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DOT Regulation Appendix - Subpart B

25.101(a) General

The Department intends that the provisions of this Subpart will apply to real property acquisition for the following types of Federal or federally assisted programs or projects:

- (1) Those carried out under the threat of eminent domain, including amicable agreements under the threat of such power.
- (2) Where there is an intended, planned, or designated project area, and all or substantially all of the property within that area is eventually intended to be acquired. Such acquisitions are subject to the requirements of this Subpart whether or not the acquiring agency has or intends to use the power of eminent domain.

Provided it does not conflict with the foregoing, an agency may determine that the requirements of this Subpart do not apply to an acquisition if all of the following conditions are present:

- (1) No specific site or property need be acquired, although the agency may limit its search for alternative sites to a general geographic area.
- (2) The property to be acquired must not be a part of an intended, planned, or designated project area where all or substantially all of the property within the area is eventually to be acquired.
- (3) The agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed.

Acquisitions meeting the foregoing criteria are classified as voluntary transactions.

In those situations where an agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, the Department intends that all owners be treated similarly with respect to eligibility for benefits under the Uniform Act and these regulations.