

IDAHO 16 EXTENSION



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CURRENT STATUS OF PROJECT

- Connecting Idaho Partners, a joint venture group made up of CH2M Hill and Washington Group, is still in the process of drafting the Environmental Impact Statement (EIS). The Idaho Transportation Department (ITD) expects this document to be completed in the fall of 2008.
- ITD Director, Pamela Lowe, has been asked for additional funding if the EIS is completed early to revise the plans to incorporate Right of Way acquisitions.

YOU WILL NOT HAVE DIRECT ACCESS TO THE NEW ROAD

- The highway will be a Limited Access Road with access only at State, Chinden, Ustick, and Franklin Roads. All homeowners with frontage to McDermott would most likely lose their access rights assuming Alternative One is chosen.
- There may be as many as 100 properties affected directly by this project.

MILLIONS HAVE BEEN ALLOCATED FOR THE PROJECT STUDY

- \$17 million has been allocated for the Idaho 16 Extension through the GARVEE or Grant Anticipated Revenue Vehicle program, but the project is projected to cost \$998 million. There is approximately \$13.1 million allocated for Right of Way purchases in 2008 and 2009.

ONLY ONE PUBLIC MEETING LEFT FOR INPUT

- In 2007, ITD hosted three public meetings, in February, June, and November. There will be only one more when the Draft Environmental Impact Assessment is finished.

The Condemnation Process

1. Generally the Government will begin the planning process for a public project well ahead of the actual construction date. As with the Idaho 16 Extension project they will start to hold public meetings.
2. Then the Preliminary Plans for the project are designed, including Right of Way plans.
3. If you own property that is required by the government to complete the project you will be notified by a Right-of-Way agent or a subcontractor who works for the Idaho Transportation Department.
4. A contract is awarded and the selected appraiser begins to appraise properties for the project.
5. A Right of Way officer is assigned to present an offer to the owner. If the owner agrees to the offer, the property is sold; otherwise the owner and the Right of Way agent begin negotiations.
6. If the project requires your entire property, you will be contacted by a Relocation agent about displacement and relocation issues.
7. If an agreement is not reached, the Government will file a condemnation action with the Court.
8. When this happens, the property owner is notified and has a choice of whether to have a judge or jury decide just compensation and whether to oppose or agree to the taking.
9. Possession of the property is typically given to the Government while the just compensation issue is assessed by the owner. To do this, the Government must pay the full amount of its offer of compensation to the Court, of which 80% to 100 % is released to the owner until the matter is settled.
10. A trial is held and the judge or jury decides the compensation due and owing.
11. The owner receives the amount of the verdict, plus interest at the legal rate of any amount above what has already been paid.
12. If the verdict exceeds the last timely offer made by the government, the owner may ask the Court to award costs and attorneys fees.

RELOCATION

If your house is required by the government for a highway project you will receive a brochure called RELOCATION SERVICES from a Right-of-Way agent. This brochure introduces you to The Federal Relocation Assistance and Payment Programs established in 1970. The Transportation Department states on the first page:

"The programs will be fully explained and you will be advised how to utilize them to your best advantage. It is the responsibility of the Relocation Agent to assist you and give you complete, factual relocation information."

Although it is the job of the Relocation Agent to assist you, the only way to know you are getting the assistance you deserve is to understand the process yourself. The Relocation Services brochure can seem scattered and hard to understand at first glance. Upon closer inspection you may realize there are many “if, ands, and buts” associated with these relocation benefits.

MOVING EXPENSES-Residential

- There is a limit on the distance they will assist you to move, the maximum is 50 miles away from your current location.
- The Relocation Agent must approve your moving plans before, BUT you are expected to front the money and then make a claim for reimbursement.
- You have no guarantee your claim for reimbursement will be approved.

REPLACEMENT HOUSING

- A Comparable Replacement Dwelling must be Decent, Safe and Sanitary, but there are several other standards that the government must meet also that are not listed in the RELOCATION SERVICES brochure.
- The brochure only tells you that you may be eligible, but it does not always give you the information needed to determine eligibility.
- Normally, the maximum amount of assistance the government can pay you above the value of your home is \$22,500, however, you must front that money and make a claim for reimbursement later. AGAIN, there is no guarantee you will be reimbursed.
- Although there is a \$22,500 maximum for Replacement Housing Assistance, there are other special situations where the government may assist you with more. (Handicapped-accessible, unusually large family, etc.) This is called Housing of Last Resort and is applied when more than just compensation and housing assistance is required to obtain a Comparable Replacement Dwelling.

MOVING EXPENSES FOR BUSINESSES, FARMS, and NONPROFITS

- Unlike residential relocation, the government is not required to identify a comparable replacement for your business before forcing you out; instead they may reimburse you up to \$1,000 to look for a replacement for your farm or business yourself.

You may contact Davison, Copple, Copple & Cox at 342-3658 to find out more about relocation and the Relocation Program, or see our next edition of this newsletter coming soon.

DAVISON, COPPLE, COPPLE & COX

199 N. Capitol Blvd. Suite 600, P.O. Box 1583, Boise, Idaho 83701

(208) 342-3658

(208) 386-9428

<http://davisoncopple.com>