

ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) PROCEDURES

1. AHTD holds kick off meeting with Sponsor and/or representative to discuss project details
2. Signed agreements returned to AHTD and executed by AHTD
3. AHTD contacts Arkansas Historic Preservation Program for project approval on Sponsor's behalf
4. Sponsor's Registered Engineer/Architect prepares plans, specification, and estimate (PS&E)
5. 30% & 60% design plans submitted to AHTD Right of Way Division for preliminary review
6. Environmental clearance by AHTD initiated
7. 90% plans and specifications reviewed for project/program eligibility by AHTD
8. Sponsor submits letter requesting right-of-way certification once project is compliant
9. AHTD certifies right-of-way based on Sponsor's documentation
10. Bid proposal developed by Sponsor
11. **Sponsor submits letter certifying that the PS&E was prepared by a registered professional engineer/architect and encloses the final PS&E and bid proposal**
12. Construction funding authorized by FHWA (AHTD submittal)
13. **Sponsor given approval by AHTD to advertise project for construction bids**
14. Sponsor advertises for construction bids
15. During advertising period, Sponsor forwards copies of all project addenda to AHTD
16. Sealed bids received by Sponsor and opened at public meeting
17. **Sponsor submits letter to AHTD certifying the advertisement and bid opening process with the following enclosures: Bid tabulations, 1% AHTD administration fee, and justification of award if required**
18. **Sponsor executes contract upon notification of concurrence by AHTD**
19. Sponsor issues Work Order to the Contractor
20. Preconstruction conference held by Sponsor to discuss work with Contractor; **AHTD Resident Engineer must be invited**
21. Construction begins
22. Sponsor inspects, using **AHTD Work Performed Sheets**, and makes progress payments to the Contractor
23. **Prior to performing work, Sponsor submits executed copy(ies) of all Change Orders to AHTD for approval**
24. Sponsor submits request for reimbursement for work completed and certifies work was performed in accordance with plans and specifications to AHTD Resident Engineer. Reimbursement requests are required every six months at a minimum
25. AHTD Resident Engineer visually verifies work has been performed and AHTD reimburses Sponsor for 80% of eligible expenditures up to approved Federal-aid amount
26. Final inspection conducted by Sponsor and/or their representative; **AHTD Resident Engineer must be invited**
27. Final Estimate prepared by Sponsor
28. AHTD prepares Final Voucher and submits to FHWA and prepares Final Allotment to close project
29. AHTD notifies Sponsor that project has been closed
30. Sponsor maintains all project records for at least three years after project close out

Acquiring Right of Way

The Preamble to the National Realtor's Association Code of Ethics begins with: "Under all is the land". For our purposes it should more specifically state: "Under all is the land... and somebody owns it!" Therefore, the first step to any successful road, or highway, or bridge, or trail or sidewalk program is:

- 1) Determine who owns the land that will be affected by the project. Utilizing county records and the preliminary construction plans for the project, all of the owners who will be affected and even some who may be affected by the project need to be identified (pull the deeds). This information becomes the right of way plans for the project showing the owner's names and each owner's specific property lines/boundaries. Provide copies of these deeds and the right of way plans to the AHTD for review.
- 2) Determine how the needed land will be acquired. Will it be purchased in fee-simple) warranty deed)? Will a permanent easement be purchases to run across the owner's property? Will the permanent easement property be donated? Will temporary construction easements be needed? Provide sample copies of the types of documents to be used to the AHTD for review.
- 3) You will next need to determine a value of the land needed to acquire from each property owner. If the estimated value will exceed \$2,500, then an appraisal will need to be done of the property. If the value of the land will be less than \$2,500, then someone who has sufficient knowledge of the real estate values in your area can produce a written estimate.
- 4) The value derived will need to be offered to the property owner in the form of an official offer letter and they then have to have a reasonable amount of time to consider their offer.
- 5) If the owners agree to the amount offered have them sign a contract (both spouses must sign). If the owner is a business, you will need a corporate resolution, or partnership agreement, or operating agreement, etc. to know who can sign on behalf of the organization. If you have to pay the owners more than the appraised value, an administrative adjustment, this is acceptable but it must be documented as to who authorized the additional payment to the owner(s) and why.
- 6) Pay the owners the agreed upon amount and retain a copy of the payment.
- 7) Prepare a deed conveying the property and have the deed recorded in the local County records.
- 8) Make a copy of all of this information and forward to the AHTD for review.
- 9) When all of the property is acquired and all comments about the construction and right of way plans have been addressed, the sponsor will need to certify the job. This is a letter to the AHTD attesting to the fact that the properties were acquired in accordance with the Uniform Act, as well as answering specific questions about displaced persons or businesses, structures that had to be or will have to be moved, and utilities that were or were not affected by the project.

Provide a copy of this letter to the AHTD.

This is the simple version, but we know every job and every property owner is different. You may have some willing to donate and you may have some that do not agree and will need to be condemned. If you get into these scenarios please know I am here to help.



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