

2. Administrative Procedures

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2.1. Introduction

This chapter covers general administrative procedures for the ROW Section, such as obtaining Authority to Proceed (ATP) from FHWA, preparing and submitting periodic reports, maintaining project files, certifying the project ROW, contracting with private consultants and managing employee training.

Chapters 3-11 each cover one major ROW activity (Title and Plans, Appraisals, etc.). However, administrative procedures are involved throughout the project. Therefore, this chapter covers activities that span the entire ROW process. For more detailed information on a particular ROW activity, please refer to the appropriate chapter.

Project phases are categorized as follows:

- Phase 0 – Placeholder: This is used to hold funds until they are ready to be allocated, sometimes when match comes from another entity;
- Phase 1 - Unprogrammed Legislative Authority;
- Phase 2 - Preliminary Engineering (Design): This includes pre- and post-environmental document work through Final PS&E. The Project Manager determines how much of the total Phase 2 money is needed to complete the environmental document and how much is needed to complete the Final PS&E;
- Phase 3 – ROW appraisal and acquisition;

- Phase 4 - Construction;
- Phase 7 - Utility Relocation; and
- Phase 8 – Statewide Planning & Research; and
- Phase 9 – Other: This category is sometimes used for items such as Environmental Linkage Studies.

2.1.1. State-Funded Projects

State-funded projects are projects with no Federal funding for any phase (planning through construction) of the project. For uniformity ROW procedures for State-funded projects are based on the Uniform Act and will generally follow the procedures set out in this Manual. However, since the Uniform Act does not specifically apply to State-funded projects, monetary incentives and streamlined authorization and approval levels can be implemented.

The process for projects designated as “State-funded” is set out in Sec. 490 of the *Alaska Highway Pre-Construction Manual*. The Project Development Authorization (PDA) designates the project funding source, i.e. State or Federal (See Exhibit 2-1).

As soon as the project corridor is identified, you may commence with ROW title work and ROW plans development.

Valuation and Review

For State-funded highway projects, the Regional ROW Chief must obtain a Phase 3 PDA before directing staff or contractors to begin appraisal and acquisition work. See Ch. 4-6 for appraisal and acquisition work.

Acquisition

ROW acquisition may begin when the waiver valuations are approved and/or appraisals have Reviewer’s Recommendations of Just Compensation.

Before completion of the plans, the Regional ROW Chief may authorize advance or early acquisition of total acquisitions. However, the Regional ROW Chief should exercise caution in taking this action because the owner has the right to challenge the “authority and necessity” for the acquisition. DOT&PF must be able to demonstrate that it considered alternatives and that the acquisition represents the greatest public good with the least private harm.

Acquisition Incentive Program

The acquisition incentive program is applied to State-funded projects in the same manner as for Federal projects. See Section 6.7.1.

Relocation Assistance

Relocation assistance and benefits are applied to State-funded projects in the same manner as for Federal projects (Ch. 7).

2.2. ROW Work Performed Under Phase 2-Design

All ROW work prior to appraisal work (including appraisal market data research) may be accomplished under Phase 2-Design, which falls under the ATP with environmental document approval through final plans, specifications, and estimates (PS&E). No additional formal authorization is needed from FHWA for these preliminary ROW activities.

Authority to appraise may be authorized by FHWA under Phase 2 with the understanding that the appraisal costs for any parcels not included within the final design for the project would have to be coded as nonparticipating costs. Another option would be to request authorization to appraise and advertise the appraisal contract but not award the contract until design approval for the project has been given.

Authority to acquire parcels in full may also be authorized by FHWA under Phase 2 once they have approved the environmental decision document.

The design Project Manager must notify the ROW Section when to provide a cost estimate for incidental work under Phase 2 and when to begin working on a project. This information is submitted on a Project Development Authorization (PDA). The ROW Pre-Audit Unit compiles this information and forwards it to the design Project Manager.

As soon as all affected property owners are identified, the ROW Agent will send a letter to each owner, notifying them of DOT&PF's interest in acquiring their property and briefly explaining the acquisition process. The letter will also provide each owner with a point of contact. See Ch. 4 for more information about this portion of a project.

For projects where no permanent right of ways are being acquired, but temporary construction easements are necessary, those parcels may be acquired under

Phase 2 provided all of the following conditions are met:

- environmental document has been approved as a Categorical Exclusion (CE);
- temporary interest will not exceed 3 years;
- Phase 3 has not been opened and is not anticipated to be requested;
- value of the parcel is less than \$25,000 and the waiver valuation process will be utilized;
- total sum of the temporary construction easements for the project will not exceed \$150,000; and
- funding request clearly notes the acquisition of temporary construction easements (TCE) and that these conditions, as outlined, are met.

If any of these conditions cannot be met, then parcels will need to be acquired under Phase 3 authority.

2.3. ROW Work Performed Under Phase 3-ROW

2.3.1. Federal-Aid Highway Projects

For Federal-aid highway projects, ATP for appraisal and acquisition must be obtained before beginning Phase 3 ROW work. ROW provides a current ROW cost estimate (Sec. 2.9.1) to be included with each request for ATP. Ch. 6 details the acquisition process.

2.3.2. Federal-Aid Aviation Projects and Projects Funded Fully with State Funds

There is no formal Federal authority to proceed with acquisition required for aviation projects or for State-funded projects. Authorization is required from the Regional Pre-Construction Engineer (typically after the environmental document is approved).

2.3.3. Project Certification and Authority to Advertise

For FHWA and FAA projects, the Project Manager or contracts officer (depending on regional policy) prepares the Project Certification and the Authority to Advertise when the PS&E is complete. This generally occurs after the Regional Pre-Construction Engineer approves the Project Certification.

The Regional ROW Chief signs the Project Certification to confirm that the ROW has been certified. This means that all necessary ROW for a

project has either been acquired or that provisions have been made for its acquisition (See Sec. 2.7).

2.3.4. Federal Project Advance and Early Acquisition

In some cases parcels may be purchased in advance of a project. Advance acquisition is acquiring one or more parcels for a project before the normal sequence of acquisition events, generally for a hardship case or protective buying, or by donation. Early acquisition is acquisition of real property interests prior to receiving a Federal-aid authorization to proceed to acquire property with Federal-aid funds, before completion of the environmental review process for a proposed transportation project, as provided under [23 CFR 710.501](#) and [23 USC 108](#). FAA does not have an early acquisition process. FHWA may approve advance or early acquisition for a highway project in certain situations, as explained in the remainder of this section.

FHWA approval of advance acquisition is specific *only* for each parcel listed as a hardship case or protective buying.

Other project parcels must receive the standard FHWA ATP with appraisal and acquisition.

Detailed, careful consideration of advance or early acquisition is necessary. The Regional ROW Chief should consider budget, staff, and other resource constraints (since early acquisition is a drain to both) and should clearly defend (and support in writing) the advantage of purchasing the properties before the normal sequence of acquisition events. See [23 CFR 710.501](#) for the justification requirements.

Hardship Cases and Protective Buying

For hardship cases the property owner must have documented health, safety, or financial reasons for determining that hardship exists.

Protective buying involves purchasing to prevent imminent development and increased costs for a future project, preserving a corridor for a future highway location, or providing access management.

The Regional ROW Chief may request Federal participation of a parcel within a proposed highway corridor before the NEPA process is complete, but the acquisition process must meet various conditions (See Sec. 6.16 and 6.16.2).

Corridor Preservation and Access Management

To preserve a corridor for a future highway location, or to provide access management, DOT&PF may acquire ROW before executing a Federal-aid (project) agreement with FHWA. Acquisition costs are not eligible for Federal-aid reimbursement but they may become eligible as a credit toward the State's share of a Federal-aid project, with varying applicable criteria.

2.3.5. Acquisition Incentive Program

The acquisition incentive program is intended to reduce project time and potentially costs by offering property owners an incentive above the approved just compensation for timely acceptance of the offer to acquire their property. Sec. 6.7.1 prescribes procedures for approving and applying the acquisition incentive program.

2.4. Contracts with Local Public Agencies or Private Consultants

2.4.1. Local Public Agencies (LPAs)

The Regional ROW Chief may enter into written agreements or contracts with local government entities.

Subgrantees must also follow the requirements of this manual and the applicable provisions within United States Codes, Code of Federal Regulations, Alaska Statutes, and Alaska Administrative Code. Contracts should reference this requirement and a statement that DOT&PF will oversee the work and review files.

2.4.2. Private Consultants

The Regional ROW Chief may enter into contracts with private consultants to acquire ROW for Federal-aid projects. The Regional ROW Chief sends an informational copy of each appraisal contract to the Statewide ROW Chief or designee. The contract may be for individual project activities or the complete project, with the exception of the following functions:

- appraisal review function (which is conducted or overseen by DOT&PF headquarters except at the express permission given at discretion of the Statewide Right-of-Way Chief to contract to private consultants);
- preparation of waiver valuations unless specified in the contract and approved by the Regional ROW Chief; and

- approval of waiver valuations (which must be approved by the Regional ROW Chief).

The Regional ROW Chief ensures that consultants are in compliance with the contract, the Uniform Act, and this Manual. Regional ROW staff monitors all contract activities and payments for compliance except for contracts for appraisal review, which are monitored by Headquarters Appraisal Review staff.

Contractors must also follow the requirements of this manual and the applicable provisions within United States Codes, Code of Federal Regulations, Alaska Statutes, and Alaska Administrative Code. Contracts should reference this requirement and a statement that DOT&PF will oversee the work and review files.

2.5. Right-of-Way Project Files

The Regional ROW Chief ensures that the official active project files are kept current with all necessary documentation.

Here is a list of the necessary information required for each project (in suggested filing order):

1. Project General Correspondence File: contains project authorities, plan approvals, multi-parcel correspondence, appraisals, waiver valuations, and negotiations, and negotiation assignments.
2. Parcel Acquisition Files:
 - a. left side of the parcel acquisition file contains general correspondence relating to the parcel. See Ch. 6 for more on acquisitions; and
 - b. right side of the parcel acquisition file is “built up” as follows (See Ch.6):
 - 1) title information;
 - 2) original appraisals;
 - 3) Recommendation of Just Compensation with tagged divider sheet on top;
 - 4) Acquisition Agent assignment;
 - 5) property management, if any, with divider sheet on top;
 - 6) retention value estimate;
 - 7) rental agreement(s);
 - 8) Bill(s) of Sale or Demolition Contract;

- 9) negotiation correspondence, (market value letter, counter-offers, and administrative settlement approvals);

- 10) [Notice to Relocation Form 25A-R607](#);

- 11) Diary & Record of Negotiations;

- 12) deeds or condemnation documents;

- 13) purchase voucher(s); and

- 14) parcel review report.

3. Relocation Parcel File: A separate relocation parcel file containing all required documentation (discussed in Ch. 7) is maintained for each parcel requiring relocation as follows:

- a. left side of file folder: parcel relocation correspondence by date;
- b. right side of file folder: completed relocation forms/purchase vouchers in chronological order. If there is more than one displaced person, tabbed divider sheets should be used to separate displaced person units; and
- c. Relocation Parcel Review Report should be on top of each unit.

4. Appraisal Contract File: there is one contract file for each contract issued. The file contains the original contract, all amendments, notices to proceed, invoices, payment vouchers, etc. (See Ch. 4 for appraisals).

5. Condemnation File: there must be a separate condemnation file containing all correspondence between DOT&PF and the Department of Law. This file is privileged and should be marked “CONFIDENTIAL-ATTORNEY-CLIENT PRIVILEGE” so that it is clear that release of the information is restricted from [Freedom of Information Act](#) requests in the manner prescribed by the Alaska Public Records Act ([AS 40.25.120\(a\)\(4\)](#) and [\(12\)\(A\)](#)). (See Ch. 6 for condemnations.)

2.5.1. Project Records Retention

ROW plans, property deeds, survey field books, and other documents that are evidentiary to property boundaries and ownership are vital records and must be permanently retained.

The regional office must retain documentation of land acquisition and disposition, including negotiated

purchases, condemnation, and relocation, in accordance with [23 CFR 710.201\(e\)](#).

The Regional ROW Chief may dispose of original records otherwise retained on electronic or other media. The required length of retention applies, regardless of the media used. (See Sec. 4.4. for more information)

2.6. Reporting Land Sales to the Internal Revenue Service

The ROW Agent must request the Tax Identification Number (TIN), which is generally the Social Security number, from each owner, sole proprietor, or partnership for each parcel being acquired with a market value or settlement of \$600 or more (a corporation's TIN is not required for IRS reporting). The \$600 or more acquisition cost applies to the transaction as a whole. Therefore, even if the settlement is divided among several owners, each must be reported. Only one TIN is needed for a husband and wife (See Ch. 6).

IRS Form 1099-S must be submitted to the IRS, using IRS Form 1096 for the transmittal. Report each parcel acquired for \$600 or more in the calendar year in which title passed to DOT&PF. The amount of compensation to be reported is as follows:

- total acquisition amount, which could include cost-to-cure and damages (It is up to the property owner to confer with a tax person to define what portion of the payment is reported to the IRS as income. DOT&PF reports the total amount paid for each parcel when the transaction is settled without an eminent domain action.); and
- amount withdrawn from the court registry for each parcel when eminent domain action is necessary. (This may include the deposit made available to the condemnee at the time the Department of Law files the Declaration of Taking.)

Form 1099-S is required for acquisitions only, not for relocation payments. Mail the forms so that they reach the property owner by the date specified by the IRS.

At the end of each calendar year, the Regional ROW Section reviews the condemnation cases filed for that year, creating a list by Civil Case Number and calling the Clerk of Court for the judicial district within which the case was filed to verify what amount was withdrawn from the court during the

calendar year. If money was withdrawn, the Pre-Audit Unit reports the amount. If no money was withdrawn, the Pre-Audit Unit tracks for the next calendar year.

2.7. Right-of-Way Certification and Relocation Program Assurances

The Regional ROW Chief certifies the ROW for the project. There are four types of certifications:

1. Parcels in condemnation but acquisition is otherwise complete.
2. The acquisition of some parcels is not completed, but rights of entry have been secured.
3. Some parcels have not been acquired and A-Right of entry has not been secured.
4. Projects that do not require ROW beyond what DOT&PF already owns.

The third type of certification is rarely used, but it allows the contractor to do temporary work around the parcels. There is, however, considerable risk in using this type since it may cause a construction delay and give rise to a claim for damages by the contractor.

2.7.1. Documents for the Project Manager

At the time of ROW certification, the ROW Agent must transmit copies of the following to the DOT&PF Project Manager:

- [Form 25A-R605 Memorandum of Agreement \(MOA\)](#) for each parcel successfully negotiated;
- Pg. 1 of [Form 25A-R685 Record of Contact](#) providing names and contact information for the acquisition of interest. Any materials source agreements negotiated by ROW;
- any other instrument providing permanent or temporary interest in a property; and
- any "Other Conditions" noted on the MOA or any material source agreement negotiated by ROW specific to the project, will be included in the contract.

A meeting is recommended between the Project Engineer and ROW staff *before* the construction project begins. Use this meeting to inform the Project Engineer of any arrangements made and any pertinent information helpful to the Project Engineer.

2.8. Periodic Reports

Each region must prepare and submit the reports described in this section.

2.8.1. Annual Reports - Statewide Functions

Appendix B of the Uniform Act requires an annual report entitled the “Uniform Relocation Assistance and Real Property Acquisitions Report.”

The Statewide ROW Chief compiles the information submitted by the regions into one statewide form on the Consolidated Annual Statistical Report (Exhibit 2-2) covering the Federal fiscal year from October 1 through September 30 and submits it to FHWA no later than November 15. FHWA supplies these forms.

The Statewide ROW Chief will ensure that the forms are received in a timely manner from FHWA, and distribute them to the Regional ROW Chiefs who will enter regional activities. The completed regional forms must be returned to the Statewide ROW Chief by November 1.

The Regional ROW Chief must prepare a State Fiscal Year Internal Review Audit of ROW Functions report annually.

2.8.2. Annual Reports - Regional Functions

The Regional ROW Chief submits the following reports annually:

- [Title VI Activity Report \(For Purposes of Compliance With the Civil Rights Act of 1964\) Form 25A-R210](#) (sent to the Statewide Civil Rights Office); and
- to Statewide ROW Chief:
 - Annual Receive & Expend reports conducted on a State Fiscal Year Basis, which is then submitted to FHWA;
 - Consolidated Annual Statistical Report (Exhibit 2-2), which is then submitted to FHWA; and
 - any training performed during the preceding calendar year.

2.9. Pre-Audit Procedures

The ROW Pre-Audit Unit handles many of the administrative functions of the ROW Section, such as:

- tracking all funding and expenses;
- preparing Parcel Review Reports;
- coordinating with DOT&PF’s Finance Section to encumber funds for projects;
- processing payments;
- coding expenses to the proper ledger account;
- monitoring each project to ensure proper completion of conveyance documents and proper documentation of eminent domain proceedings; and
- preparing project close-out documentation.

2.9.1. Current Cost Estimate

The project agreement between DOT&PF and FHWA must be supported by a [Cost Estimate Form 25A-R220](#). The cost estimate is a summary of the anticipated cost for each ROW Section. FHWA will not participate in moneys expended over the programmed amount of the cost estimate.

Submit a current cost estimate when requesting ATP for appraisal and acquisition, and explain any request for a modification to the project agreement. The cost estimate includes the entire cost of the ROW activities for the project, including work performed by authorized Review Appraisers and the Department of Law.

During the development of an aviation project, there is no Federal agreement until the project enters the construction stage. See Ch. 10 for FAA-Requirements.

2.9.2. Acquisition: Guidelines for Parcel Review Report

The ROW Pre-Audit Unit must prepare a [Parcel Review Report Form 25A-R230](#) for each ROW parcel for which payment exceeds \$500. The guidelines on page 2 of the form explain the actions to be taken by the reviewer.

The Parcel Review Report provides documentary evidence of the review, verification of work performance, and the basis for segregation of participation and nonparticipation costs. The Parcel Review Report supplements the review steps being

performed by various ROW Section personnel and becomes a part of the individual parcel file.

2.9.3. Relocation: Guidelines for Relocation Parcel Review Report

The ROW Agent submits for payment each relocation payment claim to the Pre-Audit Unit, who will fill out a [Relocation Parcel Review Report Form 25A-R240](#) as set out in Ch. 7. The ROW Pre-Audit Unit reviews documentation, distributes costs, and signs as reviewer. This form helps determine coding of the distributed costs and provides A-Review of the work accomplished on the parcel.

2.9.4. Funding, Encumbrance Processing, and Payment

The funding process is as follows:

1. ROW receives a notice of request from the design Project Manager for an estimate and a Project Development Authorization (PDA) for ROW incidental costs in Phase 2 and/or Phase 3 funding. See Ch. 1 for a description of project phases.
2. ROW prepares a Cost Estimate and submits them to the design Project Manager.

Encumbrance Processing

The ROW Pre-Audit Unit encumbers funds for requests from the ROW Agent. Some items for which Pre-Audit would encumber funds may include:

- approved professional services contracts;
- stock requests;
- approved waiver valuations/Reviewer's Recommendation of Just Compensation; and
- anticipated obligations for legal fees and relocation claims (derived from the cost estimate).

Pre-Audit also determines whether funding in Integrated Resource Information System (IRIS) is sufficient and requests that Finance encumber funds. If it is not, Pre-Audit refers to the funding process procedures.

Pre-Audit receives notice from Finance that funds are encumbered.

Payments

The Pre-Audit Unit receives, from A-ROW Agent or Administrative Staff, A-Request for payment on a

contract, acquisition, condemnation, relocation, invoice or financial obligation. The Pre-Audit Unit evaluates the request for compliance, requests additional information if necessary, then processes the request for payment. Upon receipt of the warrant, follows through with appropriate action for disbursement.

2.9.5. Federal-Aid Eligibility Participating Costs

Federal participation (Federal reimbursement) is allowed in the cost of real property incorporated into the final project if those costs are incurred in conformance with State law and the project is included in the STIP with an executed project agreement.

Participating costs are detailed in [23 CFR 710.203](#).

Nonparticipating Costs

The Pre-Audit Unit staff must code transactions that are ineligible for participation (not eligible for Federal reimbursement) to a nonparticipating ledger code (the eighth and last digit of a ledger code is a "1").

Ineligible expenses include, but are not limited to:

- acquisition costs incurred before authorization;
- unsupported acquisition costs in excess of market value that are not supported. Examples include:
 - administrative settlement or mediated settlement approved as per delegation of authority, made before condemnation justifying the settlement as prescribed by Sec. 6.9;
 - [Pre-Trial Settlement Report and Recommendation Form 25A-R805](#) signed by DOT&PF's attorney, and concurred in by the Department of Law's Chief, Transportation Section, and approved as per delegation of authority; or
 - trial report, signed by DOT&PF's attorney, and concurred in by the Department of Law's Chief, Transportation Section and approved as per delegation of authority;
- costs of any acquisition and related incidental costs of \$10,000 or more where the value was established by the same person who made or directed the acquisition;

- cost of any acquisition and related incidental costs not supported by appraisal or waiver valuation as required by Ch. 4;
- administrative expenses of the ROW Section including salaries, travel, office expenses, etc., normally classified as overhead costs; and
- cost of appraisals that are not in accordance with Ch. 4.

Credits

To be eligible for a Federal-aid credit, property donated by a local government or private party must have been acquired for transportation purposes in accordance with the Uniform Act.

The credit for advance or early acquisitions is limited to the market value. Acquisition expenses may not be included in the credit.

Credits are considered a project cost and applied to the total cost of the project before calculating the Federal/State share.

Credits for Donations

Donations of real property (Sec. 6.9.3) may be credited to the State's matching share of the project. The property may be donated in exchange for construction features or services. The credit or exchange must be based on market value of the property on the earlier of the date of the donation or the date title is recorded to the State.

Donations from local governments or other State agencies may also be used as a credit toward the State's matching share of project costs. To receive credit, the donating agency must prepare a certification stating that the property was lawfully obtained in accordance with the provisions of the Uniform Act, was not parkland subject to [23 USC 138](#) or subject to Historic Preservation procedures under [16 USC 470](#), and that acceptance of the donation did not influence the environmental assessment for the project.

Credits Related to Corridor Preservation

The allowable credit for acquisition costs incurred for property acquired for corridor preservation as described in Sec. 2.3.4 is the original cost DOT&PF paid for the property. If there has been a significant lapse in time since the property was acquired, or if it can be demonstrated by appraisal evidence that market conditions changed (unrelated to the project) since the

property was acquired, it may be reappraised and the current market value may be used.

2.9.6. Condemnation Documentation

See Ch. 8.

The following is a list of typical documentation in court cases. Copies of this documentation should be filed in the condemnation file.

- Complaint: (indicating court filing date and the date recorded in the recording district where the land is being acquired);
- Declaration of Taking: (indicating court filing date and the date recorded in the recording district where the land is being acquired);
- Order of Possession and Entry: (indicating court filing date);
- Masters' Report: (indicating court filing date) and a written statement from the Department of Law as to whether or not the Masters' Award was appealed and, if appealed, by whom;
- Negotiated Settlement: (Occurs before the matter is filed in court) and justification letter from the Department of Law, stating reasons for settlement and separating defendant's attorney fees and other nonparticipating items. The documentation for settlements in excess of the amount stated in Recommendation of Just Compensation must include the [Pre-Trial Settlement Report and Recommendation Form 25A-R805](#) fully completed and signed by the DOT&PF attorney and the Regional Pre-Construction Engineer in accordance with the current DOT&PF Delegation of Authority;
- Stipulated Settlement: (indicating court filing date) and a justification letter from the Department of Law stating reasons for settlement and separating defendant's attorney fees and court costs. The documentation for settlements in excess of DOT&PF's current court deposit and/or appraisal shall include the [Pre-Trial Settlement Report and Recommendation Form 25A-R805](#) fully completed and signed by the Department's attorney and the Regional Pre-Construction Engineer in accordance with the current DOT&PF Delegation of Authority;

- Awards:
 - case caption;
 - approved estimate of value and date;
 - appraisal valuations and dates;
 - date, place, and length of trial;
 - brief report of the trial, including range of value testimony by the parties;
 - statement of the major issues involved and the development thereof; a description of the major differences, if any, in approaches to value among DOT&PF's witnesses and those of the landowner;
 - explanation of any substantial variance between the Recommendation of Just Compensation and DOT&PF's testimony given at a higher amount, where relevant;
 - comments on possible legal error in the record and explanation of the court's rulings;
 - recommendations of DOT&PF's attorney regarding motions for new trial and/or appeal and reasons therefore;
 - signed statement of DOT&PF's attorney stating concurrence in the reasoning and disposition of the case; and
 - signed statement by the Regional Pre-Construction Engineer (or designee) approving or concurring in the action of DOT&PF's attorney in not moving for a new trial or in not prosecuting an appeal;
- Final Judgment: Filed in court and recorded in the recording district where the land is being acquired.

2.9.7. Revenue Receipt Coding

Revenue Receipt Coding Federal regulations allow states to retain income generated from the sale or lease of excess ROW if the income is used for Title 23 eligible projects. Only sale or lease revenues received after the FHWA date of final acceptance are eligible for retention by DOT&PF. Payments received must be credited back to the Federal-aid project from which the income was generated while the project remains open, using unrestricted revenue coding.

After a project is closed, restricted revenue codes apply to receipts for which all or part of the revenue must be collected under the Statutory Designated Alaska Right-of-Way Manual 2-9 Administrative Procedures [December 2015 Program Receipts OMB Fund Code 1108-Statutory Designated Program Receipts ([AS 37.05.146](#) (b)(3))]. The Statutory Designated Program Receipts are considered Receive and Expend Accounts for property management responsibilities.

Each region has established a Property Management Receive and Expend Account for Federal sale or lease revenues received after the FHWA fiscal close out of a project.

In accordance with 23 CFR only expenses for highway-related activities may be funded by these revenues.

Revenues that exceed expenditures at the end of each fiscal year carry forward to the succeeding fiscal year. Coordinate with Regional Pre-Audit Unit staff to ensure accurate coding of Federal vs. State receipts and to confirm these revenues directly benefit Title 23-eligible activities.

Income derived from rental/lease agreements is covered in Sec. 9.6.1.

Income derived from encroachment permits is covered in Sec. 9.6.2.

Income derived from the sale of excess land is covered in Sec. 9.10.7.

Loan repayment receipts on last resort housing loans are covered in Sec. 7.10.1.

2.9.8. Project Closure

Monitor each ROW project to completion and accomplish closure as soon as possible.

Eligibility of Project to be Closed

Before the ROW phase of a project is closed, confirm the following:

- conveyance documents have been filed within the recording district where each parcel of land was acquired;
- Final Judgments or Orders of Dismissal received for all parcels acquired through eminent domain proceedings. The Final Judgments and Orders of Dismissal is also recorded in the recording district

where each parcel of land was acquired or dismissed;

- ROW plans have been recorded by the ROW Engineering Section; and
- all ROW Section supervisors have concurred in closure ([OK to Close ROW Phase 3, Form 25A-R250](#)).

2.10. Attorney General's Office Review

See Ch. 8.

REGION
PDA Obligation Plan (STIP) Revision

TO:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	Project Control Chief	DATE:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
THRU:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		PROJECT NUMBER:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
FROM:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	Project Manager	PROJECT NAME:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>

ACTION REQUESTED:	FHWA: ATP thru: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	N/A
Action Requested Narrative:		

PHASE	Current Funding PDA#	OR	Funding Change	Revised Amount
PARTICIPATING (Federal + State Match)				
Phase 2 - Design				\$0.00
Phase 3 - Right of Way				\$0.00
Phase 4 - Construction				\$0.00
Phase 7 - Utilities				\$0.00
Phase 9 - Other				\$0.00
Total Participating			\$0.00	\$0.00
NON-PARTICIPATING				
Phase 2 - Design				\$0.00
Phase 3 - Right of Way				\$0.00
Phase 4 - Construction				\$0.00
Phase 7 - Utilities				\$0.00
Phase 9 - Other				\$0.00
Total Non-Participating			\$0.00	\$0.00
SUBTOTAL: \$0.00 \$0.00 \$0.00 \$0.00				
UNALLOCATED				
Phase 1 - State				\$0.00
Phase 1 - Federal				\$0.00
TOTAL:			\$0.00	\$0.00

PROJECT CONTROL USE ONLY	STIP / TIP	Phase	Phase	Ratio:
Legislative Auth:	Available			
Appl #	Requested			
Appl #	Offset if Neg			
RP in Process	Contingency Memo			
Local Match	Remarks:			

Capitalized (C) or Expensed (E)				
Construction Budget Form				
FHWA Offset Form				
Executed AIP Grant				

Exhibit 2-1
PDA and Obligation Plan (STIP) Revision

49 CFR Part 24 Appendix B - Statistical Report
Federal Highway Administration as Lead Agency
[This information is collected pursuant to 49 CFR Part 24.9(c)]

Revised 08/21/13

Report period: Activities shall be reported on a Federal fiscal year basis, i.e., October 1 through September 30.	State	
	Month	Year
When to submit report: Submit a copy of this report as soon as possible after September 30, but NOT LATER THAN NOVEMBER 15.	From	
	To	
Instructions		
Report Coverage. This report covers all relocation and real property acquisition activities under a Federal or a federally-assisted project or program subject to the provisions of the Uniform Act. If the exact numbers are not easily available, an Agency may provide what it believes to be a reasonable estimate.		
How to report relocation payments. The full amount of a relocation payment shall be reported as if disbursed in the year during which the claim was approved, regardless of whether the payment is to be paid in installments.		
How to report dollar amounts. Round off all money entries in Parts of this section A, B and C to the nearest dollar.		
Regulatory references. The references in Parts A, B, C and D of this section indicate the subpart of the regulations pertaining to the requested information.		
Part A. Real property acquisition under The Uniform Act		
Line 1. Report all parcels acquired during the report year where title or possession was vested in the Agency during the reporting period. The parcel count reported should relate to ownerships and not to the number of parcels of different property interests (such as fee, perpetual easement, temporary easement, etc.) that may have been part of an acquisition from one owner. For example, an acquisition from a property that includes a fee simple parcel, a perpetual easement parcel, and a temporary easement parcel should be reported as 1 parcel not 3 parcels. (Include parcels acquired without Federal financial assistance, if there was or will be Federal financial assistance in other phases of the project or program.)		
Line 2. Report the number of parcels reported on Line 1 that were acquired by condemnation. Include those parcels where compensation for the property was paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the Agency through condemnation authority.		
Line 3. Report the number of parcels in Line 1 acquired through administrative settlement where the purchase price for the property exceeded the amount offered as just compensation and efforts to negotiate an agreement at that amount have failed.		
Line 4. Report the total of the amounts paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the Agency in Line 1.		
Part B. Residential Relocation Under the Uniform Act		
Line 5. Report the number of households that were permanently displaced during the fiscal year by project or program activities and moved to a replacement dwelling. The term "households" includes all families and individuals. A family shall be reported as "one" household, not by the number of people in the family unit.		
Line 6. Report the total amount paid for residential moving expenses (actual expense and fixed payment).		
Line 7. Report the total amount paid for residential replacement housing payments including payments for replacement housing of last resort provided pursuant to §24.404 of this part.		
Line 8. Report the number of households in Line 5 who were permanently displaced during the fiscal year by project or program activities and moved to their replacement dwelling as part of last resort housing assistance.		
Line 9. Report the number of tenant households in Line 5 who were permanently displaced during the fiscal year by project or program activities, and who purchased and moved to their replacement dwelling using a downpayment assistance payment under this part.		
Line 10. Report the total sum costs of residential relocation expenses and payments (excluding Agency administrative expenses) in Lines 6 and 7. (Amount automatically calculated.)		
Part C. Nonresidential Relocation Under the Uniform Act		
Line 11. Report the number of businesses, nonprofit organizations, and farms who were permanently displaced during the fiscal year by project or program activities and moved to their replacement location. This includes businesses, nonprofit organizations, and farms, that upon displacement, discontinued operations.		
Line 12. Report the total amount paid for nonresidential moving expenses (actual expense and fixed payment).		
Line 13. Report the total amount paid for nonresidential reestablishment expenses.		
Line 14. Report the total sum costs of nonresidential relocation expenses and payments (excluding Agency administrative expenses) in Lines 12 and 13. (Amount automatically calculated.)		
Part D. Relocation Appeals		
Line 15. Report the total number of relocation appeals filed during the fiscal year by aggrieved persons (residential and nonresidential).		

Exhibit 2-2
Consolidated Annual Statistical Report