

Every Day Counts III

Arizona Local Public Agency Stakeholder Council Meeting Minutes

Tuesday, June 16, 2015

TIME: 11:00AM - 3:00PM

Maricopa Association of Governments (MAG) – 302 N. 1st Ave, Phoenix, AZ 85003

Topic: Right-of-Way

Panel: Layne Patton, FHWA; Matt Tolman, ADOT

Discussion Summary:

- Roles and Responsibilities
 - ADOT's role is to provide guidance, assistance, and oversight of LPAs and their projects
 - FHWA's role is to provide oversight and stewardship to ADOT.
- Most critical issue
 - FHWA and ADOT perspective is that LPAs do not spend enough time planning for the ROW activities on LPA projects.
 - Lack of scoping or pre-planning for ROW can lead to a delay in the entire project.
- Uniform Act
 - ROW activities must be performed in accordance with the Uniform Act.
 - Must avoid coercion, and any possibility of implying coercion.
 - Must be followed to obtain federal reimbursement.
 - Requires documentation!
 - Maintain records, acquisition package, assure fair treatment throughout process.
- LPAs want to contact land owners earlier in process
 - Hold public meetings to present the project, as part of NEPA process.
 - Public meeting forum allows LPA to present information on project to the general public.
 - If needed, LPA can always hold additional public meetings to communicate changes in project and address impacts to the community.
- Protected Buying
 - If acquiring ROW prior to a project development, must prove imminent development.
 - When in doubt, follow the Uniform Act when acquiring ROW. LPA would be in compliance if ever need or want to use Federal funds on a project on that site.
- Record Retention
 - Although State Statute requires LPA retain records for five years after close out, when ROW is involved, may need to keep records even longer if there may be a future need/intent for a federal project.
 - LPA must demonstrate that Uniform Act was followed.
- Potential and Intent
 - Always consider these when acquiring ROW.
 - Keep good records – forever, if necessary.
- ROW Forms
 - The 3-page form is the most current.
 - Contact ADOT ROW (Matt Tolman – 602-712-4701) if you need the current form.
- ROW Statistical Data
 - Each year, data from the ROW forms is compiled at a national level.
 - Please complete the ROW forms with detailed information.
 - Providing accurate and recent information helps Arizona as a whole.

- Record ALL costs associated with ROW acquisition. Acquisition = actual funding spent, not including LPA staff time. However, LPA may include costs to hire a consultant because that is a cost to the LPA.
- Files and Documentation
 - ADOT can provide a sample file structure that assists with ROW audit reviews.
 - Be aware that consultants and LPAs will do the record keeping slightly differently, such as chronologically, or by parcel, or by type of correspondence.
 - Recommend one file per parcel and keep chronological records.
 - Use the contact log as the summary report version, details in each parcel file.
- Relocation = must make whole
- Acquiring agency
 - Must determine who is the agent, be familiar with valuations
 - Always acquire under threat of condemnation.
- Appraisal Report
 - Refer to 49 CFR
 - Minimum scope of work for appraiser
 - Appraisal quality review
 - Valuation = an analytical methodology toward an opinion of cost
- Resources
 - Federal Aid Essentials for Local Public Agencies; www.fhwa.dot.gov/federal-aidessentials

Next Meeting:

- Discuss Restructuring of the Stakeholder Council and Select Next Round of Topics
Tuesday, September 15, 2015

Attachments:

- Attendees and Sign-in sheets