

12. Definitions

AAG (Assistant Attorney General) – see LAW;

AASHTO (American Association of State Highway Transportation Officials) – “a nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia, and Puerto Rico. It represents all transportation modes: air, highways, public transportation, active transportation, rail, and water. Its primary goal is to foster the development, operation, and maintenance of an integrated national transportation system” (<https://transportation.org/about/>);

access management - the control of access to a highway or airport achieved by zoning controls, geometric design, access control guidelines, and purchasing access rights, including acquiring adjoining property;

Act – see Uniform Act ([49 CFR 24.2\(a\)](https://www.ags.org/Uniform-Laws/Uniform-Act) effective June 3, 2024);

Act of February 5, 1948 - An act to empower the Secretary of the Interior to grant rights of way for various purposes across lands of individual Indians or Indian tribes, communities, bands or nations.

acquired - the status of a property after an agency has obtained legal possession of a property (*preferred term to “take” or “taken”*);

acquisition - the process of buying property; also refers to the property purchased or otherwise acquired for a public transportation project (*preferred term to “take” or “taking”*);

Acquisition Agent - the ROW Agent who meets with property owners to buy their property;

acquisition value - the value of the portion of land and improvements to be acquired as they contribute to the larger parcel;

activity or site of significant interest to the traveling public - a motorist service, a tourist attraction, or a commercial activity that derives a major portion of income during the normal business season from motorists who do not reside in the immediate area of the business or activity;

administrative closure - the official closing of a project by submitting a final cost billing to the Federal agency participating in the project cost;

administrative consistency spot check – a spot check on a representative sampling for each type of property or acquisition from all waiver valuations on a project, especially necessary when appraisals are completed on the same project, performed by the agency’s authorized review appraiser;

administrative expenses - overhead costs such as salaries and travel involved in acquiring ROW;

administrative settlement - a nonjudicial acquisition of property for an amount other than the established fair market value;

advance acquisition - acquiring one or more parcels for a project before the normal sequence of acquisition events, generally for hardship case or protective buying, or by donation; see also hardship case, protective buying, and early acquisition;

Agency Journal Entry (AJE) - an accounting entry for income and expenditures;

agency - any entity utilizing Federal funds or Federal financial assistance for a project or program that acquires real property or displaces a person.

- (i) Federal agency means any department, agency, or instrumentality in the executive branch of the United States Government, any wholly owned U.S. Government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.
- (ii) State agency means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

See also DOT&PF ([49 CFR 24.2\(a\)](https://www.ags.org/Uniform-Laws/Uniform-Act) effective June 3, 2024,);

agent - a person (including a DOT&PF employee, a contractor, or a Local Public Agency employee) who represents the agency or uses funds administered by the agency to acquire property;

Air Navigation Site - a site being used for, or proposed for, an airport;

Airport Improvement Project (AIP) - an FAA program that funds improvements to airports, [Title 49 USC Sec. 47171](#) (Pub. L. 103-272);

AIP (Airport Improvement Program) Handbook - provides guidance and sets forth policy and procedures used in administering the Airport Improvement Program.

Airport Sponsor Guide - a supplement guide to administer the AIP grant program used in some other FAA regions and previously used in Alaska. Alaska currently uses the AIP Handbook.

AKSAS number - the project number assigned from the Alaska State Accounting System (AKSAS), the former repository for project financial records. Integrated Resource Information System (IRIS) and IRIS numbers are replacing AKSAS and AKSAS numbers;

alien not lawfully present in the United States - means an alien who is not “lawfully present” in the United States as defined in [8 CFR 103.12](#) and includes:

- (i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 USC 1101 *et seq.*) and whose stay in the United States has not been authorized by the U.S. Secretary of Homeland Security; and
- (ii) An alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Secretary of Homeland Security or who otherwise violates the terms and conditions of admission, parole, or authorization to stay in the United States ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

allottee - the owner of a Native American land allotment;

ANCSA - the Alaska Native Claims Settlement Act;

appraisal - a written statement independently and impartially prepared by a qualified appraiser that sets forth an opinion of defined value of an adequately-described property as of a specific date, supported by the presentation and analysis of relevant market information ([49 CFR 24.2\(a\)](#) effective June 3, 2024), *distinguished from the definition of appraisal in*

USPAP and the Uniform Act's definition of waiver valuation, see also appraisal report;

appraisal report - from USPAP, “any communication, written or oral, of an appraisal or appraisal review that is transmitted to the client or a party authorized by the client upon completion of an assignment” (<https://appraisalfoundation.sharefile.com/share/view/sa9a85f26098c4f7ab01e927b647ec962>), *distinguished from valuation report*;

appraisal requirements (“requirements”) - used throughout [49 CFR 24.103](#) to avoid confusion with The Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP) “standards.” Although this section discusses appraisal requirements, the definition of “appraisal” itself at § 24.2(a) includes appraisal performance requirements that are an inherent part of this section ([49 CFR Appendix-A-to-Part-24 “Section 24.103 Criteria for Appraisals”](#) effective June 3, 2024);

appraisal review - the required, formal, USPAP-compliant review of all phases of an appraisal, most often used by the agency for the purpose of making a recommendation of just compensation or preparing for litigation or condemnation;

arterial - a major highway;

Assistant Attorney General - a lawyer employed by the State of Alaska Department of Law;

authority and necessity - a proof by the State that it has the authority to acquire, and if necessary, condemn a specific parcel needed for the project;

authority to appraise and acquire - authority issued by the Federal agency, allowing the agency to proceed with the appraisal and acquisition portion of a project;

Authority to Proceed (ATP) - the approval to proceed with a project at different stages of development; ATP is effective when the request is approved; typically approved by the Federal funding agency, in State-funded projects, the agency makes these approvals;

automobile graveyard - an establishment or place of business that is maintained, used, or operated primarily to store, keep, buy, or sell wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, and that has 10 or more such vehicles at the establishment;

average annual net earnings - one-half of the net earnings of a business or farm operation, before Federal and State income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for a project; it includes compensation paid by the business or farm operation to the owner, spouse, or dependents during the two-year period;

aviation - use of air space above a property for the flight of aircraft;

before and after appraisal - a means of measuring the difference in value between the entire property prior to an acquisition and the value of the remainder after the acquisition;

benefit - the advantageous factors that accrue to a property because of a public improvement;

betterment - physical improvements that add to the value of the structure or land and that are more than mere repairs;

BIA - the Bureau of Indian Affairs, U.S. Department of the Interior;

BIA Deed - a deed obtained by BIA for the benefit of a Native American allottee;

binding agreement - in relocation, a legally enforceable document in which the property owner agrees to sell certain property rights necessary for a project and the agency agrees, without further election, to make that purchase ([49 CFR 24.2\(a\)](#) “Voluntary acquisitions”, “Persons not displaced”, and “Initiation of negotiations”, and [49 CFR Appendix-A-to-Part-24 “Section 24.2\(a\) Initiation of negotiations, Tenants, \(iv\)”](#) effective June 3, 2024);

BLM - the Bureau of Land Management, U.S. Department of the Interior;

business - any lawful activity, except a farm operation, that is conducted:

- (i) primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;
- (ii) primarily for the sale of services to the public;

(iii) primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(iv) by a nonprofit organization that has established its nonprofit status under applicable Federal or State law ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

carve out – for the purposes of calculating RHP, the subtraction from acquisition cost of the displacement dwelling for a missing major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool, see [49 CFR 24.403\(a\)\(2\)](#) and [49 CFR Appendix-A-to-Part-24 “RHP Computation for Carve Out of a Major Exterior Attribute of a Displacement Property's Land in Excess of a Typical Lot”](#));

case caption - the designation of parties and the court-assigned case number for a condemnation case;

cash equivalency - the fair market value of each sale in terms of cash to the seller; if the terms and financing of the sale are not cash or reasonable terms that would give the seller cash at closing, then the appraiser must consider the cash equivalency of the terms of the sale;

CATEX (Categorical Exclusion aka CE) - a category of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required, see also Environmental Document;

CERCLA - Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or “Superfund”);

certificate - the part of an appraisal report containing the appraiser's opinion of value, the date of value, and specific conditions under which the value was reached;

CFR – the Code of Federal Regulations, the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the Federal government of the United States. The CFR is divided into 50 Titles that represent broad areas subject to Federal regulation. The CFR is searchable online at <https://www.ecfr.gov>;

Chief Engineer - the title of the person so designated by DOT&PF as head of Statewide Design & Engineering Services, Project Delivery Division;

citizen - for purposes of this part includes both citizens of the United States and noncitizen nationals (49 CFR 24.2(a) effective June 3, 2024);

Commissioner's Deed of Vacation (CDV) - a deed from DOT&PF transferring title and agreeing to abandon use of a property;

Commissioner's Quitclaim Deed (CQD) - a deed from DOT&PF conveying any interest it might have in a property;

comparable replacement dwelling - a dwelling that is:

- (i) Decent, safe, and sanitary as described in the definition of *decent, safe, and sanitary* in this paragraph (a);
- (ii) Functionally equivalent to the displacement dwelling. The term *functionally equivalent* means that it performs the same function and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the agency may consider reasonable trade-offs for specific features when the replacement unit is “equal to or better than” the displacement dwelling (see *Appendix A of this part, Section 24.2(a) Comparable replacement dwelling*);
- (iii) Adequate in size to accommodate the occupants.
- (iv) In an area not subject to unreasonable adverse environmental conditions.
- (v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment.
- (vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need

not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also 49 CFR 24.403(a)(2));

- (vii) Currently available to the displaced person on the private market, except as provided in paragraph (ix) of this definition (see *Appendix A to this part, Section 24.2(a), definition of comparable replacement dwelling*); and
- (viii) Within the financial means of the displaced person:
 - (A) A replacement dwelling purchased by a homeowner in occupancy for at least 90 days prior to initiation of negotiations (90-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in § 24.401(c), all increased mortgage interest costs as described at § 24.401(d), and all incidental expenses as described at § 24.401(f), plus any additional amount required to be paid under § 24.404.
 - (B) A replacement dwelling rented by an eligible displaced person is considered to be within that person's financial means if, after receiving rental assistance under this part, his or her monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed that person's base monthly rental for the displacement dwelling as described at § 24.402(b)(2).
 - (C) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in § 24.402(b)(2). Such rental assistance must be paid under § 24.404.
- (ix) For a person receiving Government housing assistance before displacement, a dwelling that may reflect similar Government housing assistance. In such cases any requirements of the Government housing assistance program, including fair housing, civil rights, and those

relating to the size of the replacement dwelling, shall apply. However, nothing in this part prohibits an agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement, subject to the eligibility requirements of the Government housing assistance program. An agency is obligated to inform the person of his or her options under this part and the implications of accepting a different form of assistance than the assistance that the person may currently be receiving. If a person accepts assistance under a Government housing assistance program, the rules of that program apply, and the rental assistance payment under § 24.402 would be computed on the basis of the person's actual out-of-pocket cost for the replacement housing and associated utilities after the applicable Government housing assistance has been applied. In determining comparability of housing under this part:

- (A) A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit.
- (B) A privately owned unit with a housing project-based rental program subsidy (e.g., tied to the unit or building) may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing unit.
- (C) An offer for tenant-based rental assistance, such as a HUD Section 8 Housing Choice Voucher, may be provided along with an offer of a comparable replacement dwelling to a person receiving a similar subsidy assistance or occupying a privately owned subsidized unit or public housing unit before displacement. The displacing agency must confirm that the owner will accept tenant based rental assistance before offering the unit as comparable replacement housing. (see *Appendix A to this part, section 24.2(a), definition of comparable replacement dwelling*) (49 CFR 24.2(a) effective June 3, 2024);

compensable damages - damages (in eminent domain) that an agency is legally required to compensate a person (or entity) with an interest in the property being wholly or partially acquired; the

Alaska Constitution, Sec. 18, provides that ‘Private property shall not be taken or damaged for public use without just compensation’, and Alaska courts have interpreted this liberally in favor of the private property owner;

compensation - see just compensation;

condemnation - the act or process of enforcing the right of eminent domain, typically through court action;

condemnation appraisal - an appraisal prepared specifically for a condemnation action;

condemned - the formal acquisition of real property by a public agency through eminent domain, typically as legal enforcement through court action;

consequential damages - damage to private property as a consequence of an eminent domain partial acquisition or construction on other land;

consideration - the actual price for which a property is transferred; in valuation, usually the actual dollar price;

contingent and limiting condition -- in valuation, specific confines of the use of an appraisal and conditions upon which the practitioner relied to make their opinion of value, that if found to be different, may affect the conclusions;

contract manager - a ROW Agent who manages professional services agreements;

contribute materially - during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the agency determines to be more equitable, a business or farm operation:

- (i) had average annual gross receipts of at least \$5,000; or
- (ii) had average annual net earnings of at least \$1,000; or
- (iii) contributed at least 33-1/3 percent of the owner's or operator's average annual gross income from all sources.
- (iv) If the application of the above criteria creates an inequity or hardship in any given case, the agency may approve the use of other criteria as determined appropriate on a case-by-case basis. (See *Appendix A of this part, section 24.305(e)*) (49 CFR 24.2(a) effective June 3, 2024);

conveyance document - a document such as a deed or an easement that transfers title to an entity;

corridor preservation - the acquisition of property for a future highway location;

cost approach - an appraisal method that uses the cost of construction to value an improvement;

cost estimate - the anticipated project cost;

cost to cure - an estimate of the cost to rebuild, rehabilitate, or replace an improvement to new or nearly new condition, to avoid or mitigate damages;

CRO – DOT&PF’s Civil Rights Office, see <https://dot.alaska.gov/cvlrts/>;

CRUO (Committee on Right of Way, Utilities, and Outdoor Advertising Control) – an authorized AASHTO committee delegated the responsibility to review the laws and regulations of the Federal Government, member states, and territories pertaining to public acquisition and management of real property for transportation related purposes;

daily shelter – see temporary, daily, or emergency shelter ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

damages - in eminent domain, the loss in value to the remainder resulting from a partial acquisition of a property; three types of damages are recognized: direct, consequential, and severance; damages are the mathematical difference between the value of the remainder as a part of the whole before the acquisition, and the value of the remainder after the acquisition (as cured), disregarding any special benefits;

date of appraisal - the effective date on which the valuation is valid; it may be current (the date of the appraiser's last inspection is typically the date of appraisal), prospective (a future value), or retrospective (a “Date of Taking” (Acquisition) established by the court in a condemnation action);

date of final acceptance - the date that FHWA accepts the final billing on a project and closes the project;

declaration of taking [acquisition] - a document filed with the court in a condemnation action that vests title in the agency;

demolition contract - a contract issued to demolish improvements on acquired property;

Department of Law - the State of Alaska, Department of Law who employs lawyers as Assistant Attorneys General and the Attorney General, some of whom are assigned to assist DOT&PF with transportation matters;

depreciated value - the value of an improvement, taking into consideration its age and condition;

design life - the length of time that a construction project is expected to function at its designated capacity without major repairs;

Design Section - the DOT&PF section responsible for designing projects to be constructed;

diary - also known as the Record of Contact (ROC), a chronological written record of the Acquisition/Relocation Agent's activities regarding a parcel;

displaced person –

(i) *Generally.* Except as provided in paragraph (ii) of this definition, any person who permanently moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at [§ 24.401\(a\)](#) and [§ 24.402\(a\)](#).)

(A) As a direct result of a written notice of intent to acquire, rehabilitate, and/or demolish (*see § 24.203(d)*), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;

(B) As a direct result of rehabilitation or demolition for a project; or

(C) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph (i)(C) applies only for purposes of obtaining relocation assistance advisory services under [§ 24.205\(c\)](#), and moving expenses under [§ 24.301](#), [§ 24.302](#), or [§ 24.303](#).

(ii) *Persons required to move temporarily.* A person who is required to move or moves his or her personal property from the real property as a

direct result of the project but is not required to relocate permanently. Such determination shall be made by the agency in accordance with any requirement, policy, or guidance established by the Federal agency funding the project (see *Appendix A to this part, section 24.2(a)*). All benefits for persons required to move on a temporary basis are described in § 24.202(a).

(iii) *Voluntary acquisitions.* A tenant who moves as a direct result of a voluntary acquisition as described in § 24.101(b)(1) through (3) is eligible for relocation assistance when there is a binding written agreement between the agency and the owner that obligates the agency, without further election, to purchase the real property. Federal Funding agencies should develop policies identifying the types of agreements used in its programs or projects which it considers to be binding and which would therefore trigger eligibility for tenants as displaced persons. Agreements such as options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this *paragraph (iii)* until all conditions to the agency's obligation to purchase the real property have been satisfied. Provided that, the agency may determine that a tenant who moves before there is a binding agreement is eligible for relocation assistance once a binding agreement exists allowing establishment of eligibility (see *Appendix A to this part, section 24.2(a)*).

(iv) *Persons not displaced.* The following is a *nonexclusive* listing of persons who do not qualify as displaced persons under this part:

- (A) A person who moves before the initiation of negotiations (see § 24.403(d)), unless the agency determines that the person was displaced as a direct result of the program or project;
- (B) A person who initially enters into occupancy of the property after the date of its acquisition for the project;
- (C) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
- (D) An owner-occupant who moves as a result of an acquisition of real property as described in § 24.101(a)(2) or (b)(1) or (2), or as a result of

the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation, or demolition for a Federal or federally assisted project is subject to this part.);

- (E) A person whom the agency determines is not displaced as a direct result of a partial acquisition;
- (F) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;
- (G) An owner-occupant who conveys his or her property, as described in § 24.101(a)(2) or (b)(1) or (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the agency - In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;
- (H) A person who retains the right of use and occupancy of the real property for life following its acquisition by the agency;
- (I) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93-477, Appropriations for National Park System, or Pub. L. 93-303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of *subpart D of this part*;
- (J) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided in § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of the agency in order to facilitate the project;

- (K) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with § 24.208; or
- (L) Temporary, daily, or emergency shelter occupants are in most cases not considered displaced persons. However, agencies may determine that a person occupying a shelter is a displaced person due to factors which could include reasonable expectation of a prolonged stay, or other extenuating circumstances. At a minimum, agencies shall provide advisory assistance to all occupants at initiation of negotiations. (See *Appendix A to this part, section 24.2(a), definition of displaced persons.*) (49 CFR 24.2(a) effective June 3, 2024);

Division Realty Officer - the ROW Specialist in the FHWA Division Office;

disposal - the sale of property, or the rights therein, including access rights, when the property is no longer needed for the agency's or other transportation purposes, see also excess land and surplus land;

DMLW – DNR's Division of Mining, Land, and Water;

DNR - the State of Alaska, Department of Natural Resources;

donation - the voluntary transfer of privately owned real property, by a property owner who has been informed in writing by the acquiring agency of rights and benefits available to owners under the Uniform Act and this section, for the benefit of a public transportation project without compensation or with compensation at less than fair market value (23 CFR 710.105);

DOT - U.S. Department of Transportation (49 CFR 24.2(b) effective June 3, 2024);

DOT&PF - the State of Alaska, Department of Transportation & Public Facilities, *see also agency*;

DSS (decent, safe, and sanitary) dwelling – a dwelling that meets the requirements of paragraphs (i) through (vii) of this definition or the most stringent of the local housing code, Federal agency regulations, or

the agency's regulations or written policy. The DSS dwelling shall:

- (i) Be structurally sound, weather tight, and in good repair;
- (A) Many local housing and occupancy codes require the abatement of deteriorating paint, including lead-based paint and lead-based paint dust, in protecting the public health and safety. Where such standards exist, they must be honored;
- (B) [Reserved]
- (ii) Contain a safe electrical wiring system adequate for lighting and other devices;
- (iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;
- (iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by the most stringent of the local housing code, Federal agency regulations or requirements, or the agency's regulations or written policy. In addition, the Federal funding agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such agencies;
- (v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub, or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. When required by local code standards for residential occupancy, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator (see *Appendix A to this part, section 24.2(a), definition of DSS*);
- (vi) Contains unobstructed egress to safe, open space at ground level; and

(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (See *Appendix A to this part, section 24.2(a), definition of DSS* (49 CFR 24.2(a) effective June 3, 2024);

dwelling - the place of permanent or customary and usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multifamily, or multi-purpose property; a unit of a condominium or cooperative housing project; -a mobile home; or any other residential unit (49 CFR 24.2(a) effective June 3, 2024);

dwelling site - a land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See *Appendix A to this part, section 24.2(a)* (49 CFR 24.2(a) effective June 3, 2024);

early acquisition - acquisition of real property interests by an acquiring agency before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and prior to receiving a Federal-aid authorization to proceed to acquire property with Federal-aid funds, before completion of the environmental review process for a proposed transportation project, as provided under 23 CFR 710.501 and 23 USC 108; generally early acquisition refers to acquisition other than advance purchases for hardship cases or protective buying; see also hardship case, protective buying, and advance acquisition;

easement - non-possessory interest in real property that conveys use, but not ownership, of a portion of an owner's property rights;

economic rent - the amount for which similar property is renting (market rent);

egress - the means of exiting a property;

emergency shelter - see temporary, daily, or emergency shelter (49 CFR 24.2(a) effective June 3, 2024);

eminent domain - the right of government to acquire private property for a public purpose upon the payment of just compensation, *differentiated from condemnation*;

encroachment - trespassing on the property of another;

encroachment permit - a written permit issued by the agency to allow use of ROW;

Environmental Document - a formal document that assesses the environmental impacts of a proposed Federal-aid project, required under the National Environmental Policy Act (NEPA) and includes three types:

- Categorical Exclusion (CATEX or CE): a category of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required;
- Environmental Assessment (EA): prepared when the significance of a Federal-aid project's environmental impacts is uncertain, provides an analysis of the potential environmental effects and helps determine whether a more detailed Environmental Impact Statement (EIS) is needed; and
- Environmental Impact Statement (EIS): a comprehensive document that analyzes in detail the significant environmental impacts of a proposed action, alternatives to the proposed action, and mitigation measures;

estimate (obsolete) - *in appraising, not preferred*, see opinion;

exceptional and extremely unusual hardship - for the purposes of 49 CFR 24.208(g):

(h) "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in (see *Appendix A to this part, section 24.208(h)*):

- (1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;
- (2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or
- (3) Any other impact that the agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child (49 CFR 24.208(h), effective June 3, 2024);

excess land - land that is not needed to serve or support the existing project. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land has the potential to be sold separately and must be valued separately, see also surplus land for differentiation of terms;

excess real property – real property that is not needed to serve or support the existing project, see also excess land and surplus land;

expressway - a divided arterial highway for through traffic, with full or partial control of access and with at-grade intersections;

extraordinary expenses – for the purposes of [49 CFR 24.306\(b\)](#), those expenses which, in the opinion of the agency, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property or has voluntarily agreed to be responsible for such expenses (effective June 3, 2024);

FAA - Federal Aviation Administration, U.S. Department of Transportation;

FAST Act (Fixing America's Surface Transportation Act) - a funding and authorization bill to govern Federal surface transportation spending. Pub. L. 114-94, signed into law on December 4, 2015;

fair market value - the basis for just compensation; the final opinion of value that most nearly represents what the typical, informed, rational purchaser would pay for the subject property if it were available for sale on the open market as of the date of the appraisal, given all the data available to the appraiser in their analysis.

Of note, [23 CFR 710.403](#) (e) states, "...The term fair market value as used for acquisition and disposal purposes is as defined by State statute and/or State court decisions..." The Alaska Supreme Court has defined fair market value as "the price in (terms of) money that the property could be sold for on the open market under fair conditions between an owner willing to sell and a purchaser willing to buy, with a reasonable time allowed to find a purchaser." State v. 7.026 Acres, Sup. Ct. Op. No. 601, 466 P.2d 364, 365 (1970). The opinion further reads, in part: "The highest and most profitable use for which the property

is adaptable is to be considered, to the extent that the prospect of demand for such use affects the market value while the property is privately held." Fair market value is normally based on a parcel's fee simple value.

The Uniform Act and [49 CFR 24](#) refer to fair market value, while the Appraisal Foundation (USPAP) refers to market value. (See [49 CFR 24 Appendix A](#), and the current [USPAP](#).)

family - two or more individuals living together in a single-family dwelling unit who are related by blood, adoption, marriage, or legal guardianship, and who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit;

farm operation - any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

Federal agency - any department, agency, or instrumentality in the Executive Branch of the Federal government, any wholly owned Federal corporation, and the Architect of the Capitol, the Federal Reserve Banks, and branches thereof;

Federal-aid project - a project funded in whole or in part under, or requiring an FHWA approval pursuant to provisions in [Chapter 1 of Title 23, United States Code, \[23 CFR 710.105 \(b\)\]](#);

general geographic area – the term used to clarify that an agency carrying out a project or program can achieve the purpose of the project or program by purchasing any of several properties that are not necessarily contiguous or are not limited to a specific group of properties ([49 CFR 24.101\(b\)\(1\)\(ii\), 49 CFR Appendix-A-to-Part-24 "Section 24.101\(b\)\(1\)\(ii\)"](#), effective June 3, 2024);

Federally assisted - a project or program that receives grant funds under [Title 23, United States Code, \[23 CFR 710.105 \(b\)\]](#). The term "Federal and federally assisted program or project" is used to better identify the type of appraisal practices that are to be referenced and to differentiate them from the private sector, especially mortgage lending, appraisal practice ([49](#)

CFR Appendix-A-to-Part-24 “Section 24.103 Criteria for Appraisals” effective June 3, 2024);

Federal financial assistance - a grant, loan or contribution provided by the United States, except any Federal guarantee or insurance or tax credits (Low Income Housing Tax Credit) and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual (49 CFR 24.2(a) effective June 3, 2024);

fee simple - the highest type of private ownership, subject to the limitations of eminent domain, escheat, police power and taxation; an inheritable estate;

fee simple title - a property title that signifies ownership of all the rights in a parcel of real property;

FEMA - Federal Emergency Management Agency (49 CFR 24.2(b) effective June 3, 2024);

FHA - Federal Housing Administration (49 CFR 24.2(b) effective June 3, 2024);

FHWA (Federal Highway Administration) - “an agency within the U.S. Department of Transportation that supports State and local governments in the design, construction, and maintenance of the Nation’s highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program)... created on October 15, 1966, after having had several predecessor organizations.

In 1893, the Office of Road Inquiry was founded. In 1905 that organization's name was changed to the Office of Public Roads which became a division of the U.S. Department of Agriculture. The name was changed again to the Bureau of Public Roads in 1915 and to the Public Roads Administration in 1939. It was then shifted to the Federal Works Agency which was abolished in 1949 when its name reverted to Bureau of Public Roads under the Department of Commerce.

In 1966 the FHWA was created; and in 1967 the functions of the Bureau of Public Roads were transferred to FHWA.” (from <https://highways.dot.gov/about/about-fhwa> as of 3 February 2025);

FHWA Division Office - the FHWA field office assigned to manage Alaska’s Federal-aid transportation program, “local field offices that provide leadership, guidance, and direction to State

Departments of Transportation in the project development and delivery of transportation projects. (<https://www.fhwa.dot.gov/akdiv/> as of 5 February 2025);

final conclusion of value - the dollar amount that reflects the type of value sought; fair market value;

final environmental impact statement - the document prepared after circulation of a draft EIS, with consideration of comments thereon, and identifying the preferred alternative;

final opinion of value - final conclusion of value, *formerly final estimate of value*;

final judgment - a court order establishing the value of a property;

Finding of No Significant Impact (FONSI) - the document issued by the Federal agency involved when an Environmental Assessment indicates there are no significant impacts caused by the project;

FIRREA - Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (49 CFR 24.2(b) effective June 3, 2024);

fixture - a tangible thing that once was personal property, and that has been attached to land or installed in a structure in such a way as to become a part of the real property, as defined by current law and guidelines; in deciding whether a thing is personal or real property, consider:

1. intention of the party to leave it permanently attached or to remove it at some time;
2. manner in which it is attached; and
3. purpose.

See also; **personal property**;

freeway - a divided arterial with full access control and no at-grade intersections;

function of the appraisal - to assist in establishing the compensation to be paid to a property owner for the acquisition of property interests required by the agency;

general benefits - any benefits that are not special benefits;

good cause (for HLR) – means appropriate consideration has been given to:

- (i) The availability of comparable replacement housing in the program or project area;
- (ii) The resources available to provide comparable replacement housing; and
- (iii) The individual circumstances of the displaced person (49 CFR 24.404(a), effective June 3, 2024);

grandfather rights - a legal nonconforming use of record;

hardship case - when property is acquired in advance of the remainder of a project because a property owner has established appropriate health, safety, or financial reasons; one example of advance acquisition;

hazardous materials - petroleum products and other substances designated as “hazardous” by the U.S. Environmental Protection Agency;

HECM (Home Equity Conversion Mortgage) – see reverse mortgage (49 CFR 24.2(a) and § 24.2(b) effective June 3, 2024);

Highway Beautification Act of 1965 (Ladybird’s Bill) - signed into Federal law on October 22, 1965 as part of the America the Beautiful Initiative (Pub. L. 89-285 and 23 § 131), called for control of outdoor advertising, including removal of certain types of signs, along the Nation’s growing Interstate System and the existing Federal-aid primary system, required certain junkyards along Interstate or primary highways to be removed or screened, and encouraged scenic enhancement and roadside development; see also

<https://www.fhwa.dot.gov/infrastructure/beauty.cfm>, AS 19.25.075-AS 19.25.180;

HLR – housing of last resort (49 CFR 24.2(b) effective June 3, 2024);

historic preservation procedures - practices designed to protect historic sites, structures, and districts;

household income - total gross income received for a 12-month period from all sources (earned and unearned), including, but not limited to, wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income

received or earned by dependent children under 18 or full-time students who are students for at least 5 months of the year and are under the age of 24. (See *Appendix A to this part, section 24.2(a)*, for examples of exclusions to income.) (49 CFR 24.2(a) effective June 3, 2024);

households – for the purposes of *49 CFR Appendix B-to-Part-24 “Line 5”*, effective June 3, 2024, those includes all families and individuals. A family is reported as “one” household, *not* by the number of people in the family unit;

HUD – U.S. Department of Housing and Urban Development (49 CFR 24.2(b) effective June 3, 2024);

IIJA (Infrastructure Investment and Jobs Act) - funding and authorization bill to govern Federal surface transportation spending. Pub. L. 117-58, signed into law on November 15, 2021;

illegal junkyard - a junkyard established after the effective date of State law governing junkyards; it must be screened, removed, or eliminated at the owner’s expense; this is accomplished under the State’s police power;

ILMA (Interagency Land Management Assignments) – an instrument transferring management responsibility and authority from DNR to another State agency, *formerly ILMT (Interagency Land Management Transfers)*;

improvements considered to be real property - any building, structure, or other improvement, which would be considered real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of this subpart (49 CFR 24.105(b));

income approach - an appraisal method using a property’s income and expense data;

Indirect Cost Allocation Plan (ICAP) - a system of dedicating a percentage of project funds for nonspecific project activities;

industrial activities - activities permitted only in an industrial zone, or in a less restrictive zone by the nearest zoning authority but generally recognized as industrial by other zoning authorities, except that none of the following shall be considered industrial activities:

1. outdoor advertising structures;

2. agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
3. activities normally and regularly in operation less than three months of the year;
4. transient or temporary activities;
5. activities not visible from the traffic lanes of the main traveled way;
6. activities more than 300 feet from the nearest edge of the main traveled way;
7. activities conducted in a building principally used as a residence;
8. railroad tracks, minor sidings and passenger depots; and
9. junkyards, as defined in [23 CFR 751.7](#) (a);

ingress - the means of entering a property;

initiation of negotiations – unless a different action is specified in applicable Federal program regulations, means the following:

- (i) Whenever the displacement results from the acquisition of the real property by a Federal agency or State agency, the term means the delivery of the initial written offer of just compensation by the agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal agency or State agency issues a notice of its intent to acquire, rehabilitate, or demolish the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the term means the actual move of the person from the property.
- (ii) Whenever the displacement is caused by rehabilitation, demolition, or privately undertaken acquisition of real property (and there is no related acquisition by a Federal agency or a State agency), the term means the notice to the person that he or she will be displaced by the project, or, if there is no notice, the actual move of the person from the property.
- (iii) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or “Superfund”), the term means the

formal announcement of such relocation or federally coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.

(iv) In the case of a permanent relocation of a tenant as a result of a voluntary acquisition of real property described in [§ 24.101\(b\)\(1\)](#) the tenant is not eligible for relocation assistance under this part, until there is a binding written agreement between the agency and the owner that obligates the agency, without further election, to purchase the real property. (See [Appendix A to this part, section 24.2\(a\)](#).) Agreements such as options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this part unless such agreements satisfy the requirements of the Federal agency providing the Federal financial assistance or until all conditions to the agency's obligation to purchase the real property have been satisfied;

See [49 CFR 24.2\(a\) “Initiation of negotiations”](#);

Interim Conveyance - a temporary title conveyance from BLM to a Native corporation until final title passes;

International Right-of-Way Association - an international professional organization dedicated to the advancement of ROW and land acquisition work as a fully recognized profession;

Interstate Highway System - a network of limited access, divided highways within the United States;

IRIS number - the project number assigned from the Integrated Resource Information System (IRIS), the current repository for project financial records. IRIS and IRIS numbers are replacing Alaska State Accounting System (AKSAS) and AKSAS numbers;

IRS - the U.S. Internal Revenue Service;

junk - used or scrap rope, rags, batteries, paper, trash rubber, debris or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or used or scrap iron, steel, copper, brass and other ferrous or nonferrous metals;

junkyard - an establishment or place of business, private or public, that is maintained, operated, or used primarily for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile

graveyard; the term includes garbage dumps and sanitary fills, and gatherings in equivalent volume of 10 or more vehicles;

just compensation - in eminent domain, the amount of loss that a property owner is to be compensated for when property is acquired for a public purpose; fair market value is an appropriate measure of just compensation as guaranteed by the Alaska Constitution;

land/improvement allocation - the property value split between land value and improvement value;

land valuation - an appraisal method for determining how much land is worth;

larger parcel - as defined by *The Dictionary of Real Estate Appraisal* (published by the Appraisal Institute) means:

- “1. *In condemnation [eminent domain], that tract or tracts of land which are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.*
2. *In condemnation [eminent domain], the portion of a property that has unity of ownership, contiguity, and unity of use, the three conditions that establish the larger parcel for the consideration of severance damages in most states. In Federal and some State cases, however, contiguity is sometimes subordinated to unitary use.”*

last resort housing - housing provided when comparable replacement housing is not available for an owner or tenant;

LAW (Department of Law) - the State of Alaska, Department of Law, specifically the Transportation Division working as counsel to and on behalf of DOT&PF; colloquially, the Alaska Assistant Attorney General (AAG) assigned to represent and advise DOT&PF;

lead agency - the Department of Transportation acting through the Federal Highway Administration ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

leasehold interest or lessee - a person who occupies real property under a lease;

legally conforming lot - a lot that is of sufficient size and shape to meet local zoning requirements;

legal nonconforming use of record - a parcel that is subject to grandfather rights;

letter of final offer and intent to condemn - the last formal contact from the agency to a property owner before beginning a condemnation action;

Local Public Agency (LPA) - a city or borough government acting in DOT&PF's place and stead in carrying out the purposes of this manual, *note: Alaska does not have a formal LPA program*;

logical boundary - partial acquisition of a parcel with the boundary extended beyond what is needed for the project to a point where the remainder property is viable by itself;

manufactured home – see mobile home ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

MAP-21 (Moving Ahead for Progress in the 21st Century Act) - a funding and authorization bill to govern Federal surface transportation spending. Pub. L. 112-141, signed into law on July 6, 2012 (effective October 1, 2014) affecting acquisition and relocation benefits under the Uniform Act;

market value - see fair market value;

Market Value Deposit - the amount that the agency deposits with the court for a condemnation action;

Masters' Award - compensation that is due a property owner after a hearing by a court-appointed Master;

Masters' Report - the document issued by a court-appointed Master after a hearing;

materials agreement - an agreement between the agency and a property owner for the property owner to supply construction materials;

material source (MS) - the location of natural building materials such as gravel, rock, and sand;

mediated settlement (mediation) - an acquisition agreement reached with a property owner by someone other than the ROW Agent before initiating a condemnation action;

MIDP – mortgage interest differential payment ([49 CFR 24.2\(b\)](#) effective June 3, 2024);

mitigation - an effort by the agency to minimize damages to the remainder of a partial acquisition;

mitigation property - real property interests acquired to mitigate for impacts of a project eligible for funding under [Title 23, United States Code, \[23 CFR 710.105 \(b\)\]](#);

mobile home (manufactured home) - when used in this part, includes manufactured homes and recreational vehicles used as residences. The term *manufactured home* is defined at [24 CFR part 3280](#) (*see Appendix A to this part, section 24.2(a)*). The term “mobile home” was changed to “manufactured home” in [24 CFR part 3280](#) in 1979.

The following examples provide additional guidance on the types of mobile homes that can be found acceptable as replacement dwellings for persons displaced from mobile homes. A recreational vehicle that is capable of providing living accommodations may be considered a replacement dwelling if the following criteria are met: the recreational vehicle is purchased and occupied as the “primary” place of residence; it is located on a purchased or leased site and connected to or has available all necessary utilities for functioning as a housing unit on the date of the agency's inspection; and, the dwelling, as sited, meets all local, State, and Federal requirements for a decent, safe, and sanitary dwelling. (The regulations of some local jurisdictions will not permit the consideration of these vehicles as DSS dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.) ([49 CFR 24.2\(a\)](#), [49 CFR Appendix-A-to-Part-24 “Section 24.2\(a\) Mobile home”](#) effective June 3, 2024);

mortgage — such classes of liens as are commonly given to secure advances on, or the unpaid price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

move specifications - a detailed agreement between a displaced person and the agency on how a move will be accomplished;

NEPA - National Environmental Policy Act of 1969 (NEPA) is “a national policy intended to encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of

man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality” ([42 USC 4321 et seq.](#));

narrative appraisal report (obsolete)— *not preferred, see appraisal report*;

National Highway Institute (NHI) - A branch of FHWA that provides training, and funding for training, in transportation-related subjects;

negotiated settlement - an acquisition agreement between the agency and a property owner;

National Highway System (NHS) - developed by the US Department of Transportation in cooperation with the States, local officials, and metropolitan planning organizations, consists of roadways important to the nation's economy, defense, and mobility, including the Interstate System; Other Principal Arterials; Strategic Highway Network (STRAHNET), Major Strategic Highway Network Connectors, and Intermodal Connectors subsystems;

net damages - the amount that is arrived at by deducting special benefits from damages;

Nichols on Eminent Domain - the industry-standard resources for eminent domain practices, procedures, facts, analysis, and case law for all U.S. jurisdictions, subscription maintained by the Statewide Real Estate/ROW Group and LAW;

non-compensable damages - items of property damage that are excluded from payment by State or Federal rules;

nonconforming appraisal - an appraisal that is not in conformance with the standards for appraisals set out in this manual;

nonconforming junkyard - a junkyard that was lawfully established, but that does not comply with the provisions of State statutes or regulations passed at a later date or that later fails to comply with State statutes or regulations due to changed conditions; an example of changed conditions would be a junkyard lawfully in existence in an area that at a later date becomes nonindustrial and thus subject to control or a junkyard established on a non-primary highway later upgraded to a primary highway; illegally established or maintained junkyards are not nonconforming junkyards; a nonconforming junkyard may continue if it is not abandoned, destroyed, or voluntarily

discontinued; if a junkyard is abandoned, destroyed, or voluntarily discontinued for six months or more, it becomes subject to laws applicable to a new junkyard;

nonconforming use - a property usage that does not conform to zoning;

nonparticipating funds - expenses on a State-funded or Federally-funded project that are ineligible for reimbursement by the funding agency;

nonprofit organization - an organization that is incorporated under the applicable laws of a State as a nonprofit organization, and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code ([26 USC 501](#)) ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

notice of intent to acquire rehabilitate, and/or demolish — an agency's written communication that is provided to a person to be displaced, including persons required to temporarily move, which clearly sets forth that the agency intends to acquire, rehabilitate, and/or demolish the property. A notice of intent to acquire, rehabilitate, and/or demolish establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance to the activity. (*See § 24.2(a)*);

NTP (Notice to Proceed) — a DOT&PF contract document that authorizes work on a PSA;

OMB - the State or Federal Office of Management and Budget;

opinion of value - in valuation, an adequately supported and documented opinion based upon analysis of market data by a qualified appraiser; a preliminary opinion of the cost of doing specified work, *formerly "estimate" or "estimate of value"*;

order of dismissal - a court-ordered dismissal of a condemnation action;

order of possession and entry - a court order that vests title to property in a condemnation action;

orderly liquidation value - value for removal or salvage;

oversight agreement (Stewardship and Oversight Agreement Between the Federal Highway Administration (FHWA) Alaska Division and the Alaska Department of Transportation & Public Facilities) - an agreement between FHWA and

DOT&PF that sets out the responsibilities that DOT&PF will assume on behalf of FHWA under Title 23 for design, plans, specifications, estimates, ROW certification statements, contract awards, and final inspection of projects

(<https://dot.alaska.gov/stwddes/dcsaboutus/resources.shtml>);

owner - the holder of a legal or equitable title interest or leasehold interest;

owner of a dwelling - a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- (i) Fee title, a life estate, a land contract, a 99-year lease, or a lease, including any options for extension, with at least 50 years to run from the date of acquisition; or
- (ii) An interest in a cooperative housing project that includes the right to occupy a dwelling; or
- (iii) A contract to purchase any of the interests or estates described in this section; or
- (iv) Any other interest, including a partial interest, which in the judgment of the agency warrants consideration as ownership ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

parcel - a defined area of real estate from which some right of interest must be acquired for a particular project in order to satisfy all State or Federal requirements. After the area of the parcel has been determined, the type of title needed by the agency is determined and the acquisition is designated as one of the following:

- **parcel** - indicates an acquisition in fee title. The instrument is recorded;
- **easement** - indicates the agency will have some acquired use of the property, but less than full title. The instrument is recorded;
- **tract** - indicates a fee title (usually) acquisition for airport projects. The instrument is recorded;
- **temporary construction permit** - for an area to be used during construction of a project and is of mutual benefit to the owner and the agency. After completion of construction, use of the property reverts to the original owner. No recording is necessary; and

- temporary construction easement - for an area needed by the agency for construction of a project, but the agency does not require title to the property after construction. The instrument is usually recorded.

parcel plat - a drawing of a property that shows physical details;

parcel file - the official file that contains all documents pertaining to a particular parcel on a project;

parcel review report - the report prepared by the Pre-Audit Agent to ensure that all documentation is present and in agreement before transmitting payment to the owner;

parkland - publicly-owned park or recreation area;

partial acquisition - the acquisition of less than an entire property;

participating funds - an expense on a Federally-funded project that is eligible for reimbursement by the funding agency;

PDA - Project Development Authorization, an authorization form that establishes or revises funding for a project;

permanent document file - the file containing all property transfer documents that are to be retained permanently under the Alaska's records retention laws;

perpetual easement - an easement that remains affixed permanently to a property;

person - any individual, family, partnership, corporation, or association ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

personal improvement - non-real property items on a property, such as a mobile home, trade fixtures, etc.

personal property - identifiable portable and tangible objects that are considered by the general public as being "personal"; generally, and with exceptions, items remain personal property if they can be removed without serious injury to the real property or to the item itself; if doubt exists, contact LAW, see also fixture;

Phase 2 - for funding purposes, the phase of a project when project design is completed;

Phase 3 - for funding purposes, the phase of a project when the project property acquisition is complete;

pink sheet (obsolete) - Adjustment to an Approved Appraisal for Minor Change or Addition ([Form 25A-R415](#));

plans-in-hand inspection - a team review of project plans, generally onsite;

plot plan - parcel plat;

Pre-Construction Engineer - the person in the Regional DOT&PF position that supervises project activities from design to construction;

preliminary engineering - a phase of project development that may include reconnaissance, environmental documentation, design, and development;

pre-trial settlement report and recommendation - a document prepared by LAW on parcels that have been referred to that agency for condemnation action;

primary highway system - the principal State Highway System before establishment of the National Highway System;

program or project - any activity or series of activities undertaken by a Federal agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding agency guidelines ([49 CFR 24.2\(a\)](#) effective June 3, 2024). As used in [49 CFR 24.103](#), the term means an undertaking which is planned, designed, and intended to operate as a unit.

Project and Market Data Book - a compilation of comparable sales data used to appraise properties on a project;

project certification - a formal statement that all ROW for a project has been acquired or is accounted for, and all persons and businesses have been relocated, and is free and clear of all encroachments;

Project Development Authorization (PDA) - an authorization form that establishes or revises funding for a project;

Project Engineer - the agency engineer in charge of constructing a project;

project enhancement - an increase in real estate values in advance of acquisition that is created by knowledge of a pending public improvement;

protective buying – purchasing a parcel to prevent imminent development and increased costs for a future project, preserving a corridor for a future highway location, or providing access management; one example of advance acquisition;

Property Management Unit - the ROW unit that is responsible for property acquired for a project before construction of a project, managing encroachments and permits after a project is completed, and for property that is in excess of project needs;

PSA (professional services contract) - a contract with a private contractor to perform ROW activities for the agency;

public facility - a facility owned by the State of Alaska;

purchase voucher - the means by which payment is made for acquired ROW;

quarterly condemnation report - a document prepared by LAW describing the status of parcels involved in condemnation actions;

range of value testimony — expert witness testimony presented at a condemnation hearing by appraisers regarding property values;

real improvement - a structure permanently attached to the land;

real property or real property interest - [23 CFR 710.105](#) (b) defines real property or real property interest as “any interest in land and any improvements thereto, including fee and less-than-fee interests such as: temporary and permanent easements, air or access rights, access control, options, and other contractual rights to acquire an interest in land, rights to control use or development, leases, and licenses, and any other similar action to acquire or preserve ROW for a transportation facility. As used in this part, the terms “real property” and “real property interest” are synonymous unless otherwise specified”;

receive and expend account - an account used by Property Management Unit to handle project revenues and expenditures;

recipient - a non-Federal entity that receives a Federal award directly from a Federal agency to carry out an activity under a Federal program. The recipient is accountable to the Federal funding agency for the use of the funds and for compliance with applicable Federal requirements. The term recipient does not

include subrecipients ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

record of contact - an acquisition or Relocation Agent’s diary for a parcel;

Recorder’s Office - the State of Alaska offices located in the various recording districts where documents affecting real estate are recorded;

recording district – in Alaska, a statewide recording system that consists of 34 districts serviced by 14 recording offices, including three administered by the Alaska Court System;

ROD (Record of Decision) – the formal decision document recorded by FHWA for the public, the ROD signals formal federal approval of an Environmental Impact Statement (EIS) or Environmental Assessment (EA) concerning a proposed highway project and is the final action prior to implementation. The ROD authorizes the respective state transportation agency to proceed with design, land acquisition, and construction based on the availability of funds;

Regional Director – the person authorized by the DOT&PF Commissioner to manage all aspects of DOT&PF activities within their respective region in Alaska;

Regional ROW Chief - the lead ROW Agent or other qualified and duly delegated personnel in charge of their respective regional DOT&PF ROW section;

relinquishment - the conveyance of a portion of a transportation facility from the agency to another government agency for transportation purposes;

Relocation Agent - the ROW Agent with responsibility for relocation activities regarding relocating displaced parties;

relocation benefits - the payments and assistance provided by the agency to individuals and businesses displaced by the acquisition of property for a project;

relocation plan or relocation planning - the advance project plan for how individuals and businesses displaced by a project will be relocated;

remainder - in eminent domain, property remaining in possession of the owner after a partial acquisition;

remainder value - the value of the remaining property as a part of the whole;

remainder value after acquisition - the fair market value of the remaining property after acquisition (as a separate stand-alone parcel, as if cost-to-cure items have been completed);

restrictive covenant - an agreement that restricts the use and occupancy of real estate;

retention value opinion - the salvage and removal value that is established if a property owner wants to keep an improvement, *formerly retention value estimate*;

reverse mortgage (also known as a Home Equity Conversion Mortgage (HECM)) - a first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor is authorized to make under any Federal law or State constitution, law, or regulation. See 12 USC 1715z-20 for additional information. It is a class of lien generally available to persons 62 years of age or older. Reverse mortgages do not require a monthly mortgage payment and can also be used to access a home's equity. The reverse mortgage becomes due when none of the original borrowers lives in the home, if taxes or insurance become delinquent, or if the property falls into disrepair. - the right to repossess and resume full and sole use and ownership of real property ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

reversionary clause - the right to repossess and resume full and sole use and ownership of real property;

review appraiser – *preferred to “reviewing appraiser”* to emphasize that “review appraiser” is a separate specialty and not just an appraiser who happens to be reviewing an appraisal, a professional appraiser who possesses both appraisal technical abilities and the ability to comprehend and communicate to the appraiser the agency's real property valuation needs, while recognizing and respecting the professional standards to which an appraiser is required to adhere (see Chapters 4 and 5, [49 CFR Appendix-A-to-Part-24 “Section 24.104 Review of appraisals”](#) effective June 3, 2024);

Reviewer Appraiser's Recommendation of Just Compensation (formerly determination) - the minimum amount of just compensation recommended by the review appraiser from their formal review of all available, relevant data and analyses; a report signaling their acceptance or rejection of an appraisal and decision on designating the approved appraisal

upon which the Regional ROW Chief can rely for the basis of their Determination of Just Compensation; DOT&PF's [Form 25A-R505](#) signaling the review appraiser's acceptance or rejection of an appraisal and their decision on designating the approved appraisal upon which the Regional ROW Chief can rely for the basis of their Determination of Just Compensation;

RHP – replacement housing payment ([49 CFR 24.2\(b\)](#) effective June 3, 2024);

right of way (ROW) vs. rights of way – industry-specific terms used to differentiate between the physical noun (a property or location/site “right of way”) versus the rights of use held (“rights of way”); hyphenation is applied only when the terms are used as adjectives (“right-of-way limit”, etc.);

right-of-way (ROW) certification - the statement signed by the Regional ROW Chief before construction, certifying project certification. [23 CFR 710.105](#) (b) defines *ROW use agreement* as “real property interests, defined by an agreement, as evidenced by instruments such as a lease, license, or permit, for use of real property interests for non-highway purposes where the use is in the public interest, consistent with the continued operation, maintenance, and safety of the facility, and such use will not impair the highway or interfere with the free and safe flow of traffic (see also [23 CFR 1.23](#)). These rights may be granted only for a specified period of time because the real property interest may be needed in the future for highway purposes or other purposes eligible for funding under [Title 23, United States Code](#)”;

road dedication - a voluntary gift of private property to be used as a public road;

road transfer - the transfer of ownership of a road from DOT&PF to another government agency;

rural environment - a sparsely populated area where the majority of land is:

- not subdivided;
- located outside corporate city limits; or
- located inside the corporate limits of a city with a population of 5,000 or less;

sales comparison approach - an appraisal method that uses the sales of properties comparable to the subject property;

sale of excess land - the sale of land acquired for a project that is beyond what is needed for project construction;

salvage value - the probable sale price of an item, offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (i.e., not eligible for relocation assistance). This includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect of sale except on this basis (49 CFR 24.2(a) effective June 3, 2024);

scope of work (appraisal scope) - a description of the extent of the process of collecting, confirming, and reporting data. The term "scope of work" defines the general parameters of the appraisal. It reflects the needs of the agency and the requirements of Federal and federally assisted program appraisal practice. It should be developed cooperatively by the assigned appraiser and an agency official who is competent to both represent the agency's needs and respect valid appraisal practice. The scope of work statement should include the purpose and/or function of the appraisal, a definition of the estate being appraised, whether it is fair market value, its applicable definition, and the assumptions and limiting conditions affecting the appraisal. It may include parameters for the data search and identification of the technology, including approaches to value, to be used to analyze the data. The scope of work should consider the specific requirements in § 24.103(a)(2)(i) through (v) and address them as appropriate. (49 CFR Appendix-A-to-Part-24 "Section 24.103(a) Appraisal requirements" effective June 3, 2024);

screening - shielding from view;

set-off rule - in eminent domain, the rule governing the "setting off" of special benefits against the part taken or damages; Alaska's rule allows setting off special benefits against damages to the remainder only;

settlement - an agreement with a property owner to sell property to the agency, 23 CFR 710.105 (b) defines settlement as "the result of negotiations based on fair market value in which the amount of just compensation is agreed upon for the purchase of real property or an interest therein. This term includes the following:

(1) An *administrative settlement* is a settlement reached prior to filing a condemnation proceeding

based on value related evidence, administrative consideration, or other factors approved by an authorized agency official.

(2) A *legal settlement* is a settlement reached by an authorized legal representative or a responsible official of the acquiring agency who has the legal power vested in him by State law, after filing a condemnation proceeding, including agreements resulting from mediation and stipulated settlements approved by the court in which the condemnation action had been filed.

(3) A *court settlement* or *court award* is any decision by a court that follows a contested trial or hearing before a jury, commission, judge, or other legal entity having the authority to establish the amount of just compensation for a taking [an acquisition] under the laws of eminent domain";

severance damages - in a partial taking, a decline in the fair market value of the remainder that arises from the taking (severance) and/or construction of the proposed improvement;

shelter – see temporary, daily, or emergency shelter (49 CFR 24.2(a) effective June 3, 2024);

small business - a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.303 or § 24.304 (49 CFR 24.2(a) effective June 3, 2024);

special benefits - benefits that are specific to the property remaining after a partial taking, and not generally benefiting other properties on the project;

specialty report - an appraisal report requiring technical expertise for an uncommon property;

split estate lands - where different people own rights to a property, such as one owning the surface rights and another owning the subsurface rights;

SOS (statement of services) - a portion of a PSA with a private contractor specifying the scope of work and tasks that may be authorized by NTP;

State - any of the several States of the United States or the District of Columbia, the Commonwealth of

Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

Statewide Real Estate/ROW Chief - the person who is in charge of the DOT&PF Statewide Real Estate/ROW headquarters office who oversees the Statewide Appraisal and Review Group separate from negotiators and acquisition agents;

Statewide Transportation Improvement Program (STIP) - DOT&PF's four-year plan for initiating Federal-aid highway project activities, by phase, for a given year;

statutory designated program receipts - money received by DOT&PF that is covered by a specific Alaska statute governing that money;

stipulated settlement - an acquisition made by LAW before going to trial;

STURAA – Surface Transportation and Uniform Relocation Assistance Act of 1987 ([49 CFR 24.2\(b\)](#) effective June 3, 2024);

subject - the property being appraised;

subrecipient - a government agency or legal entity that enters into an agreement with a recipient to carry out part or all of the activity funded by Federal program grant funds. A subrecipient is accountable to the recipient for the use of the funds and for compliance with applicable Federal requirements ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

subsurface easement - the right to use the property below the land surface;

surplus land - land that is not currently needed to support the existing improvement but cannot be separated from the property and sold. Surplus land does not have an independent highest and best use and may or may not contribute to the improved parcel, see also excess land for differentiation of terms;

Surplus Property Transfer - a means of disposing of property that is excess to the project needs;

take or taking (obsolete) - *not preferred, replaced with “acquisition” (n.) and “acquire” (v.)*;

Tax Identification Number (TIN) - a number assigned by the IRS and used to identify a person receiving some type of payment; often the person's Social Security number;

Technology Transfer Section (T2) - DOT&PF's section that is responsible for coordinating training for the department, contractors, and local agencies;

temporary, daily, or emergency shelter (shelter) - means any facility, the primary purpose of which is to provide a person with a temporary overnight shelter which does not allow prolonged or guaranteed occupancy. A shelter typically requires the occupants to remove their personal property and themselves from the premises on a daily basis, offers no guarantee of reentry in the evening, and in most cases does not meet the definition of dwelling as used in this part ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

tenant - a person who has the temporary use and occupancy of real property owned by another- ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

Tentative Approval (TA) - passes title of land from BLM to the State prior to cadastral survey. This gives the State full management authority of the land. Once surveyed, the deed is issued as a Quit Claim Deed;

third-party interest - any person other than a tenant or owner who holds an interest in real property;

title examiner - a person who determines ownership of property;

title report - also referred to as a title opinion, title search, or title search report; the report of a title examiner;

transitional slope - the change from the original ground level to the built-up area of a project;

Transportation Attorney - an Assistant Attorney General at LAW assigned to assist DOT&PF with transportation matters, the agency's legal counsel;

transportation enhancement activity or site - an activity or site covered by the Transportation Enhancement program for the purpose of preserving and enhancing significant natural and cultural resources and transportation decisions; eligible activities include land acquisition, construction, and certain non-construction costs; categories are:

1. facilities for bicycles and pedestrians;
2. acquisition of scenic easements and scenic or historic sites;
3. scenic or historic highway programs;
4. landscaping and other scenic beautification;

5. historic preservation;
6. rehabilitation and operation of historic transportation buildings, structures or facilities, including historic railroad facilities and canals;
7. reservation of abandoned railway corridors, including conversion and use for pedestrian and bicycle trails;
8. control and removal of outdoor advertising;
9. archaeological planning and research;
10. mitigation of water pollution due to highway runoff or vehicle caused wildlife mortality while maintaining habitat connectivity;
11. provision of safety and education activities for pedestrians and bicyclists; and
12. establishment of transportation museums;

trial de novo - a new trial;

trial report - a document prepared by LAW after a condemnation trial;

trustee deed - a deed from BIA as trustee for a Native American allottee;

UA or URA – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, see Uniform Act ([49 CFR 24.2\(a\)](#) and [§ 24.2\(b\)](#) effective June 3, 2024);

UASFLA (Uniform Appraisal Standards for Federal Land Acquisitions) aka “Yellow Book” - the U.S. Federal standards for appraisals performed in connection with most Federal land acquisitions, exchanges, and/or dispensations. These standards are jointly published by The Appraisal Foundation and the U.S. Department of Justice (DOJ). UASFLA may be obtained online from the Appraisal Foundation at <https://appraisalfoundation.org>, used only in certain circumstances in Alaska;

uneconomic remnant - a piece of real property in which the owner is left with an interest after the partial acquisition of the owners' property, and which the agency has determined has little or no value or utility to the owner after a partial acquisition ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

Uniform Act or Act - Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; [42 USC 4601 et seq.](#))

and -amendments thereto ([49 CFR 24](#) effective June 3, 2024);

unlawful occupant - a person who occupies without property right, title, or payment of rent, or a person legally evicted, with no legal rights to occupy the property under State law. An agency, at its discretion, may consider such person to be in lawful occupancy for the purpose of determining eligibility for assistance under the Uniform Act ([49 CFR 24.2\(a\)](#) and [§ 24.2\(b\)](#) effective June 3, 2024);

unzoned industrial area - the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within 1,000 feet thereof that is:

1. located on the same side of the highway as the principal part of said activity;
2. not predominately used for residential or commercial purposes; and
3. not zoned by State or local law, regulation or ordinance.

U.S. (United States) – the country composed of 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and various territories and possessions held thereby, also referred to as the United States of America, United States, US, U.S.A., USA;

USC – United States Code; the Code of Laws of the United States of America (also sometimes abbreviated to Code of Laws of the United States, United States Code, U.S. Code, U.S.C., or USC), the official compilation and codification of the general and permanent Federal statutes of the United States. The USC is searchable online at <http://uscode.house.gov/search/criteria.php>;

USCIS – U.S. Citizenship and Immigration Services ([49 CFR 24.2\(b\)](#) effective June 3, 2024);

USFS - U.S. Forest Service, Department of Agriculture, U.S. Department of Agriculture;

USFWS – U.S. Fish and Wildlife Service, U.S. Department of the Interior;

USPAP (Uniform Standards of Professional Appraisal Practice) - the generally recognized ethical and performance standards for the appraisal profession in the United States. Adopted by Congress in 1989 and updated every two years, USPAP contains standards for all types of appraisal services including

real estate, personal property, business, and mass appraisal. Compliance is required for State-licensed and State-certified appraisers involved in Federally-related real estate transactions. USPAP may be obtained online from the Appraisal Foundation at <https://appraisalfoundation.org>, *see also appraisal requirements*;

utility costs - expenses for electricity, gas, other heating and cooking fuels, water, and sewer ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

utility facility –

- (i) Any line, facility, or system for producing, transporting, transmitting, or distributing communications, cable, television, power, electricity, light, heat, gas, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.
- (ii) The term shall also mean the utility company including any substantially owned or controlled subsidiary. For the purposes of this part the term includes those utility-type facilities which are owned or leased by a government agency for its own use or otherwise dedicated solely to Governmental use. The term utility includes those facilities used solely by the utility which are part of its operating plant ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

utility relocation - the adjustment of a utility facility required by the program or project undertaken by the agency. It includes removing and reinstalling the facility, including necessary temporary facilities; necessary right-of-way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction ([49 CFR 24.2\(a\)](#) effective June 3, 2024);

valuation - the opinion of value as the basis for the amount believed to be just compensation;

valuation report – a property valuation document not necessarily consistent with USPAP, *see also waiver valuation and appraisal*,

value indicator - an item that suggests the worth of something;

value premise - in appraisal, one of three industry-standard approaches to value: the cost approach, the income approach, and the market approach;

voluntary transaction - a person is considered not to be displaced who voluntarily sells property if all of the following conditions are present:

1. no specific site or property needs to be acquired, although the agency may limit its search for alternative sites to a general geographic area; if the agency wishes to purchase more than one site within an area, all owners are to be treated similarly;
2. the property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits;
3. the agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed; and
4. the agency shall inform the owner of what it believes to be the fair market value of the property.

waiver valuation - the valuation process used and the product produced and the resulting product when the agency determines that an appraisal is not required, pursuant to [§ 24.102\(c\)\(2\)](#) appraisal waiver provisions. Waiver valuations are not appraisals as defined by the Uniform Act and this part ([49 CFR 24.2\(a\)](#) effective June 3, 2024), *distinguished from appraisal and the definition of appraisal in USPAP*;

“Yellow Book” – *see UASFLA (Uniform Appraisal Standards for Federal Land Acquisitions)*.

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