

ADOT/LPAs Workshop Quick Reference:

The Local Public Agents, Acquisition, and the Uniform Act

Explain that:

1. LPA = Local Public Agents
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1971 and thereafter amended = Uniform Act
3. Right of Way = R/W
4. Arizona Department of Transportation = ADOT
5. Federal Highway Administration = FHWA
6. Design Concept Report = DCR
7. Code of Federal Regulations = CFR

Project Development Timeline

This is an overall quick look at the Project development.

Acquisition can start as early as 15% or Final DCR Stage.

R/W acquisition normally ends with the LPA sending the completed and signed R/W Certification form (ADOT sends it at the beginning of the project), then ADOT R/W clears the R/W.

Project Development Activities

There are basically five (5) phases of the project development.

1. Planning Phase:

Develop and complete initial R/W costs

After alignment chosen, R/W costs are finalized

2. Environmental Phase:

Most important for R/W, no R/W activities can be conducted until environmental clearance is issued. Once this is completed, FHWA issues an "Authorization to Proceed".

3. Design Phase:

This phase actually can be started during the environmental phase.

Develop R/W plans. Need to see if any TCEs are needed

Finalize R/W costs

Obtain title information for R/W (Title Company)

Start to choose an appraiser for the R/W needs.

4. Right of Way Acquisition Phase:

LPA develops a memo setting “Just Compensation” (**only the LPA**) and composes the offer letter with a summary statement.

LPA negotiates with property owner. If negotiation breaks down, LPA initiates Eminent Domain.

When all R/W is in the hands of LPA, Certification of R/W is sent to ADOT R/W Liaison and he issues R/W Clearance

5. Construction Phase:

Once R/W is cleared and the other two (Environmental & Utilities) are cleared the LPA can proceed to the construction phase.

Construction Issues

See if there are any constructions features agreed to in the purchase of the R/W and do them.

Process Elements

All projects that have \$1 or more of Federal funds in any phase of the project are considered to be federalized and all federal rules and regulations must be followed, especially the Uniform Act.

The above sections have been designed as a guide for the LPAs to follow in acquiring property while using Federal Aid, not all laws, rules and regulations have been covered in this section. ADOT recommends that all LPAs familiarize themselves with the Uniform Act and all applicable State and Federal rules and regulations.

ADOT has an FHWA approved “Right of Way Manual”, the LPAs by following it, can be assured of conducting the right of way process properly; “any exceptions are noted in the body of this amendment.” The LPAs must set up a general right of way file for each Federal Aid project.

They must have an individual parcel file for each separate property owner, unless the same owner owns property that is not contiguous to each other; in that case each property must have its own parcel number and file. Each parcel file must have a completed, signed detailed negotiator's log/diary. It must be set up in chronological order from oldest to the newest. The parcel file documents must be set up in the same order. If e-mails are to be used as documentation, they are also to be in the same chronological order; however, they should be an attachment to the negotiator's log/diary.

Mention the ADOT review Audit and procedures/consequences.

Preface to the:

“Quick Wrap-up”: Basic Requirements of the Acquisition Process:

Must have environmental clearance

Must have the FHWA “authorization to proceed”

An LPA official must issue a memo setting “Just Compensation”

Thank the Streets and Roads committee for inviting me and thank everyone for coming and hope they understood and learned something new.

I am available for questions and/or help if needed.

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