucrats in power.

This is evidenced by the many unfortunate instances where projects are blocked or held up. With permitting delays, arguments about what is considered just compensation, the perceived need for activists to block new infrastructure, and unnecessary problems created by inconsistent and poor project management, it's a wonder how projects are completed at all. Add to this the speed in which negative information is spread online, and it's not surprising that residents become more concerned about a project's impact on the environment than how it will keep up with the increasing demands for the infrastructure that enhances their quality of life.

All of these obstacles have created a bureaucratic quagmire that has increased the time it takes to complete an acquisition project from years to decades. In one current project in California, for example, the average administrative cost to acquire a single parcel of property increased from less than \$10,000, using URA rules, guidelines and goals,

to an amount in excess of \$300,000 (based on funds reportedly spent and reported number of parcels acquired). Within three years, it's possible that the project will be terminated without any accomplishments other than spending \$10 billion or more of taxpayer's money and acquiring less than five percent of the property required to complete the project. While this California project is not unique, it may be one of the best examples because of the extreme amount of money wasted, the visible and blatant level of incompetency and the likelihood of project failure. The real shame however, is that the consequences are avoidable.

The Power to Change

While the current obstacles cannot be fixed by new legislation or regulations, I believe that IRWA and its members are the best source for finding a way to correct these current right of way challenges. Many who read this article will say that there is no way to change bureaucracy or overcome the other project problems. Yet, I am confident that the 14 original members of the Southern California Right of Way Association faced significant challenges over 80 years ago and found a way to overcome them.

As right of way professionals, we must remember and honor their accomplishment, and we can best do this by continuing to follow those principals while continually working to improve the professional standards by which we all follow. We cannot remain on the sidelines and be swept up in the current entanglements that so frequently make the URA goals of expediency and efficiency, fairness, consistency, and uniformity difficult to accomplish. We must work together to continue the mission set forth by our Association's founders who believed that a win-win strategy was the key to effective negotiations. They were right back then, and their wisdom is still applicable today. 🌟



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