

West Virginia

Department of Transportation

Division of Highways

Right of Way Section

BROCHURE

Relocation Assistance

for

Personal Property Only Relocation



BROCHURE

**
*
**

September 2025

PERSONAL INFORMATION

The property you occupy is affected by PROJECT NO. _____
and is further identified as PARCEL NO.: _____. Please refer to the project and
parcel numbers when contacting representatives of the West Virginia Department of
Transportation, Division of Highways.

NAME OF OCCUPANT: _____

NAME OF OWNER: _____

NEGOTIATIONS TO ACQUIRE THIS PROPERTY BEGAN ON:

This Brochure describes relocation services and payments available to displaced
persons for personal property only moves. Further information may be obtained from:

YOUR RIGHT OF WAY AGENT: _____

or

YOUR RELOCATION AGENT: _____

at

THE RELOCATION FIELD OFFICE: _____ in

_____. Phone: _____

OFFICE HOURS: _____.

F O R W A R D

In 1956, the United States Congress, in its continuing effort to provide for construction of modern highways for our motoring public, established the national interstate system of highways. As a result of the highway program, many of our citizens have relocated and many more must still relocate to new homes and to new business locations.

In 1962, Congress, recognizing the burden placed on those people who have had to move, established a national policy which permitted the state highway departments to offer assistance on a formal basis and to help pay the costs of moving which before were borne solely by the relocatees themselves. In response to this offer, our Legislature established relocation assistance and moving cost reimbursement program to be administrated by the West Virginia Department of Transportation, Division of Highways. Since that time, the Division of Highways has assisted, as well as reimbursed moving costs to, many hundreds of people who have moved to make way for all Federal-aid highways.

In 1968, Congress broadened the benefits of relocation by making it possible for the state highway departments to aid those occupants of residential properties who had to move because of highway construction in finding adequate, decent, safe and sanitary replacement housing. Again, our Legislature enacted legislation making it possible for the West Virginia Department of Highways to pass these additional benefits on to the people of our State who had to move because of Federal-aid highway construction.

On January 2, 1971, Congress passed, and the President signed, the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" which increased the amount of payments and replacement benefits. The West Virginia Legislature has made it possible for the Department of Highways to participate in the full Federal-aid highway program.

The "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and its amendments establish a uniform policy for the fair and equitable treatment of persons relocated as a result of Federal and Federally assisted programs so that they will not suffer disproportionate injuries as a result of programs designed for the benefit of the general public.

The Relocation Section of the Right of Way Division oversees the operation for the West Virginia Department of Transportation, Division of Highways, which provides a relocation program which complies with and implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

TABLE OF CONTENTS

	Page
Definitions.....	6
Personal Property Move Options.....	7
Commercial Move.....	8
Self-Move.....	9
Hazardous Substances & Hazardous Wastes.....	10
Relocation Payments Do Not Affect Other Benefits.....	11
Claim Filing Period.....	11
Appeal Rights.....	12

DEFINITIONS

90-DAY LETTER – A written assurance furnished to and acknowledged by the displaced person explaining that he or she will not be required to move their personal property for at least 90 days from the receipt of this notice.

30-DAY LETTER – A written notice furnished to the displaced person specifying the date by which he or she will be required to have personal property moved from the acquired site. This notice cannot expire before the 90-Day Letter expires.

ACQUIRED – The date on which the WVDOH obtains legal possession of the real property.

APPEAL – Any party aggrieved by the eligibility determination made by the WVDOH concerning the move cost reimbursement may appeal.

DISPLACED PERSON – Any person who is required to move personal property from the real property needed for the roadway project.

INITIATION OF NEGOTIATIONS – The date the WVDOH delivers its initial written offer of just compensation to purchase real estate to the owner or the owner's representative.

PERSON – The term "person" means any individual, family, partnership, company, corporation or association.

PERSONAL PROPERTY ONLY MOVE – Any personal property that must be moved from the real property to be acquired for the roadway project but does not require the occupant(s) to move/relocate from the real property.

PERSONAL PROPERTY – Generally, moveable items; not permanently affixed to and a part of the real estate which typically can be removed without serious injury either to the real estate or the items themselves.

POST-MOVE INVENTORY – A list of items actually moved from the real property being acquired. Such a list is prepared after the move is complete and is confirmed by a WVDOH representative.

DEFINITIONS (cont'd)

PRE-MOVE INVENTORY – A list of items to be moved from the area of real estate being acquired. Such a list is prepared prior to the move and is confirmed by a WVDOH representative.

WVDOH – Refers to the West Virginia Department of Transportation, Division of Highways.

WVDOH REPRESENTATIVE – Refers to a Right of Way Agent of the West Virginia Department of Transportation, Division of Highways or an authorized contractor hired to perform the functions of the WVDOH Right of Way Section.

ELIGIBILITY

You will be notified by a WVDOH representative if there is personal property which will need to be moved from the real estate being acquired for the roadway project. Once you are notified, you should receive a copy of this brochure to reference throughout the relocation process. You are not eligible until you are notified by such a representative.

Once you are notified, you may choose a commercial move or a self-move method of moving the affected personal property. Regardless of the type of move you select, it is critically important that you coordinate with your WVDOH representative to preserve your eligibility for reimbursement.

PERSONAL PROPERTY ONLY MOVE OPTIONS

When the WVDOH is acquiring real estate for a roadway project, “personal property only” moves can occur. The personal property may be located:

- On a residential site where the occupants themselves are not required to move.
- On a business (non-residential) site when the business itself is not required to move.
- On a vacant or unimproved site, neither occupied by a residence or a business.

MOVING OF PERSONAL PROPERTY

For moving personal property from a residential site, a business site, or a vacant site, when the occupants themselves are not required to move, you can be reimbursed for actual moving costs. You may choose a self-move, commercial move, or a combination of the two. Each is further explained below.

COMMERCIAL MOVE

You may choose to hire a licensed commercial moving company to handle the entire move. Two move bids may be required, depending on the complexity of the move, and if two bids are necessary, reimbursement will be based on the lower of the two bids. The WVDOH will reimburse you for the reasonable and necessary costs you actually incur with the following conditions:

- A pre-move and post-move inventory must be conducted by a WVDOH representative. (See definitions)
- In advance of the move, the WVDOH must approve the mover's bid to perform the move. Again, in the event of a more complex move, two bids may be required and reimbursement would be limited to the lower of the two valid bids.
- For less complex personal property moves, a qualified WVDOH representative may prepare a move bid as long as the estimated cost does not exceed \$5,000.00. The labor and equipment rates used to calculate the estimated cost will not exceed the rates that a commercial mover would charge for the same work to be completed.

At your request, your WVDOH representative can assist you in obtaining valid move bids. The reimbursement will be payable to the displaced person and it is the responsibility of the displaced person to pay the commercial mover for the project. The contract for moving services is between the displaced person and the mover and the WVDOH is not a party to any such contract.

SELF-MOVE

You may choose to move your personal property yourself. If you choose a self-move option, reimbursement will be based on one of the following options: a move bid prepared by a licensed commercial mover qualified to perform the work, a move estimate prepared by a qualified WVDOH representative for moves of \$5,000.00 or less, or actual documented expenses.

Self-Move Based on a Commercial Move Bid:

- The same conditions of a commercial move apply to this option.

Self-Move Based on Actual Documented Expenses:

The WVDOH will reimburse **reasonable** costs actually incurred as a result of the move with the following conditions...

- A pre-move and post-move inventory must be conducted by the WVDOH representative.
- Upon completion of the move, you must present all receipts, invoices, truck or equipment rental expenses, etc., to document the reasonable costs incurred. Hourly rates for labor and equipment shall not exceed those rates charged by a commercial mover performing the same general work. If there is a question as to whether the costs incurred are reasonable, the WVDOH may request a bid from a company qualified to do the same work as a means of comparison. If a commercial move bid is deemed necessary, the reimbursement would be limited to the lower of the actual documented costs or the lower bid amount.

Regardless of which self-move option you choose, you will be solely responsible for having all of the personal property within the area to be acquired moved to a site that is not in violation of any laws, codes, or ordinances.

Whether you choose the “commercial move” or the “self-move” method, the WVDOH may require monitoring of the move. This helps to ensure that the move is conducted as planned and that the moving expenses claimed are appropriate and reasonable. On any move where the pre-move and post-move inventories differ, the reimbursement will be only those costs associated with the personal property actually moved.

Other costs incurred during the move, that may have been unforeseen initially, may be reimbursed if approved by the WVDOH. You are encouraged to remain in contact with your WVDOH representative handling your relocation to discuss any issues that may arise during the move.

It is preferable that you provide your WVDOH representative with the date that you would like to begin the move so the pre-move inventory can be produced and provide an estimated duration of the move. Again, remaining in contact with your assigned representative is key to a smooth process.

HAZARDOUS SUBSTANCES & HAZARDOUS WASTE

If hazardous materials or waste must be moved or relocated, the WVDOH will reimburse you for the moving OR disposal of these substances under the following conditions:

- If you choose to dispose of the hazardous material, you will be reimbursed for the disposal or the actual and reasonable cost of moving it, whichever is less.
- If you choose to move the hazardous material, you will be reimbursed for the actual, reasonable and necessary cost of the move.
- EXCEPTION – If the disposal of hazardous material is part of a normal operation, the WVDOH will not pay the cost for such disposal, unless the disposal is required outside of the normal maintained disposal schedule.

All hazardous substances which are not hazardous waste must be disposed of or moved to the replacement site and all hazardous waste must be disposed of in accordance with all applicable laws, regulations and ordinances. The WVDOH, under no circumstances, will be considered the owner or shipper of any hazardous material or substance in the transportation to a replacement site or disposal site.

Remember, your WVDOH representative overseeing your relocation can answer questions and provide necessary information regarding the moving or disposal of these materials.

*****HAZARDOUS SUBSTANCES OR WASTE MUST NEVER BE ABANDONED*****

RELOCATION PAYMENTS DO NOT AFFECT OTHER BENEFITS

If you are presently eligible for social security, welfare, or other types of assistance, your relocation payment(s) for moving personal property will not affect those benefits. ***Relocation payments are not considered as income by the IRS and are not reported by the WVDOH on Form 1099.***

The purpose of your relocation eligibility is to assist persons who are displaced and who must relocate their personal property. Your eligibility to be reimbursed for moving expenses is determined in accordance with State and Federal requirements. Relocation benefits are non-negotiable and do not allow payments for third party representation.

CLAIM FILING PERIOD

All claims for a relocation payment must be filed with the WVDOH representative within 18 months after:

- For tenants, the date of the move;
- For owners, the date of the move **OR** the date of the final payment for the acquisition of the real estate, whichever is later;
- This time period may be waived by the WVDOH for good cause.

Your WVDOH representative will provide you with the necessary forms and provide assistance, if needed, to complete such forms.

APPEALS

IF DISSATISFIED

In the event you are dissatisfied with either the determination concerning eligibility for payment or the amount of the payment offered, you may file an appeal.

OPPORTUNITY TO BE HEARD

If you make an appeal, you will be given full opportunity to be heard.

HEARING AT DISTRICT LEVEL

A preliminary hearing will be held at the District level by prearrangement between you and the District Right of Way Agent.

FORMAL HEARING

If you are dissatisfied with the results of the preliminary hearing, the District Right of Way Agent will arrange for a more formal hearing with the Director of the Right of Way Division.

NOTIFICATION OF DECISION

A prompt decision will be reached on the basis of evidence submitted and you will be notified of such decision.

LIMITATIONS

All appeals must be filed promptly within a reasonable time period. The right to appeal is terminated when a displacee files a written claim for payment. Should no written claim be submitted to the Department, the right to appeal is limited to no later than sixty (60) days after you have been advised of your relocation eligibility.