

# Department of Transportation

Office of the Secretary

Washington, D.C.

**ORDER**

DOT 4300.2

1-19-77

SUBJECT: REAL PROPERTY ACQUISITIONS AND DISPOSALS

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1. PURPOSE. This Order provides overall guidance and procedural requirements for obtaining approval by the Office of the Secretary (OST) in advance of any action leading to the acquisition or disposal of real property meeting the criteria prescribed herein.
  2. CANCELLATION. DOT N 4300.2, NOTIFICATION OF IMPENDING REAL PROPERTY ACQUISITION AND DISPOSAL ACTION, of 10-23-74.
  3. REFERENCES.
    - a. DOT 1100.34A, Facility Acquisition, Expansion or Relocation, of 1-8-70, which provides for administrative review of site evaluation for new facilities and for the expansion or relocation of existing facilities.
    - b. DOT 1100.17A, Changes to Facilities, of 3-7-68, which requires advance notification to the Secretary prior to release of official information or publicity on significant actions involving facilities of the Department of Transportation.
    - c. DOT 4600.3A, Utilization, Disposition, and Acquisition of Federal Real Property, of 4-5-74, which sets forth Department of Transportation (DOT) policy governing real property management and implements the provisions of the General Services Administration (GSA) Federal Property Management Circular (FMC) 73-5, of December 17, 1973, on the "Utilization, Disposition, and Acquisition of Federal Real Property."
    - d. DOT 1100.10, Co-Location of Department of Transportation Facilities, of 7-18-67, which states DOT policy relative to co-location of facilities.
  4. BACKGROUND. The President and the Congress continue to express their intense interest in promoting the most effective use of real property held by Federal agencies. Executive Order 11512, of 2-21-70, and Executive Order 11724, of 6-25-73, and subsequent Presidential and Office

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of Management and Budget directives stress the importance of effective and economic use of real property and of prompt disposition of unneeded or underutilized property. This high level interest in real property utilization programs makes it essential that OST be cognizant of and participate in the more significant Departmental real property transactions.

5. DEFINITIONS. As used in this Order the following terms have the meanings indicated:
- a. Real Property means any land, existing permanent improvements to land, or any interest therein.
  - b. Interest means any right of ownership, use, or control of real property and includes fee title, leasehold, permit, license, easement, or other similar relationships.
  - c. Acquisition means obtaining an interest in real property by means of purchase, acceptance of donation, lease, permit, license, assignment, reassignment, transfer, use agreement or other means.
  - d. Disposal means relinquishing an interest in real property by sale, donation, outlease, permit, license, assignment, transfer, use agreement, or other means.
6. PROCEDURES.
- a. General. Real property covered by this Order shall be that property which meets any of the following criteria and is being considered for DOT acquisition or disposal. It does not cover real property to be acquired or disposed of in connection with grant or grant-in-aid programs (including Federal-Aid Highway projects within the meaning of 23 U.S.C. 107, Acquisitions of Rights-of-Way-Interstate System), or renewals or options to renew existing leases or permits.
    - (1) Unimproved land which has an estimated fair market value of \$100,000 or more;
    - (2) Land and existing improvements which together have an estimated fair market value of \$200,000 or more, or where the land portion of the property has an estimated fair market value of \$100,000 or more;
    - (3) Leases or permits, licenses, easements or use agreements for real property which have an actual or estimated annual rental rate or payment of \$50,000 or more;



- (4) Real property which provides for working or living accommodations for 25 or more employees, including active duty military personnel assigned to the Department;
- (5) Real Property at a location in which OST has expressed interest, or the acquisition or disposal of which is known to have public or Congressional interest, or which will significantly affect the environment; and
- (6) Real property for which the acquisition, utilization or disposal has international implications.

b. Acquisition. Prior to any action to commit the Government to acquire an interest in real property covered by this Order, the acquiring DOT element will advise the Assistant Secretary for Administration (with an information copy to the OST Director of Installations and Logistics, TAD-60) and request approval of the proposed acquisition. A memorandum should be forwarded as early as feasible after the specific real property has been identified and will include, as appropriate, the following information:

- (1) Identification of the property (e.g., location, description, ownership status, etc.).
- (2) Method or type of acquisition (e.g., fee purchase, transfer, lease, condemnation, permit, etc.).
- (3) Cost elements of the acquisition.
- (4) Statement of proposed use, including identification of existing or planned programs for which the property is to be acquired, and budgetary plans for development of the property.
- (5) Impact of the acquisition on DOT programs and other facilities, and the effect on DOT programs of failure to acquire the property.
- (6) Details concerning the assignment of personnel to the activity for which the property is to be acquired.
- (7) Impact of the proposed use of the property on the community such as:
  - (a) Displacement of current occupants;

- (b) Influx of new residents;
  - (c) Housing, education and public transportation requirements and capabilities;
  - (d) Utility requirements;
  - (e) Relocation assistance requirements;
  - (f) Need for Environmental Impact Statement; and
  - (g) Other community impact.
- (8) Other pertinent factors which should be considered in a decision to approve or disapprove the acquisition.
- c. Budget submittals. For real property acquisition requests which are submitted by means of the Departmental budget process, the information required by paragraph 6b will be furnished, as appropriate, as a supplement to the data submitted for all real property acquisition items specified or identified in the budget request, regardless of whether the property meets the criteria listed in paragraph 6a. Departmental approval of the budgetary request and subsequent Congressional appropriations for such items constitute the approval required under this Order.
- d. Disposal. Prior to the initiation of any action to dispose of an interest in real property covered by this Order, the controlling DOT element will advise the Assistant Secretary for Administration (with an information copy to the OST Director of Installations and Logistics, TAD-60) and request approval for the disposal. A memorandum outlining the proposed disposal should be forwarded as early as feasible after the proposed disposal has been identified and will include, as appropriate, the following information:
- (1) Identification of the property;
  - (2) Method of disposal;
  - (3) Cost elements of the disposal action;
  - (4) Effect on personnel presently assigned to the activity located on the property;
  - (5) Impact of the disposal on the community;



- (6) Environmental impact;
  - (7) Any known interest in the property; and
  - (8) Other pertinent factors.
- e. Real Property acquisitions subject to the review procedures for site evaluation and approved under the provisions of DOT 1100.34A are exempt from this Order.

FOR THE SECRETARY OF TRANSPORTATION:



John W. Barnum  
Deputy Secretary