

## Memorandum

Date: November 27, 2024

To: Statewide Real Estate Services and Mega Programs

From: Kevin Workman, Real Estate Services Program Administrator  
Headquarters Real Estate Services *Kevin Workman*

Subject: 2024-07 - Manner of Notices - 49 CFR Part 24 Final Rule

The purpose of this memorandum is to provide guidance on implementing amendments to the Uniform Relocation Act (URA) resulting from changes published in the final rule. These regulatory changes went into effect June 3, 2024. This memo only addresses portions of the URA related to 49 CFR 24.5, "Manner of Notices" and serves to update WSDOT's Right of Way Manual related to the same.

The updated regulations state each notice the agency is required to provide to a property owner or occupant under the URA, **shall be personally served** or sent by certified or registered first-class mail, return receipt requested or by companies other than the United States Postal Service (USPS) that provide the same function as certified mail with return receipts.

The new regulations provide flexibility regarding the delivery method when the need arises to mail a required notice. We now have the ability to use companies other than USPS offering services similar to certified or registered first class mail. To meet the requirements of the URA and use other companies (such as FedEx, UPS, DHL, etc.) need to be able to do 2 things:

1. Provide proof of delivery.
2. Provide proof of receipt with a signature.

Historically we accomplished this using USPS certified 1<sup>st</sup> class mail with a signed "green card" for confirmation. You can find USPS's current process on the below link:

<https://faq.usps.com/s/article/What-is-Proof-of-Delivery>

## New Procedure:

- 1) Prior written authorization from the Region Manager must be in the file if required notices will not be delivered in person, along with justification of why the notice is not being provided in person. (Out of state, property owners request, etc.).
- 2) Regions/Mega projects can now decide which company they prefer to use when mailing required notices. The mailing will need to be setup to receive proof of delivery with a signed receipt of the document.
- 3) The proof of delivery and signed receipt must be included in the applicable relocation or acquisition file.

Required notices include the following documents:

- General Notice – Relocation
- Notice of Eligibility or Non-eligibility – Relocation
- 90-Day Assurance - Relocation
- Notice of Intent to acquire – Relocation
- Offer Letter – Acquisition
- Final Action Notice - Acquisition

This policy memo does NOT apply to the Introductory Letter, which is RES form #301, unless one of the above notices is included in the mailing.

The FHWA has made it clear that providing notices, offers, correspondence and information by either first-class mail or electronic means should not be used as a substitute for face-to-face meetings, but rather as a supplemental means of communication. Mailing required notices should not be done as a way to speed up the delivery process. Instead, it is allowed when we are unable to physically meet with the people affected by our projects. For example, it is not practical to meet in person with a property owner who lives out of state, and mailing required notices becomes necessary.

Similarly, mailing documents may not always be a good option for relocation assistance where many actions are conducted in person at the displacement and replacement sites and require advisory services to be provided as part of the process. The FHWA notes in the appendix of the URA that relocation assistance requires ongoing and continuous advisory services be provided (24.205(c)). This is best accomplished by face-to-face meetings during which the displaced person may more easily raise questions, request assistance, or indicate a need for additional advisory assistance.

**There are many additional changes to the URA resulting from the final rule that are not addressed in this memo, including electronic delivery of notices.** Until applicable policy is created and approved, regions are directed to follow current policies with the exception of the adjustments noted above.

DJ:kw