

734-001-0025

Relocation Appeal Procedures for Land Acquisition

(1) Within 60 days of a final determination granting or denying eligibility for a Relocation payment, or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and any regulations adopted thereunder, any person dissatisfied with such determination may file a "request for appeal" upon forms provided by the Department of Transportation.

(2) The Relocation appeal process and hearing concerning the determination of eligibility or amount of payment shall be conducted as a contested case pursuant to the Oregon Administrative Procedures Act, ORS 183.310 to 183.550.

(3) Optional Reconsideration Conference. Within 60 days of a final determination granting or denying eligibility for a Relocation payment or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970 (P.L. 91-946) and any regulations adopted thereunder, a person dissatisfied with such final determination may petition for a "reconsideration conference" upon forms provided by the Department of Transportation. A reconsideration conference is an optional process, which must be agreed to by both the claimant and the Department of Transportation, that occurs prior to the formal appeal process identified in (1) and (2) and is an opportunity for a claimant to provide additional relevant information that was not considered by the department or to correct factual errors and for the department to reconsider the claim with the new or corrected information. The time period to file a request for an appeal pursuant to subsection (1) of this rule shall be stayed from the date of request for a reconsideration conference until ODOT either issues a decision to decline the request for a reconsideration conference or until ODOT issues a determination after the reconsideration conference. If the claimant is dissatisfied with the revised final determination, the claimant may file an appeal pursuant to (1) above.

Stat. Auth.: ORS 366

Stats. Implemented: ORS 366.324 & PL 91-646 (Federal Law)